



## CITY OF VINCENT

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*"Enhancing and celebrating our diverse community"*

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# MINUTES

**8 NOVEMBER 2011**

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Minutes of the Ordinary Meeting of Council of the City of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 8 November 2011, commencing at 6.00pm.

**1. (a) DECLARATION OF OPENING**

The Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting open at 6.01pm and read the following Acknowledgement of Country Statement:

**(b) ACKNOWLEDGEMENT OF COUNTRY STATEMENT**

*"Today we meet on the lands of the Wadjuk people and we honour them as the traditional custodians of this land".*

**2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE**

**(a) Apologies:**

Nil.

**(b) Present:**

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Matt Buckels	North Ward
Cr John Carey	South Ward
Cr Roslyn Harley	North Ward
Cr Warren McGrath ( <i>Deputy Mayor</i> )	South Ward (from 6.05pm)
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services (until approximately 10.35pm)
Rick Lotznicker	Director Technical Services (until approximately 10.35pm)
Mike Rootsey	Director Corporate Services (until approximately 10.35pm)
Anita Radici	Executive Assistant (Minutes Secretary) (until approximately 9.35pm)
Lauren Peden	Journalist – <i>"The Guardian Express"</i> (until approximately 9.30pm)
David Bell	Journalist – <i>"The Perth Voice"</i> (from 6.03pm, until approximately 8.55pm)

Approximately 20 Members of the Public

**(c) Members on Approved Leave of Absence:**

Nil.

**3. (a) PUBLIC QUESTION TIME & RECEIVING OF PUBLIC SUBMISSIONS**

The following submissions were made by persons in the Public Gallery:

1. Jenny Hopwood, Chair of the Claise Brook Catchment Group. Stated the following:
  - They are a group of local volunteers whose purpose is to raise awareness of the important of water quality and environmental issues in general in the community.
  - For 10 years they have sponsored the Catchment Friendly Garden Category in the City of Vincent Garden Awards, with support from the Water Corporation, who provide the funds.

- Catchment Friendly Gardens are important because it is a way of demonstrating to people that gardening with low fertiliser and low water use is not a sacrifice – it leads to very pleasant gardens and increases by diversity the local fauna.
- Ms Hopwood presented the Mayor with a cheque for the value of \$1,375 for the purpose of the prize money for the Catchment Friendly Garden Category for the Annual City of Vincent Garden Awards.

**Received with Acclamation!**

**The Presiding Member, Mayor Hon. Alannah MacTiernan thanked Ms Hopwood and advised that she looks forward to see the catchment friendly native gardens.**

2. Jacqui Di Silva of Grosvenor Road, North Perth – Item 9.1.2. Stated the following:
  - Has issues with the way this development is being built and the way it is affecting their neighbouring complex.
  - A main concerns are the:
    - windows being built in, which she does not believe are correct as they are looking down into their courtyards and into the centre of their complex; and
    - balcony which, she believes should not built on that side of the building.
  - She has been advised that a special glass is required to be used however, walking onto the balcony they will still be able to look into the complex.
  - Is unaware whether this is only residential or partly resident and commercial.
  - They have a retaining wall which was built to hold back a specific amount of sand and that wall has endured a lot of pressure. Believes the building has been going for year and the wall has been pushed in. Is unsure if there will be traffic entering from Fitzgerald Street through to the right of way, if so that will add to the pressure on the wall.
  - Advised that there is a lot of building debris being piled against their wall (bricks etc) as well as a couple of cars are being parked there that are leaning over crossing on their wall.
  - They and their visitors believe this development (which has been going on for years) is an “eyesore”.
3. Audrey Hayes of 2 Pansy Street, North Perth – Item 9.1.5. Stated the following:
  - Pansy Street runs parallel to a car park and the back entrance of the proposed non medical Chinese massage business leads into this car park.
  - Has noticed many Chinese massage shops in various shopping centres. Believes their businesses rely on customers who are passing by on foot however, this proposal will not have the same advantage of passing trade and therefore parking will be an issue.
  - Today at noon she noticed that due to the car park being full to capacity:
    - 4 cars were parked on the north side garden bed of the car park on top of the bushes planted by the Council; and
    - in Pansy Street there were 9 cars parked in the 8 marked car bays with a large van parked on the pavement in Pansy Street.
  - Believes that parking bays for additional vehicles do not seem to be available.
4. Helen Curtis of 52 Chelmsford Road, Mt Lawley – Item 9.4.5. Stated the following:
  - Thanked the Elected Members who responded positively to her email about Street Parties and to the Director Technical Services for producing a speedy and well considered report.
  - Generally she supports the report however, the only matter she would like to raise is the 50/50 funding split that has been proposed in the Policy.
  - Believes that expecting residents to finance the requirements in the Policy is impracticable for the following reasons:
    - Collecting the funds from other residents may be an issue;
    - Do they then need to open a bank account?
    - Do they need to become incorporate?

- Some residents may wish to contribute and other may not which will create disparity and possible ill-will which is not the result they are looking for in a Street Party; and
  - What do they do with any profit then made from collecting the money?
  - Believes the Council should either fully fund the requirements laid out in the Policy or relax the compliance requirements to make Street Parties more accessible for the residents.
5. Luigi Crugnale of 355 Fitzgerald Street, North Perth – Item 9.1.2. Stated the following:
- Referred to a sketch of the existing retaining wall submitted early in the day and circulated to Council Members.
  - He is building on the higher section.
  - There are no cars leaning on the fence – there is nothing leaning on the fence because the asbestos sheeting is holding the earth back.
  - The retaining wall was approximately 6/7 courses lower than the main sewage lid therefore the asbestos fence is what is holding the dirt up.
  - The glass of the windows are all obscured glass so there is no overlooking.
  - There is only one entry that can be seen from the balcony and that is about 30-40 metres away, out of the block of 7 units.
6. Ken Bird representing Kidz Galore – Item 9.1.4. Stated the following:
- Kidz Galore opened its first child care centre in the City on Eton Street in 1995 which was for 45 children and, for the last 10 years it has operated the Kyilla Kindy in Haynes Street for 33 children.
  - The current Council Policy which limits the capacity to 30 children appears outdated considering that the majority of centres throughout the metropolitan Perth, including the City of Vincent, far exceeds this number.
  - Studies indicate that a surge of child numbers is expected over the next 10 years and legal evidence of this is attested to by the increasing inquiries and waiting list at their 2 centres.
  - The relatively short time span of the expected surge is a major deterrent to conventional land and building investment which would normally be amortised over a 15-20 year period.
  - Kidz Galore has proposed a solution which would benefit all including the City and the Community by increasing the utilisation of the Haynes Street premises with a high spec demountable building with an aesthetic exterior aspect. The proposed capacity is 47 based on design practicalities but some reduction in number whilst still remaining economic is possible.
  - Re: traffic and parking: The Kindy's contribution has not increased in over 20 years as the numbers in children have remained constant over that time. The increased traffic over the last 10 years has primarily occurred because of the increased activity of the adjacent playgroup over that time, in response to the same demographic factors detailed in the previously mentioned studies.
  - The Council's current Parking and Access Policy requires Kidz Galore to provide parking for the existing 33 children as well as for the proposed increased capacity as part of any proposed development. This condition seems onerous for its retrospective nature. Provision of regulation on site parking of 10 bays for the additional capacity is achievable. The proposed verge parking plan is only preferred because the children would be afforded an extra 400m<sup>2</sup> of play area.
  - Kidz Galore would like to work with the Council to achieve the best outcome for all. They proposal if approval of the application is not possible this evening, then the Council grant deferral with direction as to which matters could be addressed that would make the application more amenable to the Council and the community.

There being no further speakers, Public Question Time closed at approx. 6.15pm.

**(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

IB08 – letter to Mr J. Adams; and  
IB09 – letter to Ms D. Saunders.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

**5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS**

Nil.

**6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

Minutes of the Ordinary Meeting of Council held on 25 October 2011.

**Moved Cr Maier, Seconded Cr Pintabona**

**That the Minutes of the Ordinary Meeting of Council held 25 October 2011 be confirmed as a true and correct record.**

**CARRIED UNANIMOUSLY (9-0)**

**7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)**

**7.1 Deferral of Item 9.1.4**

We had a comment regarding Item 9.1.4 relating No. 15 Haynes Street, corner No. 15 Haynes Street (Cnr Eton Street), North Perth – Child Care Centre Additions – the Applicant has requested a DEFERRAL in order to address the concerns raised in the report.

There has been a request early in the day that this matter be deferred in order that the matter can be considered and reported back to the next Meeting. Therefore, this will be the first Item that will be considered.

**7.2 Late Item 9.4.7 – City of Vincent Dogs Local Law Amendment**

The purpose of the amendment to the Local Law is to accommodate a request to create a specific dog free exercise area on Loton Park, which will operate when there is not an event or activity taking place, which has been approved by the local government.

Loton Park is sufficiently large (in excess of 22,000m<sup>2</sup>) to allow the area to be used as a free exercise area for dogs, when it is not being utilised for an approved use.

The report is to facilitate the process for inclusion of this dog exercise area into the City of Vincent Dogs Local Law 2007.

**8. DECLARATIONS OF INTERESTS**

8.1 Cr Buckels disclosed an Impartiality interest in Item 9.1.4 – No. 15 (Lot 9; D/P: 167) Haynes Street, corner Eton Street, North Perth – Temporary Demountable Buildings Additions to Existing Child Care Centre, including an Increase in Child Care Numbers (from 33 to 80 children) and the provision of Verge Car Parking along Eton Street. The extent of his interest being that his child attends the child care facilities.

- 8.2 Cr Carey disclosed an Impartiality interest in Item 9.2.1 – Possible provision of additional Parking in the City of Vincent. The extent of his interest being that he is a member of the Beaufort Street Network who have made a submission on this matter.
- 8.3 Cr McGrath disclosed an Impartiality interest in Item 9.4.6 – Information Bulletin, particularly IB05 – Minutes from the Tamala Park Regional Council Ordinary Meeting held on 13 October 2011. The extent of his interest being that his company is working on the federal government approvals of the Catalina Land Development being proposed by the Tamala Park Regional Council.

All Councillors stated that as a consequence, there may be a perception that their impartiality on the matter may be affected. They declared that they would consider the matter on its merits and the Councillors would vote accordingly.

**9. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (WITHOUT DISCUSSION)**

Nil.

**10. REPORTS**

The Presiding Member, Mayor Hon. Alannah MacTiernan, requested that the Chief Executive Officer advise the meeting of:

**10.1 Items which are the subject of a question or comment from Members of the Public and the following was advised:**

Items 9.1.2, 9.1.5, 9.4.5 and 9.1.4.

**10.2 Items which require an Absolute Majority decision which have not already been the subject of a public question/comment and the following was advised:**

Items 9.4.2, 9.4.3, 9.4.4, 9.4.5, 9.4.7 and 14.3.

**10.3 Items which Council Members/Officers have declared a financial or proximity interest and the following was advised:**

Nil.

Presiding Member, Mayor Hon. Alannah MacTiernan, requested Council Members to indicate:

**10.4 Items which Council Members wish to discuss which have not already been the subject of a public question/comment or require an absolute majority decision and the following was advised:**

Cr Carey	Item 9.2.1.
Cr Topelberg	Items 9.1.6 and 9.2.4.
Cr Buckels	Nil.
Cr McGrath	Nil.
Cr Wilcox	Nil.
Cr Pintabona	Nil.
Cr Harley	Nil.
Cr Maier	Nil.
Mayor Hon. MacTiernan	Nil.



The Presiding Member, Hon. Alannah MacTiernan, requested that the Chief Executive Officer to advise the meeting of:

**10.5 Unopposed items which will be moved “En Bloc” and the following was advised:**

Items 9.1.1, 9.1.3, 9.1.7, 9.1.8, 9.2.2, 9.2.3, 9.3.1, 9.4.1 and 9.4.6.

**10.6 Confidential Reports which will be considered behind closed doors and the following was advised:**

Items 13.2, 14.1, 14.2 and 14.3.

**New Order of Business:**

The Chief Executive Officer advised the meeting of the New Order of business, in which the items will be considered, as follows:

**(a) Unopposed items moved *En Bloc*;**

Items 9.1.1, 9.1.3, 9.1.7, 9.1.8, 9.2.2, 9.2.3, 9.3.1, 9.4.1 and 9.4.6.

**(b) Those being the subject of a question and/or comment by members of the public during “Question Time”;**

Items 9.1.2, 9.1.5, 9.4.5 and 9.1.4.

**(c) Those items identified for discussion by Council Members;**

The remaining Items identified for discussion were considered in numerical order in which they appeared in the Agenda.

**ITEMS APPROVED “EN BLOC”:**

The following Items were approved unopposed and without discussion “*En Bloc*”, as recommended:

**Moved Cr McGrath, Seconded Cr Harley**

**That the following unopposed items be approved “En Bloc”, as recommended;**

**Items 9.1.1, 9.1.3, 9.1.7, 9.1.8, 9.2.2, 9.2.3, 9.3.1, 9.4.1 and 9.4.6.**

**CARRIED UNANIMOUSLY (9-0)**

**9.1.1 Progress Report No. 1 – Car Parking Strategy Implementation Plan 2010-2018**

<b>Ward:</b>	Both Wards	<b>Date:</b>	31 October 2011
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0084
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officers:</b>	D Mrdja, Acting Manager Strategic Planning, Sustainability and Heritage Services J Maclean, Manager Ranger and Community Safety Services		
<b>Responsible Officer:</b>	H Smith, Acting Director Development Services		

**OFFICER RECOMMENDATION:**

That the Council **NOTES** the progress of the City of Vincent's adopted Car Parking Strategy Implementation Plan 2010-2018 as detailed in this report.

**COUNCIL DECISION ITEM 9.1.1**

**Moved Cr McGrath, Seconded Cr Harley**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (9-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of the City's progress of the Car Parking Strategy Implementation Plan and associated Indicative Timeline.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 9 March 2010, the Council considered a report relating to the City's Car Parking Strategy 2010 and associated Precinct Parking Management Plans. At this meeting, the Council resolved in part as follows:

*"That the Council;*

- ...(vi) AUTHORISES the Chief Executive Officer to prepare an Implementation Plan comprising; Short term recommendations (2010 to 2012), Medium term recommendations (2013-2017) and long term recommendations (2018+), outlined within the Draft Car Parking Strategy 2010 and associated Precinct Parking Management Plans 2010, to be reported to the Council by no later than 27 April 2010;*
- (vii) REQUESTS that the Implementation Plan referred to in clause (vi) above, include alternative models for financing the new ticket machines referred to in clause (v) (a), including finance arrangements whereby the cost of the machine can be amortised over several years and paid for from future income earned by the machines; and*
- (viii) REQUESTS that the Implementation Plan referred to in clause (vi) include any required staff increases, and reports on the feasibility of introducing dedicated parking inspectors to enforce parking rules."*

At the Ordinary Meeting of the Council held on 12 October 2010, the Council considered a report relating to the City's Car Parking Strategy Implementation Plan 2010-2018 and Car Parking Communication and Publicity Strategy. At this meeting, the Council resolved as follows:

*"That the Council;*

- (i) ADOPTS the:*
  - (a) Car Parking Strategy Implementation Plan as shown in Confidential Appendix 9.4.5A;*

- (b) *Car Parking Communication and Publicity Strategy and associated documentation as shown in Confidential Appendix 9.4.5B; and*
- (c) *Car Parking Strategy Indicative Timeline as detailed in this report;*
- (ii) *AUTHORISES the Chief Executive Officer to call a Tender for the supply, delivery, installation and commissioning of Ticket Machines;*
- (iii) *NOTES that regular reports will be submitted to the Council as the project is implemented; and*
- (iv) *REQUESTS that the "Frequently Asked Questions" document that is attached to the "Communication and Publicity Strategy" be made freely available, be included with the initial consultation letters that are sent out and be placed on the Town's website, and that the document be updated to reflect any new questions which may be asked on a frequent basis."*

Furthermore, the Indicative Timeline adopted by the Council at its Ordinary Meeting held on 12 October 2011 is as follows:

### Indicative Timeline

#### High Priority 2010 – 2012

Action	Indicative Dates
<b>1. General Publicity and Promotion</b>	
• General Information in Local Newspaper	November 2010
• Information on City's Website	November 2010
• Telephone information 'on-hold'	November 2010
• Information at the City's Library and Local History Centre, Administration and Civic Centre and Beatty Park Leisure Centre	November 2010
• Information in December Newsletter	December 2010
<b>2. Installation of Ticket Machines</b>	
• Finalisation of Tender Documents	October 2010
• Commence Tender	October 2010
• Assess Tenders received	November 2010
• Report to Council on preferred tender	December 2010
• Consultation on proposed location of ticket machines	February/March 2011
• Installation of ticket machines	April/May 2011
<b>3. Amendments to Parking Restrictions</b>	
• Report to Council to amend Local Law	December 2010
• Advertise proposed changes to Local Law (including targeted consultation)	February/March 2011
• Report to Council to ratify changes to Local Law	April 2011
• Amendment to Local Law in Government Gazette	April 2011
• Amendment to Local Law finalised	April 2011
• New signage installed	April/May 2011
<b>4. Preparation of Way Finding Strategy</b>	
• Quotations called for consultant to prepare Strategy	November 2010
• Assess Quotations received	December 2010
• Report to Council on preferred consultant	February 2011
• Way Finding Strategy prepared	March/April 2011
• Way Finding Strategy advertised	May 2011
• Way Finding Strategy adopted by Council	June 2011
<b>5. Installation of Way Finding Signage</b>	
• Stage 1 (Leederville, Mount Lawley/Highgate, Perth)	July/August 2011
• Stage 2 (Mount Hawthorn, North Perth)	September/October 2011

Action	Indicative Dates
<b>6. Investigate and Recruit Additional Enforcement Staff, Resources &amp; Purchase Improved Enforcement Technology</b>	
• Include request in 2011/2012 Draft Budget	March 2011
• Council endorse 2011/2012 Budget	May 2011
• Recruitment of enforcement staff advertised	July 2011
• Appointment of new enforcement staff	August/September 2011
• Purchase and implementation of new technology	October 2011
<b>7. Replacement of Existing Ticket Machines with New Technology</b>	
• On-going replacement program	On-Going
<b>8. Review of City's Policy No. 3.7.1 Relating to Parking and Access</b>	
• Commence internal review of Policy	July 2011
• Report review to Council Member Forum	November 2011
• Report to Council to advertise amended draft Policy	February 2012
• Advertise amended draft Policy	February/March 2012
• Report to Council to endorse amended draft Policy	April 2012
• Final advertising of amended draft Policy	May 2012
<b>9. Review of Parking Benefit District Concept</b>	
• Commence internal review of concept	January 2012
• Report review to Council Member Forum	May 2012
• Report to Council to advertise concept	June 2012
• Advertise concept	July/August 2012
• Adopt concept	August 2012

Medium Priority 2013 – 2017

Action	Indicative Dates
<b>1. Undertake Parking Surveys</b>	
• Quotations called for consultants to undertake surveys	February 2013
• Report to Council with preferred consultant	April 2013
• Consultants undertake surveys	May/June 2013
• Consultants submit survey report	July 2013
• Survey report endorsed by Council	August 2013
• Survey results used to inform budget requirements for 2014/2015, including the allocation of resources for additional ticket machines if required.	March 2014
<b>2. Research Parking Arrangements for High Density Developments</b>	
• Internal review of parking arrangements for high density developments, in particular on-street parking	March 2013
• Report to Council Member Forum on review	May 2013
• Report to Council on review	July 2013
<b>3. Management of Private Car Parking in Town Centres</b>	
• Internal review of private car parking arrangements in Town Centres, including investigating shared parking arrangements	March 2013
• Report to Council Member Forum on review	May 2013
• Report to Council for consideration	June 2013
• Advertise amendment to Local Law on Government Gazette	March 2011
• Amendment to local law finalised	March 2011
<b>4. Maintenance and re-design of off-street Car Parks</b>	
• Report to Council on options to re-design existing off-street car parks, including: Barlee Street Car Park and Rosemount Hotel and View Street Car Park	March 2014
• Resolution of above report to inform 2014-2015 Budget	May 2014

Low Priority 2018+

Action	Indicative Dates
<b>1. Introducing Maximum Parking Ratios</b>	
<ul style="list-style-type: none"> <li>Internal review of the City's Parking and Access Policy with respect of introducing maximum parking ratios in activity centres and growth corridors</li> </ul>	February 2018
<ul style="list-style-type: none"> <li>Report to Council Member Forum</li> </ul>	April 2018
<ul style="list-style-type: none"> <li>Report to Council to advertise amendments</li> </ul>	May 2018
<ul style="list-style-type: none"> <li>Advertise amendments</li> </ul>	May/June 2018
<ul style="list-style-type: none"> <li>Report to Council to endorse amendments</li> </ul>	July 2018
<ul style="list-style-type: none"> <li>Final advertising</li> </ul>	August 2018
<b>2. Consideration of 2P Parking on Residential Streets</b>	
<ul style="list-style-type: none"> <li>Internal surveys undertaken on areas subject to all day commuters and locations of high-density residential developments</li> </ul>	March 2018
<ul style="list-style-type: none"> <li>Report to Council Member Forum on review</li> </ul>	May 2018
<ul style="list-style-type: none"> <li>Report to Council on review</li> </ul>	July 2018

**DETAILS:**

In accordance with the Indicative Timeline outlined above, the City's Officers are required to have completed actions 1-6 of the High Priority Actions, and commenced action 8. It is noted that action 7 is an on-going matter.

**Action 1 – General Publicity and Promotion – Completed**

In November 2010, the City's Officers sent almost 10,000 letters to residents and businesses in the areas surrounding the five Town Centres, outlining the proposal to introduce paid parking restrictions and time restricted parking, along with an explanation of the rationale behind the recommendations. The letters also offered an opportunity for the recipients to provide comment and feedback about the proposals and to make alternate suggestions. The information was posted on the City of Vincent website and adverts were inserted in both local and State-wide newspapers.

**Action 2 – Installation of Ticket Machines – Completed**

Following the consultation period, the ticket machines were installed in the approved locations.

The entire installation programme was completed by 12 August 2011 when all of the approved ticket machines were in operation.

**Action 3 – Amendments to Parking Restrictions – Completed**

This matter was initially approved by the Council at its Ordinary Meeting held on 10 May 2011 and was subsequently endorsed by the Council at its Special Meeting held on 5 July 2011.

The amendments were published in the Government Gazette on 12 July 2011 and became enforceable on 26 July 2011.

**Action 4 – Preparation of Way Finding Strategy – Commenced**

The City's Officers have devoted considerable amounts of time and resources on the installation programme for paid and timed parking restrictions, and in this respect the preparation of a way finding strategy has been commenced, however not yet been completed. The City's Officers have now made this a priority. It is anticipated this Item will be completed by March 2012.

**Action 5 – Installation of Way Finding Signage – Commenced**

As above.

**Action 6 – Investigate and Recruit Additional Enforcement Staff, Resources and Purchase Improved Enforcement Technology – Completed**

The item was included on the Budget which was adopted by the Council at its Ordinary Meeting held on 5 July 2011. Since this time, three new Rangers have been employed. The new AntiCITE Machines have been ordered.

**Action 7 – Replacement of Existing Ticket Machines with New Technology – Completed and On-going**

At this time, all of the existing ticket machines are operating, with all of those in the paid car parks having credit card readers installed. The replacement programme is an on-going process, but since the machines are currently operating efficiently, they do not need to be replaced immediately

**Action 8 – Review of City’s Policy No. 3.7.1 Relating to Parking and Access – Commenced**

The City’s Strategic Planning Officers have commenced the review of the City’s Policy No. 3.7.1 relating to Parking and Access. This Item will be completed within the Specified Indicative Dates. To date, the review has included a major assessment of the existing land use car parking table to ensure that the land use car parking table in the amended policy is consistent with the proposed zone table in the City’s Draft Town Planning Scheme No. 2.

Furthermore, the City’s Officers have compared the land use parking required to other neighbouring Council’s, and in some instances proposed to reduce the commercial car parking required.

The draft policy is also proposed to be set out in a more chronological order and lengthy and ‘wordy’ clauses have been removed. The City’s Officers are also exploring and researching the requirements for motorcycle and scooter parking, increased bicycle bays, maximum commercial and residential car parking requirements as well as ways the developer can encourage alternative forms of transport.

**CONSULTATION/ADVERTISING:**

Given the overarching recommendations in the Car Parking Strategy and Precinct Parking Management Plans promote a significant shift in the City’s traditional ‘supply and demand’ approach to parking, it is recognised that appropriate consultation and publicity will be required to effectively implement the key actions of the Car Parking Strategy Implementation Plan 2010 – 2018.

**LEGAL/POLICY:**

- The City of Vincent Town Planning Scheme No. 1 and associated Policies;
- City of Vincent Local Law relating to Parking and Parking Facilities 2007; and
- Local Government Act 1995 and Regulations relating to Tenders.

**RISK MANAGEMENT IMPLICATIONS:**

**Medium:** Failure to adhere to the City adopted Car Parking Strategy will result in various strategies not being progressed in accordance with the adopted time frames.

**STRATEGIC IMPLICATIONS:**

In keeping with the City's *Strategic Plan 2011-2016* – Objective 1 "*Natural and Built Environment*" states:

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

1.1.1 *Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision*

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

**SUSTAINABILITY IMPLICATIONS:**

The long-term sustainability of the City's current car parking operations are questioned in the Car Parking Strategy Review Report that was adopted by the Council at its Ordinary Meeting held on 9 March 2010. The Strategy Review Report details methods in which the City can affect a paradigm shift in its methods of providing and managing parking throughout the City, with a view to achieving greater sustainability. These principles are supported further in the recommendations detailed in the Precinct Parking Management Plans and have been consolidated in the Car Parking Strategy Implementation Plan 2010–2018.

**FINANCIAL/BUDGET IMPLICATIONS:**

The 2010/2011 Budget had funds available for the following key actions in the Implementation Plan:

- Installation and consultation of additional ticket machines;
- Installation of consultation of changes to parking restrictions; and
- Preparation of a Way Finding Strategy.

The 2011/2012 Budget had funds available for the following key actions in the Implementation Plan:

- Parking Strategy Implementation and Associated Signage – \$50,000

**COMMENTS:**

In light of the above, it is recommended that the Council notes the progress of the Car Parking Strategy Implementation Plan 2010–2018 and Indicative Timeline.

**9.1.3 No. 333 (Lot 9) Oxford Street, Leederville – Proposed Demolition of Existing Single House and Construction of Three-Storey Mixed-Use Development Comprising of One (1) Office, Four (4) Single Bedroom Multiple Dwellings, Two (2) Multiple Dwellings and Associated Basement Car Parking**

<b>Ward:</b>	North	<b>Date:</b>	25 October 2011
<b>Precinct:</b>	Leederville; P13	<b>File Ref:</b>	PRO1548; 5.2011.158.3
<b>Attachments:</b>	<a href="#">001</a> - Property Information Report and Development Application Plans		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	R Narroo, Senior Planning Officer (Statutory)		
<b>Responsible Officer:</b>	H Smith, Acting Director Development Services		

**OFFICER RECOMMENDATION:**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by Roger Jones on behalf of the owner, Knightjade Nominees Pty Ltd for Proposed Demolition of Existing Single House and Construction of Three-Storey Mixed-Use Development Comprising of One (1) Office, Four (4) Single Bedroom Multiple Dwellings, Two (2) Multiple Dwellings and Associated Basement Car Parking at Nos. 333 (Lot 9) Oxford Street, Leederville, as shown on amended plans dated 19 October 2011, subject to the following conditions:

**1. Building**

- 1.1 All new external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Oxford Street;
- 1.2 First obtaining the consent of the owners of No. 331 and No. 335 Oxford Street, for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 331 and No. 335 Oxford Street, in a good and clean condition;
- 1.3 Doors, windows and adjacent floor areas facing Oxford Street shall maintain active and interactive relationships with this street;
- 1.4 The maximum gross floor area of the office building shall be limited to 140 square metres. Any increase in floor space or change of use of the offices shall require Planning Approval to be applied to and obtained from the City. Any change of use shall be assessed in accordance with the relevant Planning Policy including the City's Policy No. 3.7.1 relating to Parking and Access;
- 1.5 All the timber screen walls provided shall comply with the definition of the Residential Design Codes;

**2. Car Parking and Accessways**

- 2.1 The on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;
- 2.2 The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City;



- 2.3 The car parking area shown for the non-residential component and the visitors bays for the residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;
- 2.4 The car park shall be used only by employees, tenants, and visitors directly associated with the development; and
- 2.5 Two (2) car parking bays shall be allocated for the office building;

3. **Public Art**

The owner(s), or the applicant on behalf of the owner(s), shall comply with the City's Policy No. 3.5.13 relating to Percent for Public Art and the Percent for Public Art Guidelines for Developers, including:

- 3.1 within twenty – eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the City for an Artist to undertake a Public Art Project (Option 1) or pay the Cash-in-Lieu Percent for Public Art Contribution, of \$20,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$2,000,000); and
- 3.2 in conjunction with the above chosen option;
  - 3.2.1 Option 1 –  
prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and  
  
prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work;  
OR
  - 3.2.2 Option 2 –  
prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the City for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;

4. **Signage**

All signage that does not comply with the City's Policy No. 3.5.2 relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the City prior to the erection of the signage;

5. **PRIOR TO THE ISSUE OF A BUILDING LICENCE**, the following shall be submitted to and approved by the City:

5.1 **Construction Management Plan**

A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the City, in accordance with the requirements of the City's Policy No. 3.5.23 relating to Construction Management Plans, and Construction Management Plan Guidelines and Construction Management Plan Application for Approval Proforma;

**5.2 Section 70 A Notification under the Transfer of Land Act**

The owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:

- 5.2.1 the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and
- 5.2.2 the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or office. The on-site car parking was in accordance with the requirements of the Residential Design Codes, the City's Policy No. 3.7.1 relating to Parking and Access.

This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;

**5.3 Landscape and Reticulation Plan**

A detailed landscape and reticulation plan for the development site and adjoining road verges shall be submitted to the City's Parks and Property Services for assessment and approval.

For the purpose of this condition, a detailed landscape and irrigation plan shall be drawn to a scale of 1:100 and show the following:

- 5.3.1 the location and type of existing and proposed trees and plants;
- 5.3.2 all vegetation including lawns;
- 5.3.3 areas to be irrigated or reticulated;
- 5.3.4 proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 5.3.5 separate soft and hard landscaping plans (indicating details of plant species and materials to be used).

The Council encourages landscaping methods and species selection which do not rely on reticulation.

All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);

**5.4 Schedule of External Finishes**

A detailed schedule of external finishes (including materials and colour schemes and details);

**5.5 Acoustic Report**

An Acoustic Report in accordance with the City's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted to the City for approval. The recommended measures of the Acoustic Report shall be implemented and certification from an Acoustic Consultant that the measures have been undertaken, prior to the first occupation of the development. The applicant/owners shall submit a further report from an Acoustic Consultant six (6) months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject Acoustic Report;

**5.6 Refuse and Recycling Management Plan**

Bin numbers, collection and stores shall meet with the City's minimum service provision;

**5.7 Fencing**

Any new street/front wall, fence and gate within the Oxford Street setback area, including along the side boundaries within this street setback area, shall comply with the City's Policy provisions relating to Street Walls and Fences;

**5.8 Privacy**

Revised plans shall be submitted to and approved by the City, demonstrating the following:

- 5.8.1 the terrace to apartment No. 1 on the southern elevation;
- 5.8.2 the terrace to apartment No. 2 on the northern elevation;
- 5.8.3 bedroom 4 to apartment No. 6 on the western elevation;
- 5.8.4 kitchen and living room to apartment No. 5 on western elevation;  
and
- 5.8.5 bedroom 2 and master bedroom to apartment No. 5 on the eastern elevation;

being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material that is easily removed; OR prior to the issue of a Building Licence, revised plans shall be submitted demonstrating the above major openings being provided with permanent vertical screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining properties in accordance with the Residential Design Codes. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the City receives written consent from the owners of No. 331 and No. 335 Oxford Street, stating no objection to the respective proposed privacy encroachment;

**5.9 Right of Way Bond**

A right of way security bond for \$1,000 payable by the builder shall be lodged and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for a standard 2 wheel drive vehicle) as a consequence of the works, the applicant/developer/builder/owner is to make good the surface to the satisfaction of the City's Technical Services. This bond is non-transferable;

**5.10 Footpath Bond**

In keeping with the City's practice for multiple dwellings, commercial, retail and similar developments, the footpath adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the City's specification. A refundable footpath upgrading bond of \$2800 shall be lodged and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the City's Technical Services Division. An application to the City for the refund of the upgrading bond must be made in writing;

**5.11 Road Bond**

A Road, Verge security bond of \$2350 payable by the builder shall be lodged with the City and be held until all building/development works have been completed and/or any disturbance of, or damage to, the city's infrastructure, including street verge trees, has been repaired/reinstated to the satisfaction of the City's Technical Services Division. An application for the refund of the security bond must be made in writing. This bond is non-transferable;

**5.12 Underground Power**

In keeping with the City's Policy No. 2.2.2 relating to Undergrounding of Power, the power lines along the Oxford Street frontage of the development shall be undergrounded at the Developer's full cost. The developer is required to liaise with both the City and Western Power to comply with their respective requirements;

**6. PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the City:**

**6.1 Residential Car Bays**

Seven (7) car bays and two (2) car bays shall be provided for the residents and visitors respectively. The nine car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents and visitors of the development;

**6.2 Bicycle Parking**

Two (2) bicycle bays for the residents of the residential component plus One (1) class 3 for the office component shall be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3;

**6.3 Management Plan-Vehicular Entry Gates**

Any proposed vehicular entry gates to the car parking area shall have a minimum 50 per cent visual permeability and shall be either open at all times or a plan detailing management measures for the operation of the vehicular entry gates, to ensure access is readily available for residents/visitors to the residential and commercial units at all times, shall be submitted to and approved by the City; and

**6.4 Clothes Drying Facility**

Each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer.

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**COUNCIL DECISION ITEM 9.1.3**

**Moved Cr McGrath, Seconded Cr Harley**

**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY "EN BLOC" (9-0)**

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<b>Landowner:</b>	Nightjade Nominees Pty Ltd
<b>Applicant:</b>	Roger Jones
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R 60
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Multiple Dwelling, Office Building
<b>Use Classification:</b>	"P", "SA"
<b>Lot Area:</b>	564 square metres
<b>Right of Way:</b>	Western side, 5 metres wide, Council owned

**PURPOSE OF REPORT:**

This proposal requires referral to the Council for determination given it cannot be considered under Delegated Authority.

**BACKGROUND:**

13 March 2007 The Council at its Ordinary Meeting resolved to approve demolition of the existing single house, and proposed mixed-use development comprising one (1) grouped dwelling, two (2) single bedroom multiple dwellings, eight (8) multiple dwellings, office building and associated basement car parking and associated facilities at Nos. 333-335 Oxford Street.

8 April 2008 The Council at its Ordinary Meeting resolved to approve demolition of the existing single house and construction of a two-three storey mixed-use development comprising one office, two (2), two-storey multiple dwellings, two single bedroom multiple dwellings and associated basement carparking.

**DETAILS:**

The application is for the demolition of the existing single house and construction of a three-storey mixed-use development comprising of one office, four single bedroom multiple dwellings, two multiple dwellings and associated basement car parking.

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>Plot Ratio:</b>	0.7= 394.8 square metres.	1.26= 496 square metres.
<b>Officer Comments:</b>		
Supported-Refer to "Comments" below.		
<b>Street Setback:</b>	Ground Floor=6.9 metres.  First and Second Floor-Balcony=7.9 metres.	Ground Floor= 2.45 metres to 6.1 metres.  First And Second Floors=Nil.
<b>Officer Comments:</b>		
Supported- The existing buildings north of the site have nil setbacks. Therefore the proposal provides transition between these buildings and the residential dwellings to the south of the site. In this instance, it is expected that there will be no impact on the streetscape. No objections were received from the adjoining neighbours		
<b>Building Setbacks:</b>	<u>Northern boundary</u>  Basement= 1.5 metres.  Ground Floor= 2.5 metres.  First Floor= 3.6 metres.  Second Floor= 5.3 metres.	Nil.  Nil to 3.85 metres.  Nil to 2.55 metres.  Nil to 3.81 metres.

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
	<u>Southern Boundary</u> Basement= 1.5 metres. Ground Floor= 2.7 metres. First Floor= 3.8 metres. Second Floor= 5.3 metres.	Nil. Nil to 3.83 metres. Nil to 2.57 metres. Nil to 3.83 metres.
<b>Officer Comments:</b>		
Supported- The building on the adjoining northern property has a nil setback. The boundary walls are not continuous along the boundaries and step down with the slope of the land which minimise the bulk of the wall. It is considered there is no undue impact in terms of visual impact and ventilation and no objection was received from the adjoining southern neighbour. The northern neighbour has raised an issue with the setback and this has been addressed (in the consultation table).		
<b>Setbacks from Rights of Way</b>	Ground Floor Balcony= 1.5 metres. First Floor Balcony=2.5 metres.	0.5 metre. 2.475 metres.
<b>Officer Comments:</b>		
Supported- No impact on the streetscape of the right of way as the first and second floors on the adjoining northern property have a setback of 0.5 metre from the right of way.		
<b>Buildings on the Boundary:</b>	Maximum Height= 3.5 metres. Average Height= 3 metres. One side of boundary.	<u>Southern Boundary</u> Maximum Height = 12.4 metres. Average Height = 9.8 metres. Maximum Height = 12.3 metres. Average Height = 10 metres. Two sides of boundaries.
<b>Officer Comments:</b>		
Supported- The adjoining northern property building has boundary walls to the northern and southern boundaries, consistent with what is proposed on No. 333 Oxford Street. Moreover, the boundary walls are not continuous along the boundaries and step down with the slope of the land which minimise the bulk of the wall. It is considered there is no undue impact in terms of visual impact and ventilation and no objection was received from the adjoining southern neighbour. The northern neighbour has raised an issue with the setback and this has been addressed (in the consultation table).		
<b>Overshadowing:</b>	50 per cent of the adjoining southern site area.	71 per cent of the adjoining southern site area.
<b>Officer Comments:</b>		
Supported- A two storey building with basement was approved by the Council on the adjoining northern lot at No. 335 Oxford Street. The overshadowing from the building proposed at No. 335 Oxford Street to No. 333 Oxford Street will be the same as the overshadowing from this proposed building on the southern property. Moreover, Council at its Ordinary Meeting held on 8 April 2008 approved a variation to the overshadowing for the proposed development at No. 333 Oxford Street. Furthermore, given the adjoining southern site is a narrow east-west oriented site and of a similar topography to the subject site; in such a case, even a relatively low building may cast overshadowing over a greater proportion of a site. No objection was received from the adjoining southern neighbour.		

<b>NON-COMPLIANT REQUIREMENTS</b>		
<b>REQUIREMENTS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>Open Space:</b>	45 per cent= 253.8 square metres	42.6 per cent= 240 square metres
<b>Officer Comments:</b>		
Supported- The Council supported a variation (3 per cent) to the open space for the development on the adjoining property at No. 335 Oxford Street. Moreover the site is within close proximity to a local park at the rear of the property which mitigates the impact on the reduction of open space. No objections were received from the adjoining neighbours.		
<b>Number of Storeys:</b>	Two storeys.  As per the Multiple Dwellings Policy: 10 metres in height.	Three storeys facing Oxford Street.  Three storeys and basement facing right of way.  Maximum Height = 12.4 metres.
<b>Officer Comments:</b>		
Supported- Refer to "Comments" below.		
<b>Privacy Setbacks:</b>	Bedroom= 4.5 metres.  Balcony= 7.5 metres.  Other than bedrooms= 6 metres.	<u>Ground Floor</u>  <i>Apt 1</i>  Terrace = 1 metre to the southern boundary.  <i>Apt 2</i>  Terrace = 1 metre to the northern boundary.  <u>First Floor</u>  <i>Apt 6</i>  Bedroom 4 = 2.8 metres to the southern boundary.  <u>Second Floor</u>  <i>Apt 5</i>  Kitchen = 3.8 metres to the southern boundary.  Living room = 3.7 metres to the northern boundary.  Bedroom 2 = 3.7 metres to northern boundary.  Master bedroom = 3.7 metres to southern boundary.
<b>Officer Comments:</b>		
Not Supported- If the proposal is supported, the above openings are required to be screened to prevent any overlooking to the adjoining northern and southern properties.		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
City of Vincent Economic Development Strategy 2011-2016	Minimise the sprawl of commercial developments outside designated activity centres to encourage precinct-based growth whilst protecting residential areas from commercialisation.	Proposed office outside designated activity centre.
<b>Officer Comments:</b>		
Not Supported- Refer to "Comments" below.		

The above Officer Comments are provided pursuant to Clause 38(5) of Town Planning Scheme No. 1.

Consultation	
In Support (2)	
Comments Received	Officer Comments
<p>The submitter states neither support or objection however, some concerns as follows:</p> <p><i>"What is current zoning on property? Our understanding it is currently residential? If so does 333 Oxford have commercial zoning approved?"</i></p> <p><i>"I have had an opportunity to view the plans of this development briefly and wish to bring to your attention the following concerns. Our current residence is at 335 Oxford Street obviously next door, it appears from first observation that the new building is on the boundary from one end to the other without observing appropriate setbacks. I am particularly concerned with units 4 and 5 and the proximity of this structure to our existing building and windows. I would like to ask the council to pay attention before recommending approval of such a building which may have a negative impact on our existing home. Overall I think the design is attractive, I do not have concern with 3 storeys and I would like to see this development to come to fruition naturally with some modifications to suit."</i></p>	<p>Noted. The zoning of the site is Residential R60. A commercial use can be considered in a residential zone subject to Council approval.</p> <p>Noted. The applicant amended the plans so that units 4 and 5 are setback 1 metre from the northern boundary to the satisfaction of the adjoining northern neighbour.</p>
<b>Objections:</b>	Nil
Comments Received	Officer Comments
Nil	Nil
<b>Advertising</b>	The advertising was carried out as per the City's Policy No. 4.1.5 relating to Community Consultation.

Other Implications	
<b>Legal/Policy</b>	TPS 1 and associated Policies.
<b>Strategic</b>	<p>The City's <i>Strategic Plan 2011-2016</i> - Objective 1 states:</p> <p><i>"Natural and Built Environment</i></p> <p>1.1 <i>Improve and maintain the natural and built environment and infrastructure</i></p> <p>1.1.2 <i>Enhance and maintain the character and heritage of the City."</i></p>
<b>Sustainability</b>	Nil.
<b>Financial/Budget</b>	Nil.



**Car Parking**

The car parking required is calculated as per the R-Codes 2010.

<b>Car Parking</b>	
Medium Multiple Dwelling (75-110 square metres) - 1 bay per dwelling (4 dwellings proposed)= 4 car bays Large Multiple Dwelling (greater than 110 square metres) - 1.25 bay per dwelling (2 dwellings proposed)= 2.5 car bays = 3 car bays  Visitors= 0.25 per dwelling (6 dwellings proposed) = 1.5 car bays =2 car bays  Total= 9 car bays	9 car bays
Total car bays provided	11 car bays
<b>Surplus</b>	<b>2 car bays</b>

A total of 9 car bays will be required for the residential component. Overall, the number of compliant car parking bays provided for the development is 11 car bays. Therefore, for the commercial component, 2 car bays will be available.

<b>Car Parking</b>	
Car parking requirement (nearest whole number). • office ( 1 car bay per 50 square metres gross office floor area) Proposed 140 square metres = 6 car bays  Total car bays required = 2.8 car bays= 3 car bays	3 car bays
Apply the parking adjustment factors. • 0.85 (within 400 metres of a bus stop) • 0.80 (45 percent of the gross floor area is residential) • 0.95 (within 400 metres of public car park with more than 25 bays)	(0.646)  1.938 car bays
Minus the car parking provided on-site	2 car bays
Minus the most recently approved on-site car parking shortfall	N/A
<b>Surplus</b>	<b>0.062 car bay</b>

<b>Bicycle Parking</b>		
<b>Bicycle Parking:</b>	<p><u>Office</u></p> <p>1 space per 200 square metres gross floor area (proposed 140 square metres) = 0.7 Class 1 or 2= 1</p> <p>1 space per 750 square metres over 1000 square metres gross floor area (proposed 140 square metres) (class 3) = Nil</p> <p><u>Residential Component</u></p> <p>1 bicycle space to each 3 dwellings for residents and 1 bicycle space to each 10 dwellings for visitors):</p> <p>2 bicycle bays for the residents</p> <p>Nil bicycle bays for the visitors</p>	Bicycle bays are not provided.

**COMMENTS:**

**Demolition**

The subject dwelling at No. 333 Oxford Street, Leederville is a brick and iron residence constructed circa 1929 in the Interwar Bungalow style of architecture.

The subject place is first listed in the WA Post Office Directories in 1930 and was occupied by Mrs Maggie Bradley. Since then, the subject dwelling has been transferred several times to new owners and occupiers.

The subject dwelling has a main hipped roof and is delineated from the footpath by a low brick wall. The roof facing Oxford Street is high-pitched and supported by brick columns with twin timber posts above.

A preliminary heritage assessment, including an external inspection undertaken on 8 April 2010, indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the City's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the City's Municipal Heritage Inventory. As such, the place is considered to require no further investigation and that a full Heritage Assessment is not warranted in this instance.

In light of the above, it is considered that approval should be granted for demolition subject to standard condition.

### **Planning**

Plot ratio and building height contribute to the bulk and scale of a development and in this instance, the subject proposal is not considered to have an undue impact on the amenity of the area and is symptomatic of a growing trend to develop underutilised near-city properties.

The building height varies from 12.4 metres to 5.9 metres from the natural ground level. Therefore only at one point will there be a maximum height of 12.4 metres from the natural ground level with the remaining height dropping to 5.9 metres. Given the steep slope of the land, it is difficult to comply with the required height. Moreover, a pitched roof to 12 metres would be acceptable under the R-Codes. In addition, it is considered that given the articulation of the building, the staggered setbacks and the stepping down of the floor levels, will minimise the impact of the height and bulk of the building on adjoining properties.

The office use is minor in nature and is not considered to compromise the overall intent and objectives of the City's *Economic Development Strategy 2011-2016*, as it is considered that the proposal is compatible with the uses of the immediate surrounding area and will not unduly intrude on the amenity of the neighbouring properties. In addition, the proposal promotes the integration of the workplace and residences, and thus, diversifying the land use and providing casual surveillance through day time activity of the area.

In view of the above, the application is supportable as it is considered the development will not result in any undue impact on the amenity of the surrounding area and is consistent with the evolving character of Oxford Street and the surrounding area. Accordingly, it is recommended the application be approved subject to standard and appropriate conditions.

**9.1.7 Amendment No. 89 to Planning and Building Policy Manual – Draft Amended Appendix No. 11 Relating to Non-Conforming Use Register**

<b>Ward:</b>	North	<b>Date:</b>	25 October 2011
<b>Precinct:</b>	North Perth; P8	<b>File Ref:</b>	PRO1071; PLA0081
<b>Attachments:</b>	<a href="#">001</a> – Draft Amended Appendix No. 11 – Non-Conforming Use Register		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	A Fox, Planning Officer (Strategic)		
<b>Responsible Officer:</b>	H Smith, Acting Director Development Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **AUTHORISES** the Chief Executive Officer to advertise the Draft Amended Appendix No. 11 relating to the deletion of Nos. 492 and 496 (Lots 143, 144, 145 and 146) Charles Street, North Perth from the Non-Conforming Use Register, for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1, including:
  - 1.1 advertising a summary of the subject Draft Amended Appendix once a week for four consecutive weeks in a newspaper circulating in the locality;
  - 1.2 where practicable, notifying those persons who, in the opinion of the City, might be directly affected by the subject Draft Amended Appendix; and
  - 1.3 forwarding a copy of the subject Draft Amended Appendix to the Western Australian Planning Commission (WAPC); and
2. After the expiry of the period for submissions:
  - 2.1 **REVIEWS** the Draft Amended Appendix No. 11 relating to the deletion of Nos. 492 and 496 (Lots 143, 144, 145 and 146) Charles Street, North Perth from the Non-Conforming Use Register, having regard to any written submissions; and
  - 2.2 **DETERMINES** the Draft Amended Appendix No. 11 relating to the deletion of Nos. 492 and 496 (Lots 143, 144, 145 and 146) Charles Street, North Perth from the Non-Conforming Use Register, with or without amendment, to proceed or not to proceed with it.

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**COUNCIL DECISION ITEM 9.1.7**

**Moved Cr McGrath, Seconded Cr Harley**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

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**PURPOSE OF REPORT:**

The purpose of the report is for the Council to consider the deletion of the Nos. 492 and 496 Charles Street, North Perth from the City of Vincent Non-Conforming Use Register – Stage 1, and to seek the Council’s approval to advertise the Draft Amended Appendix No. 11 accordingly.

**BACKGROUND:**

- June 1971                      The City of Perth City Council refused an application for a drive in fast food outlet at No. 492 (Lots 143 and 144) Charles Street, North Perth.
- 20 August 1973                The City of Perth Council approved an application for the change of use from wood yard to car sales yard at No. 492 (Lots 143 and 144) Charles Street, North Perth.
- 3 September 1973             The City of Perth issued a Building Licence for a brick car sales office at No. 492 (Lots 143 and 144) Charles Street, North Perth.
- 16 June 1975                  The City of Perth Council approved an application for a warehouse at No. 492 (Lots 143 and 144) Charles Street, North Perth.
- 27 July 2010                  The Council at its Ordinary Meeting acknowledged the following:
- (a)     'vehicle sales premises' as a non-conforming use on No. 492 (Lots 143 and 144) Charles Street, North Perth;
  - (b)     'vehicle servicing workshop' as a non-conforming use at No. 496 (Lots 145 and 146) Charles Street, North Perth.
- 12 October 2010                An amendment to the Non-Conforming Use Register, which included Nos 492 and 496 Charles Street, was advertised and subsequently adopted by the Council.
- 11 October 2011                The Council at its Ordinary Meeting approved an application for a Change of Use to Unlisted Use (Car Wash and Detailing) and Associated Alterations and Additions at No. 496 Charles Street, North Perth.
- 25 October 2011                The Council at its Ordinary Meeting considered a request to rezone No. 492 (Lots 143 and 144; D/P: 2630) Charles Street, North Perth from Residential R60 to Additional Use – Service Station.

**DETAILS:**

The Council at its Ordinary Meeting held on 27 July 2010, resolved that Nos. 492 and 496 Charles Street, North Perth be included on the Non-Conforming Use Register as a Vehicle Sales Premises and Vehicle Servicing Workshop respectively. It was noted that as at June 2010, the premises had been vacated by the previous occupants 'Men in Boats'. This was noted on the Non-Conforming Use Register.

Site visits were conducted in July 2011 and October 2011. These site visits indicated that both Nos. 492 and 496 Charles Street remain vacant. There are no records to indicate that the premises had been used between June 2010 and October 2011. Therefore, at the time of the October 2011 site inspection, the subject sites had been vacant and unused for a period of 16 months between June 2010 and October 2011.

It is noted that in accordance with clause 16(4) of the City of Vincent Town Planning Scheme, *"when a non-conforming use of any land or buildings has been discontinued for a period of six consecutive months or more, such land or building shall not thereafter be used otherwise in conformity with the provisions of the Scheme."*

As such, the subject sites have been vacant for a period in excess of 6 months, resulting in the cessation of the non-conforming use rights.

**CONSULTATION AND ADVERTISING:**

The Draft Amended Appendix No. 11, relating to the Non-Conforming Use Register, will be advertised for a period of 28 days in accordance with Clause 47 of the City's Town Planning Scheme No. 1.

**LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies.

**RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

The City's *Strategic Plan 2011-2016* – Objective 1 states:

*“Natural and Built Environment:*

- 1.1 *Improve and maintain the natural and built environment and infrastructure*
  - 1.1.1 *Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision;*
  - 1.1.2 *Enhance and maintain the character and heritage of the City.”*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable.

**COMMENTS:**

It is noted that the status of the non-conforming use rights at Nos. 492 and 496 Charles Street, North Perth have been investigated and reported to Council at this time as a direct result of a planning application being submitted for No. 496 Charles Street, North Perth.

Notwithstanding this, the City's Officers are currently undertaking a thorough review of the City's Non-Conforming Use Register and shall report the findings to Council at an Ordinary Meeting in due course.

In light of the above, and the fact that both Nos. 492 and 496 Charles Street, North Perth have been vacant for more than 6 months, it is recommended that the Council endorses the deletion of Nos. 492 and 496 Charles Street, North Perth, from the Non-Conforming Use Register, and renumbers the remaining non-conforming uses accordingly.

**9.1.8 Department of Planning – Draft Metropolitan Redevelopment Regulations 2011**

<b>Ward:</b>	N/A	<b>Date:</b>	31 October 2011
<b>Precinct:</b>	N/A	<b>File Ref:</b>	ORG0027
<b>Attachments:</b>	Confidential – Draft Metropolitan Redevelopment Regulations 2011		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	D Mrdja, Acting Manager Strategic Planning, Sustainability and Heritage Services		
<b>Responsible Officer:</b>	H Smith, Acting Director Development Services		

**OFFICER RECOMMENDATION:**

That the Council **ADVISES** the Department of Planning (DoP) that the Council **SUPPORTS IN PRINCIPLE** the Draft *Metropolitan Redevelopment Authority Regulations 2011* (Draft Regulations) as shown in Confidential Appendix 9.1.8.

**COUNCIL DECISION ITEM 9.1.8**

**Moved Cr McGrath, Seconded Cr Harley**

**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of the DoP's *Metropolitan Redevelopment Authority Regulations 2011*, as shown in Confidential Appendix 9.1.8, and to seek the Council's endorsement of the document.

**BACKGROUND:**

On the 22 June 2011, the Minister for Planning introduced the Metropolitan Redevelopment Authority Bill into State Parliament without due consultation with those Local Authorities working with the current redevelopment authorities. The current redevelopment authorities in Western Australia are Armadale, East Perth, Subiaco and Midland.

The Metropolitan Redevelopment Authority Act 2011 was gazetted by the State Government on 12 October 2011 and will come into effect on 1 January 2012.

**Metropolitan Redevelopment Authority**

The purpose of the Act is to establish a new Metropolitan Redevelopment Authority (MRA) to undertake projects in suitable areas within the Perth metropolitan area. Historically, redevelopment authorities have been created to coordinate and facilitate the redevelopment of an area where complex planning considerations apply and where there is significant State ownership of land within the respective areas.

Each Redevelopment Authority operates under its own Act which includes planning and development powers and statutory framework. The Act aims to rationalise and restructure the redevelopment authorities' statutory frameworks and create increased efficiency and consistency for State government priority projects, and provide certainty for the development industry.

The Act will repeal the Acts applicable to the existing Redevelopment Authorities in Perth and facilitate the transfer of assets, rights and responsibilities to the MRA. On commencement of the MRA on 1 January 2012, it will replace the existing redevelopment authorities' projects and also be responsible for the delivery of the Perth Waterfront project.

The Metropolitan Redevelopment Authority Bill 2011 has been under consideration by the Department of Planning and others in State Government for some time. The Bill had reached the Second Reading stage in the Legislative Assembly without any official opportunity for input by affected Local Governments.

#### **DETAILS:**

#### **Draft Metropolitan Redevelopment Authority Regulations 2011**

The Metropolitan Redevelopment Authority Act 2011 has been gazetted by the State Government and the purpose of this report is to provide comment on the Draft *Metropolitan Redevelopment Authority Regulations 2011*.

A regulation is based on an act that has already been passed and serves as a means to make the act a lot easier to follow and adhere to. For this reason, one act can have numerous regulations.

The Draft *Metropolitan Redevelopment Authority Regulations 2011* are set out in 6 Parts with 2 Schedules:

#### Part 1 – Preliminary

This Part formally titles the Regulations, provides a means for setting a commencement date or dates for the Regulations, and defines key terms used in the Regulations.

#### Part 2 – Works, Acts and Activities that do not Constitute Development

As the title suggests, this part describes the types or works, acts and activities that do not constitute development and do not require approval.

#### Part 3 – Redevelopment Areas

This part describes the redevelopment areas, which essentially state that the areas are referred to in a map provided in Schedule 1. This part also lists a number of objectives for the redevelopment areas.

#### Part 4 – Development Applications

This part defines standard and major development applications and advises what is required to be submitted for the development application and that the Metropolitan Redevelopment Authority is the determining authority.

#### Part 5 – Functions of Authority

As the title suggests, this part describes the functions and delegations of the Authority, the acquisition of land and the requirements for Business and Operational Plans.

#### Part 6 – Miscellaneous

There are three clauses in this Part. These are:

- Fee for obtaining copy of draft or scheme;
- Closely associated persons; and
- Offences.

### **East Perth Redevelopment (EPR) Area**

The proposed EPR area as outlined in the Draft *Metropolitan Redevelopment Authority Regulations 2011* comprises of all of the land and waters in the current EPR area prescribed on Plan No. 2 in the East Perth Redevelopment Act 1991, as well as four additional areas relating to the Lindsay Street Precinct, The Causeway Foreshore Reserve south of Trinity College, the Perth Cultural Centre Precinct and the Northbridge Rail Precinct, which are stated in Schedule 1 of the East Perth Redevelopment Act 1991.

#### **CONSULTATION/ADVERTISING:**

As previously stated, the Metropolitan Redevelopment Authority Act 2011 was passed and gazetted on 12 October 2011, without consultation with the affected Local Government Authorities.

#### **LEGAL/POLICY:**

Not applicable.

#### **RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

#### **STRATEGIC IMPLICATIONS:**

Given the East Perth Redevelopment Area is the same in the East Perth Redevelopment Act 1991 and the Metropolitan Redevelopment Authority Act 2011, these Regulations will not have significant strategic implications on the City. It is noted that the Act will require any proposed scheme to be sent to the affected Local Government Authorities for comment.

#### **SUSTAINABILITY IMPLICATIONS:**

Not applicable.

#### **FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable.

#### **COMMENTS:**

The Draft *Metropolitan Redevelopment Authority Regulations 2011*, in which the City has been asked to comment on, serves as a means to make the Act a lot easier to follow and adhere to.

The City's Officers recommend that the Council support the drafting of the *Metropolitan Redevelopment Authority Regulations 2011*, as by virtue of the nature of redevelopment authorities they provide significant opportunities for major redevelopment projects within the Perth region to be undertaken in collaboration with Local Government, for the benefit of communities at local and regional levels.



**9.2.2 Proposed 2012 'Smoke Free Perth Criterium's' Cycling Series - Leederville Race**

<b>Ward:</b>	South	<b>Date:</b>	24 October 2011
<b>Precinct:</b>	Oxford Centre (4)	<b>File Ref:</b>	TES0172 & CMS0033
<b>Attachments:</b>	<a href="#">001</a> – Proposed Road Closures (No. 2602-CP-01A)		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	C Wilson, Manager Asset & Design Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

- APPROVES** the City of Vincent hosting the third race in the 2012 Perth Criterium Series, proposed to be held on Monday evening, 13 February 2012, subject to additional detailed information regarding the series being received by the City from the organisers "Trievents"; and
- AUTHORISES** the Chief Executive Officer to negotiate the terms and conditions of approval including possibly waiving event fees and making a contribution of an amount to be determined (estimated at \$7,500 to be funded from the Parades & Festivals budget allocation) for implementing traffic management (refer attached proposed possible road closure Plan No. 2602-CP-01A should the event proceed).

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**COUNCIL DECISION ITEM 9.2.2**

**Moved Cr McGrath, Seconded Cr Harley**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (9-0)**

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**PURPOSE OF REPORT:**

The purpose of this report is to seek the Council's approval for the City hosting the third race of the proposed 2012 Smoke Free Perth Criteriums' (Cycling Series) in Leederville on Monday evening, 13 February 2012.

**BACKGROUND:**

Criterium racing is considered the most exciting form of road racing in cycling competition. It involves high speeds around a tight and intimate circuit, ensuring that the spectators are very close to the action.

The City has hosted a leg of the Perth Criterium Cycling Series in every year in which the series has been held, some thirteen (13) races over sixteen (16) years. Further, the Leederville race is the only race that has featured in all thirteen (13) series to date.

**DETAILS:**

**2012 proposal**

In October 2011 Trievents (the criterium event organisers) wrote to the City advising that they had commenced preliminary planning for the proposed 2012 series. Further, they advised that 'Healthways' had again agreed to sponsor the series and that it will be marketed under the banner 'Smoke Free Perth Criteriums'.

Trievents has tentatively selected the dates of Saturday 11, Sunday 12 and Monday 13 and Tuesday 14 February 2012 for the series, with the Leederville race being the third, on the Monday evening under lights. It should be noted that Monday 13 February 2012 is not a public holiday nor in the school holiday period.

Further, unlike last year's event it is not St Valentine's Day, which resulted in significant changes being implemented to accommodate those businesses that generate significant trade specific to the day.

The tentative criterium series calendar is as follows:

- Saturday 11 February - City of Stirling, Main and Hutton Streets, Osborne Park. A twilight event starting at 5.00pm.
- Sunday 12 February – City of Victoria Park, Albany Highway City centre, start time 2.00pm.
- **Monday 13 February – City of Vincent, Oxford Centre Precinct, start time 6.45pm, main race at 8.00pm under lights.**
- Tuesday 14 February - City of Fremantle, city centre, start time 6.45pm, main race at 8.00pm under lights.

In respect of the impact upon local businesses, St Valentine's Day aside, mid February is traditionally a quiet period for the Oxford Centre Precinct and the event will attract a far larger crowd to Leederville than could normally be expected on a Monday night.

As for the 2011 event, there will be implications for traffic, particularly in Vincent Street, and therefore the event will have to be scheduled in the evening, after the peak period has finished, with the support races commencing at 6.45pm.

The main race will commence at 8.00pm and take approximately 1.5 hours. Given that it will be mid-summer, the late start will assist in lessening the impact upon the traffic while improving the comfort of the riders and spectators. However, it will necessitate the use of mobile light towers to light the course to the required level of illumination.

The proposed circuit, as shown on attached Plan No. 2602-CP-01A, is the same as in previous years, with start and finish line located adjacent the Bankwest building on the corner of Vincent and Oxford Streets. It is also the location where the crowd is generally most concentrated.

The circuit requires the closure of Oxford Street, between Richmond Street and Leederville Parade, Vincent Street, between Leederville Parade and Loftus Street and Newcastle Street between Oxford and Loftus Streets.

#### **CONSULTATION/ADVERTISING:**

The applicant would be required to:

- (a) make application for an Order for a Road Closure in accordance with the Road Traffic Act 1974;
- (b) place a notice of road closure in "The West Australian" on Saturday 11 February 2012;
- (c) advertise the event, including the road closures, in the local newspapers in the edition prior to the race, and
- (d) letter drop all the affected residents and businesses within the circuit route and adjoining streets affected by the road closures at least one (1) week prior to the event, advising of the road closures and parking restrictions and providing the event coordinators and the City's after hours contact details.

**LEGAL/POLICY:**

The City is responsible to ensure that road closures for events on roads undertaken within its boundaries are in accordance with the relevant Australian Standards and Main Roads WA Code of Practice for Events on Roads.

**STRATEGIC IMPLICATIONS:**

The City's *Strategic Plan 2011-2016* states:

*“Enhance and Promote Community Development and Wellbeing*

*Objective: 3.1.1: Celebrate, acknowledge and promote the City's cultural and social diversity”*

**SUSTAINABILITY IMPLICATIONS:**

The Leederville event, by showcasing elite cycling, promotes the benefits of exercise, healthy choices and alternative transport.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** As long as due process is followed the Risk to the participants should be low.

**FINANCIAL/BUDGET IMPLICATIONS:**

No specific funding has been allocated in the 2011/2012 budget for this event.

In the past the City's primary sponsorship has been by way of waiving event fees and the provision of traffic management. Based upon recent public events, it would be expected that the supply and installation of all signage and traffic control devices for the various road closures, provision of sufficient staff (accredited traffic controllers) for a period of six (6) hours (including mobilisation and demobilisation, set up and dismantling), would cost in the order of \$7,500. If approved, there are sufficient funds remaining in the Parades and Festivals budget.

**COMMENTS:**

The series has been a great success in previous years and it is recommended that the Council approve the proposal and authorises the Chief Executive Officer to negotiate the appropriate Terms and Conditions on behalf of the City.

**9.2.3 Proposed Naming of New Road off Monmouth Street, North Perth – Kessell Court**

<b>Ward:</b>	North	<b>Date:</b>	21 October 2011
<b>Precinct:</b>	Norfolk (10)	<b>File Ref:</b>	TES0159 & PRO2911
<b>Attachments:</b>	<a href="#">001</a> – Plan of Proposed Road		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	G Bellinger, Technical Officer - Development		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES** the application of the name “Kessell Court” to the new road off Monmouth Street as illustrated on the attached Plan No. 7605-03B; and
2. **ADVISES** the Geographic Names Committee of its decision.

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**COUNCIL DECISION ITEM 9.2.3**

**Moved Cr McGrath, Seconded Cr Harley**

**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

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**PURPOSE OF REPORT:**

The purpose of this report is to seek Council's approval for the naming of the new road off Monmouth Street, North Perth. This matter relates to a subdivision and new land titles are to be issued. Titles cannot be issued until the new road is named and approved. To delay this matter would unnecessarily disadvantage the landowners.

**BACKGROUND:**

At its Ordinary Meeting held on 18 December 2007 the Council was requested to approve the dedication of the Right of Way (ROW) bounded by William, Monmouth, Forrest and Walcott Streets, to facilitate the development of the adjacent Lots.

The Council was advised that No. 137 (Lot 4) Walcott Street and No. 20 (Lot 10) Monmouth Street were adjoining lots in the same ownership and that the owner proposed a development that necessitated the dedication of the adjacent ROW to enable a dedicated road frontage to each new lot. This would enable the owners of 137 Walcott Street and 20 Monmouth Street to develop the property and create a new road providing frontage to nine (9) newly created lots.

Following consideration of the matter the following decision was made:

*“That the Council;*

- (i) *RECEIVES* the report on the proposed dedication of the right of way bounded by William, Monmouth, Forrest and Walcott Streets, North Perth, as illustrated on attached Plan No. 2559-RP-1;
- (ii) *APPROVES* the initiation of the dedication process in accordance with Section 56 of the Land Administration Act 1997; and
- (iii) *ADVISES* the applicants of the Council's decision.”

**DETAILS:**

Dedication is a lengthy process and the developer has worked closely with the City and WAPC to achieve optimum amenity for the proposed double storey houses. The developer has widened the road to six metres and will seal, drain and provide lighting for this newly created road.

The deposited plan creating the new road is now ready for lodgement at Landgate and requires to be named to finalise the procedure.

The naming of the new road has allowed continuing the theme of the surrounding area using the surnames of the members of Premier John Forrest's Cabinet from 1890 -1901. Mr. A.C. Kessell was the secretary to Premier John Forrest and he lived in William Street, North Perth which would link him to the area.

Director Technical Services Comments:

*At its Special meeting held on 30 August 2011 the Council requested that the Chief Executive Officer develop a draft policy on naming Right of Ways in the City. This policy is currently being developed however has not been completed as yet nor considered by the Council. It is envisaged that the draft policy will be presented to the Council in December 2011.*

*In the interim it is considered that as the deposited plan creating the new road is now ready for lodgement at 'Landgate' and as the road requires to be named to finalise the procedure, that this matter be considered by the Council as a 'one off' until the policy has been developed.*

*All other naming requests have been placed 'on hold' since the Council, decision of 30 August.*

**CONSULTATION/ADVERTISING:**

Road naming is carried out in accordance with the requirements of Landgate's Geographic Names Committee "Principles, Guidelines and Procedures" and public consultation is not required.

**LEGAL/POLICY:**

There are no legal implications to naming Roads and ROW's.

**STRATEGIC IMPLICATIONS:**

The City's *Strategic Plan 2011-2016* states:

"Natural and Built Environment

*Objective: 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:**

Name plates will be installed by the developer in accordance with the City's requirements.

**COMMENTS:**

All naming of streets was placed on hold since the Council decision of 30 August 2011, however in this instance it is recommended that the Council approve the application of the name "Kessell Court" to the new road as the deposited plan creating the new road is now ready for lodgement at 'Landgate' and the road requires to be named to finalise the procedure.

**9.3.1 Capital Works Programme – 2011/2012 – Progress Report No. 1 as at 30 September 2011**

<b>Ward:</b>	Both	<b>Date:</b>	27 October 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0025
<b>Attachments:</b>	<a href="#">001</a> – Annual Plan Capital Works Programme 2011/2012		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	M Rootsey, Director Corporate Services; R Lotznicker, Director Technical Services; R Boardman, Director Development Services		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **RECEIVES** Progress Report No. 1 for the period 1 July 2011 to 30 September 2011 for the Capital Works Programme 2011/2012, as detailed in Appendix 9.3.1.

**COUNCIL DECISION ITEM 9.3.1**

**Moved Cr McGrath, Seconded Cr Harley**

**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to provide a quarterly progress report on the Council's Capital Works Programme 2011/12 for the period 1 July 2011 to 30 September 2011.

**BACKGROUND:**

The Council adopted the Capital Works Programme at the Ordinary Meeting of Council held on 9 August 2011 as follows:

*“That the Council APPROVES the 2011/2012 Capital Works Programme as shown in Appendix 9.3.1.”*

Quarterly reports will be presented to Council to advise of the schedule and progress of the Capital Works Programme.

**DETAILS:**

This report focuses on the work that was due to be completed up to the end of the first quarter. Comments on the report relate only to works scheduled to be carried out in the period up to 30 September 2011.

**CONSULTATION/ADVERTISING:**

Not Applicable.

**LEGAL/POLICY:**

The Capital Works Programme has been prepared on the adopted 2011/2012 Annual Budget.

**RISK MANAGEMENT IMPLICATIONS:**

**Medium** All Capital Works items have been funded in the adopted Annual Budget 2011/2012. However, some items on the plan may be subject to change due to approval processes required to be obtained and in other cases the availability of products and services.

**STRATEGIC IMPLICATIONS:**

Plan for the Future 2011-2016 Key Result Area One – Natural and Built Environment:

*“Objective 1.1: Improve and maintain the Environment and Infrastructure.”*

**SUSTAINABILITY IMPLICATIONS:**

The Capital Works Programme has been prepared taking into account all aspects of sustainability that is environmentally, financially and sound.

**FINANCIAL/BUDGET IMPLICATIONS:**

The Capital Works Programme is funded in the 2011/2012 Annual Budget.

**COMMENTS:**

The schedule of projects may be subject to change during the year. Progress for the first quarter is on schedule in accordance with the planned programme.

**9.4.1 Use of the Council's Common Seal**

<b>Ward:</b>	-	<b>Date:</b>	27 October 2011
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0042
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	M McKahey, Personal Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **NOTES** the use of the Council's Common Seal on the documents listed in the report, for the month of October 2011.

**COUNCIL DECISION ITEM 9.4.1**

**Moved Cr McGrath, Seconded Cr Harley**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (9-0)**

**BACKGROUND:**

The Chief Executive Officer is responsible for the day-to-day management of the City and other responsibilities and functions in accordance with Section 5.41 of the Local Government Act. This includes the signing of documents and use of the Council's Common Seal for legal documents. The City of Vincent Local Law relating to Standing Orders Clause 5.8 prescribes the use of the Council's Common Seal. The CEO is to record in a register and report to Council the details of the use of the Common Seal.

At the Ordinary Meeting of Council held on 14 May 2002, the Council authorised the Chief Executive Officer to use the Common Seal, in accordance with Clause 5.8 of the City of Vincent Local Law relating to Standing Orders, subject to a report being submitted to Council each month (or bi-monthly if necessary) detailing the documents which have been affixed with the Council's Common Seal.

The Common Seal of the City of Vincent has been affixed to the following documents:

<b>Date</b>	<b>Document</b>	<b>No of copies</b>	<b>Details</b>
12/10/2011	Withdrawal of Caveat	1	City of Vincent and Downings Legal, Level 11, 167 St Georges Terrace, Perth WA 6000 relating to No. 45 (Lots 125 and 199) Clieveden Street, North Perth - <i>To satisfy conditional Planning Approval issued on 23 June 2009. The Caveat relates to the conservation of the existing dwelling on the proposed northern lot</i>
12/10/2011	Withdrawal of Caveat	1	City of Vincent and Downings Legal, Level 11, 167 St Georges Terrace, Perth WA 6000 relating to Nos. 470-472 (Lots 8, & 9; D/P: 5365 William Street, Perth - <i>To satisfy conditional Planning Approval issued on 6 December 2005. The Caveat relates to providing rights of access to/from and the use of a minimum of six car parking bays on Lot 8 at no cost for employees and visitors on Lot 9</i>
14/10/2011	Withdrawal of Caveat	2	City of Vincent and Downings Legal, Level 11, 167 St Georges Terrace, Perth WA 6000 relating to No. 77 (Lot 1) Lawler Street, North Perth - <i>To allow settlement of the sale of the property to go ahead</i>



Date	Document	No of copies	Details
14/10/2011	Scheme Amendment Documents	5	City of Vincent Town Planning Scheme No. 1 - District Zoning Scheme - Amendment No. 31 - <i>The following Clauses being deleted: Clause 20(4)(c)(ii) - "After 1 May 2012 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct and; Clause 20(4)(h)(i) - "After 1 May 2012 development and subdivision for land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct"</i>
17/10/2011	Sub-Lease Agreement	9	City of Vincent and Mindarie Regional Council of Tamala Park, Marmion Avenue, Mindarie, WA 6030 and Landfill Gas and Power Pty Ltd of Rear 78 Robinson Avenue, Belmont WA 6104 and Cities of Perth, Stirling, Joondalup and Wanneroo and Towns of Cambridge and Victoria Park re: Sub-Lease and Varied Landfill Gas Agreement

### 9.4.6 Information Bulletin

<b>Ward:</b>	-	<b>Date:</b>	31 October 2011
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a> – Information Bulletin		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Radici, Executive Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **RECEIVES** the Information Bulletin dated 8 November 2011, as distributed with the Agenda.

**COUNCIL DECISION ITEM 9.4.6**

**Moved Cr McGrath, Seconded Cr Harley**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

**DETAILS:**

The items included in the Information Bulletin dated 8 November 2011 are as follows:

ITEM	DESCRIPTION
IB01	Email of Message of Appreciation from Ms B. Krammer regarding the Carers Function
IB02	Email of Appreciation from Ms M. Tipping regarding the Night Stalk Event
IB03	Minutes from the Parks People Project Working Group (PPPWG) Meeting held on 6 September 2011
IB04	Minutes from the Beaufort Street Enhancement Group Meeting held on 12 October 2011
IB05	Minutes from the Tamala Park Regional Council Ordinary Meeting held on 13 October 2011
IB06	Minutes from the Mindarie Regional Council Ordinary Meeting held on 13 October 2011
IB07	Minutes from the Mindarie Regional Council Special Meeting held on 26 October 2011
IB08	Letter to Ms J. Adams of Glendower Street, Perth – Response to Questions “Taken on Notice” at the Ordinary Meeting of Council held on 25 October 2011
IB09	Letter to Ms D. Saunders of Oxford Street, Leederville – Response to Questions “Taken on Notice” at the Ordinary Meeting of Council held on 25 October 2011
IB10	Register of Petitions - Progress Report - November 2011
IB11	Register of Notices of Motion - Progress Report - November 2011
IB12	Register of Reports to be Actioned - Progress Report - November 2011
IB13	Register of Legal Action and Prosecutions (Confidential – Council Members Only) - Monthly Report - November 2011
IB14	Register of State Administrative Tribunal Appeals - Progress Report – November 2011
IB15	Notice of Forum – 15 November 2011

**9.1.4 No. 15 (Lot 9; D/P: 167) Haynes Street, corner Eton Street, North Perth – Temporary Demountable Buildings Additions to Existing Child Care Centre, including an Increase in Child Care Numbers (from 33 to 80 children) and the provision of Verge Car Parking along Eton Street**

<b>Ward:</b>	North	<b>Date:</b>	24 October 2011
<b>Precinct:</b>	North Perth; P08	<b>File Ref:</b>	PRO4280; 5.2011.371.1
<b>Attachments:</b>	<a href="#">001</a> – Aerial, Development Plans and Applicant’s submission; <a href="#">002</a> – Applicant’s response to concerns raised during the Community Consultation		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	R Rasiah, Coordinator Statutory Planning		
<b>Responsible Officer:</b>	H Smith, Acting Director Development Services		

**OFFICER RECOMMENDATION:**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by Kidz Galore Pty Ltd on Land and Building leased from the City of Vincent for proposed Temporary Demountable Additions to Existing Child Care Centre, including an Increase in Child Care Numbers (from 33 to 80 children) and the provision of Verge Car Parking along Eton Street, at No. 15 (Lot 9; D/P: 167) Haynes Street, corner Eton Street, North Perth, and as shown on plans stamp-dated 5 August 2011, for the following reasons:

1. The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;
2. Shortfall in car parking proposed;
3. The site exists without on-site car parking;
4. The proposed use of the City’s verge for the private car parking needs of the Child Care Centre;
5. The proposed substantial increase in child care numbers from 33 to 80 will result in the non-compliance with the City’s Policy No. 3.5.3 relating to Day Nursery/Child Care Centres (which specifies a maximum of 30 on a site);
6. The approval of the proposed development would create an undesirable precedent for other similar commercial use developments wanting to use City verges for car parking purposes; and
7. Consideration of the fourteen (14) objections received.

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**COUNCIL DECISION ITEM 9.1.4**

**PROCEDURAL MOTION**

**Moved Cr Harley, Seconded Cr Wilcox**

That the item be DEFERRED at the request of the Applicant, for further information and consideration.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)**

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<b>Landowner:</b>	City of Vincent
<b>Applicant:</b>	Kidz Galore Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No. 1 (TPS 1): Residential R20
<b>Existing Land Use:</b>	Child Care Centre
<b>Use Class:</b>	Child Care Centre
<b>Use Classification:</b>	"AA"
<b>Lot Area:</b>	2026 square metres
<b>Access to Right of Way</b>	Not applicable

**PURPOSE OF REPORT:**

The proposal requires referral to the Council for determination, as more than five (5) objections have been received.

**BACKGROUND:**

The subject site is leased to North Perth Play Group and Kidz Galore Kyilla Kindergarten.

**DETAILS:**

The application is for new temporary demountable buildings to be added to the existing child care facility, to increase the child care numbers from 33 children to 80 children, and the provision of 13 car parking bays on the Eton Street verge. The applicant is looking at a 10 years period to use the demountable, so that they would be able to recoup cost of the development, including removal and restoration cost.

The applicant *Kidz Galore* currently leases the subject land and building from the City of Vincent who own the site. All the proposed works and costs are being borne by Kidz Galore, who currently employ 7 staff members, 5 of whom drive to the site. An additional 4 staff would be needed for the increase in child care numbers, resulting in a total of 11 staff members on-site at any given time. The operating times for the centre are Monday to Friday from 6.30am till 6.30pm.

There is also another Playgroup that operates from the adjoining building. It is noted that the Playgroup and Kidz Galore both do not provide any on-site car parking, and rely on the available street car parking spaces along Sydney and Eton Streets for the current staff and users' needs.

The full details of the proposal including the demand and justification for additional child care places within a 5 kilometres radius of the Kyilla Kindergarten are shown in Appendix 9.1.4.

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
City's Policy No. 3.5.3 relating to Day Nursery/Child Care Centres. Maximum number of children for child care on residential zoned land.	30 children. Currently 33 children approved for the site.	80 children.
Officer Comments		
<b>Not Supported</b> – The increase in child care numbers is not supported, as it is considered excessive for the site, which is predominantly surrounded by residential homes. There is also a short fall in required car parking; no car parking is provided on-site.		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Car parking bays on site, based on 1 car bays per 5 children	A total of 13.6 car bays are required to be provided on-site, taking into account the adjustment factors. There is also a 5.95 approved shortfall applying to the site.	Nil car parking on-site. The applicant is proposing a total of 13 car bays along the Eton Street City- owned verge to cater for the proposed expansion of the child care facility.
<b>Officer Comments</b>		
<b>Not Supported</b> – Compliant off street car parking should be provided, rather than relying on City-owned property. There is opportunity to reduce the number of child care numbers and also to comply with the car parking provisions.		

The above Officer Comments are provided pursuant to Clause 38(5) of Town Planning Scheme No. 1.

**CONSULTATION/ADVERTISING:**

Consultation	
<b>Neither Support or Object</b>	Three (3)
Comments Received	Officer Comments
Concerns that the site would accommodate 80 children.	Supported. The number of children should be reduced to a level where it complies with the provision of car parking on-site.
Object to verge car parking.	Supported. Off street car parking should be provided, rather than relying on City-owned property which would set an undesirable precedent.
Extra 50 cars coming to the site every day.	Supported. The increase in the number of children will result in increased traffic movements in the immediate area, contrary to the applicant's response to this issue.
Need to take into account the playgroup, which operates till 5pm.	Noted.
Drivers currently do not follow stop signs at Auckland/Haynes and Eton/Haynes properly.	Noted. This matter falls under the jurisdiction of WA Police.
<b>Objections:</b>	Fourteen (14)
Comments Received	Officer Comments
Results in further reduction in the amenity of the area by the commercial aspect of the proposal. This is a Residential zoned area, and not high density. Affect the peace in the area.	Supported. A more than 100 per cent increase in child care numbers is considered a substantial increase for the site, which is located in a predominantly residential area.
The building is an "ugly building", and the applicant should be required to build a proper amenity, if the plans are approved.	Not supported. The demountable, while not ideally suited for the site, is proposed for a duration of 10 years.
Objection to the massive increase in the number of children, resulting in more noise, as the existing child care centre is already noisy as it stands, which has a "bad impact to our lives".	Supported. The number of children should be reduced to a level where it complies with the provision of car parking on-site.
The lot size is too small to cater for 80 children, and is already crowded.	Noted.
Non-compliant with items 3, 4 and 5 of Policy No 3.9.6, relating to Parking Facilities-Pick-up and set down stands.	Noted. The off street parking is intended to cater for pick-up and set-down of children attending the child care facility.
Car parking non-compliant with the City's requirements. Where are staff going to park, as there are 7 existing staff members? The increase number of children will result in additional 4 staff members. The shortage in car bays would result in cars spilling on to adjoining properties.	Supported. The additional staff are likely to use the 13 verge bays being proposed. There will also be loss of some on-street car parking space, adjacent to where the verge bays are proposed.

<b>Consultation</b>	
The centre has the ability to provide on-site car parking within the site, and the council verge should not have to be used for car parking purposes. Looks like "another ugly car park situation".	Supported. With a smaller increase in child care numbers, this will provide an opportunity to provide on-site car bays including a safe environment for drop off and pick up bays of children attending the child care facility.
An increase in traffic as the current number of children attending the child care is 33 kids. With the increase to 80 kids, this would mean another 47 cars coming in the morning and evening to the site. Congestion in the area, that ultimately becomes unsafe for the children.	Supported. The increase in the number of children will result in increased traffic movements in the immediate area, contrary to the applicant's response to this issue.
The proposed "nose" to kerb car parking would not be as safe as angle parking.	Noted. The City's Technical Services have advised that angle parking is acceptable in low speed environments, and if implemented, would incorporate low profile asphalt plateaus at each end of the angle parking zone to maintain low speeds.
Do not agree with the City's car parking calculation, as 16 car bays are required for the 80 children, rather than the 13 car bays that are proposed.	Not Supported. The City's Policy No. 3.7.1 relating to Parking and Access provides for discount factors that can be used to reduce the number of car parking bays for a particular use. This is calculated in the below car parking table.
Reduction in street car parking along Eton Street. It is the only part of Eton Street that does not have 15 minutes parking restrictions. If the verge is to be used for car parking, it should be available for everyone, not just the childcare centre.	Noted. The applicant in their response to submissions received during the advertising period, have advised that they are not opposed to sharing the verge car bays, which are likely to be vacant, unless used by staff during the period between 9am and 3pm.
<b>Advertising</b>	Advertising was carried out as per the City's Policy No. 4.1.5 relating to Community Consultation for a period of 21 days.

The applicant has provided a comprehensive response to the matters raised during the Community Consultation, as shown in Appendix 9.1.4, which include the following:

- The property is underutilised and that there will be 1,322 square metres of play area, representing an excess of 578 square metres for 80 children.
- For the industry to be economically viable, major child care centres now range between 40 to 90 children.
- Most car bays are vacant during the period of 9am to 3pm, as the drop off time for children is between 7am to 9am and then from 3pm to 5pm.
- Some staff members do not have cars.
- Note that adjacent to the dental clinic along Sydney Street, there is an underutilised Council car park, which is used exclusively by the dental clinic. Suggest if this car park can be used by the North Perth Playgroup or the Kyilla Kindergarten clients, with an access gate at the rear of the Kindergarten. This would alleviate the current congestion in Haynes Street.

### Commercial Parking

<b>Car Parking</b>	
Car parking requirement (nearest whole number):	16 car bays (nearest whole number)
<ul style="list-style-type: none"> <li>• Child Care – 1 space per 5 children (80 children proposed) = 15 car bays.</li> </ul>	
Total = 16 car bays	

<b>Car Parking</b>	
Apply the parking adjustment factors: • 0.85 (within 400 metres of a bus stop)	(0.85)  13.6 car bays
Minus the car parking provided on-site	Nil car bays
Minus the approved on-site car parking shortfall, based on existing 33 children, at 1 car bay per 5 children = 7 car bays to the nearest whole number. With adjustment factor of 0.85, a total of 5.95 car bay is required. There are no car bays provided on-site for the current child care facility. Hence the current shortfall applying to the site is 5.95 car bays.	5.95 car bays
Resultant shortfall	7.65 car bays

<b>Bicycle Parking</b>	
<b>Bicycle Parking</b>	Not applicable

<b>Other Implications</b>	
<b>Legal/Policy</b>	Metropolitan Region Scheme (MRS), TPS 1 and associated Policies.
<b>Strategic</b>	The City's <i>Strategic Plan 2011-2021</i> – Objective 1 states:  <i>“Natural and Built Environment</i> 1.1 <i>Improve and maintain the natural and built environment and infrastructure</i> 1.1.2 <i>Enhance and maintain the character and heritage of the City.”</i>
<b>Sustainability</b>	Nil
<b>Financial/Budget</b>	Nil.

**COMMENTS:**

**Technical Services**

Technical Services have provided comments as following in respect of this development proposal:

- Should angle parking be implemented, it will not be exclusively for the use of the centre.
- Any development of on street parking must be paid for by the developer, and is estimated to be in the vicinity of \$45,000.

**Planning Services**

The Council owned car park on the south side of the dental clinic is not for their exclusive use. To formalise and allow the Kyilla Child Care Centre and the North Perth Play Group to use this car park for their individual commercial needs is considered an undesirable precedent. This formalisation will also result in future constraints on the use of the land by the Council. Accordingly, this is not supported.

The proposed use of the City-owned verge for private purposes is also considered an undesirable precedent, which may result in other similar requests from other commercial entities, wishing to be accorded the same status.

For the abovementioned reasons, the proposal is considered unacceptable and it is recommended that the Council refuse the application.

**9.1.2 No. 355 (Lot 270; D/P: 1237) Fitzgerald Street, North Perth - Proposed Two Storey Additions and Alterations to Existing Dwelling (Retrospective Application)**

<b>Ward:</b>	South	<b>Date:</b>	25 October 2011
<b>Precinct:</b>	Smith's Lake; P6	<b>File Ref:</b>	PRO1605; 5.2011.358.1
<b>Attachments:</b>	<a href="#">001</a> - Property Information Report and Development Application Plans <a href="#">002</a> - Sketch submitted by the Applicant		
<b>Tabled Items</b>	Applicant's Submission		
<b>Reporting Officer:</b>	A Dyson, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme APPROVES the application submitted by L Crugnale on behalf of the owners L & M Crugnale for Proposed Two Storey Additions and Alterations to Existing Dwelling (Retrospective Application), at No. 355 (Lot 270) Fitzgerald Street, North Perth, and as shown on plans stamp-dated 22 July 2011, subject to the following conditions:

1. All new external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Fitzgerald Street;
2. Any new street/front wall, fence and gate within the Fitzgerald Street setback areas, including along the side boundaries within these streets setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences;
3. No street verge tree(s) shall be removed unless written approval has been received from the City's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);
4. Subject to first obtaining the consent of the owners of No. 359 (Lot 2) Fitzgerald Street, North Perth for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 359 (Lot 2) Fitzgerald Street, North Perth, in a good and clean condition;
5. The dwelling shall only be used for the purposes of a single residential dwelling as defined in the Residential Design Codes 2010;
6. Building Approval Certificate

Within twenty-eight days (28) days of the issue date of the approval, a Building Approval Certificate Application along with structural details certified by a Practising Structural Engineer, including plans and specifications of the subject unauthorised works (two storey additions and alterations to existing dwelling), shall be submitted to and approved by the City of Vincent Building Services as required under Section 374AA of the Local Government (Miscellaneous Provisions) Act 1960, and Regulation 11A of the Building Regulations 1989; and



**7. PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the City:**

**7.1 Construction Management Plan**

A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the City, in accordance with the requirements of the City's Policy No. 3.5.23 relating to Construction Management Plans, and Construction Management Plan Guidelines and Construction Management Plan Application for Approval Proforma; and

**7.2 Privacy Screening**

The upper southern balcony and bedroom and retreat windows on the first floor and the upper northern bedroom window being screened with a permanent obscure material and be non- openable to a minimum of 1.6 metres above the first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the City receives written consent from the owners of Nos. 1-8/178 Grosvenor Road, stating no objection to the respective proposed privacy encroachments.

The revised plans shall not result in any greater variation to the requirements of the City's Policies.

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**COUNCIL DECISION ITEM 9.1.2**

**Moved Cr Maier, Seconded Cr McGrath**

That the recommendation be adopted.

Debate ensued.

**PROCEDURAL MOTION**

**Moved Cr Maier, Seconded Cr McGrath**

That the item be DEFERRED for further information and clarification.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)**

A sketch plan provided by the Applicant was distributed to the Council prior to the meeting and is shown at Appendix 9.1.2B.

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<b>Landowner:</b>	L & M Crugnale
<b>Applicant:</b>	L Crugnale
<b>Zoning:</b>	Metropolitan Region Scheme: (MRS): Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
<b>Existing Land Use:</b>	Residential
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	713 square metres
<b>Access to Right of Way</b>	Western side, 4.0 metres wide, sealed, City owned

**PURPOSE OF REPORT:**

The report is referred to the Ordinary Meeting of Council as Officers do not have delegation to approve an application where more than five (5) objections have been received.

**BACKGROUND:**

In February of 2001, the City at its Ordinary Meeting of Council approved an application for two storey additions and alterations to the existing single dwelling. In March of 2001 the City wrote to the applicant requesting further information to be provided for the Building Licence to be completed, but this was not provided. In 2005, the City was made aware that the applicant/builder had commenced works on the site without a Building Licence being approved. Subsequently the City issued a Notice for the unauthorised works. The unauthorised works included a concrete ground floor structure and upper floor slab.

The owner/applicant subsequently requested an application for review to the State Administrative Tribunal (SAT) for the Notice in February of 2005. This appeal against the Notice was later dismissed by SAT. Later in 2005, the owner/applicant submitted a Retrospective Application for works outside the original planning approval.

On 2 April 2007, the City issued Planning Approval for Additions and Alterations to the Existing Dwelling (part Retrospective Approval) under delegated authority. In May 2007, the City wrote to the owner/applicant requesting information be provided in relation to the Notices issued in February 2005. In the letter the City outlined that Council would not proceed with legal proceedings if a new Building Licence was submitted and issued. Given that no Building Licence had been issued by this time, a report was presented to the Ordinary Meeting of Council on 26 June 2007 for the Chief Executive Officer to commence legal proceedings for the unapproved works on site to be demolished. A motion was put up at the meeting for the item to be deferred for the applicant to provide the requested plans.

No Building Licence was applied for until September 2007, when the City issued a Building Licence for the works on site.

**DETAILS:**

The proposal involves the Retrospective Approval of Two (2) Storey Additions and Alterations to the existing single residential dwelling. The extensions to the dwelling were previously approved by the City as noted in the background; however it has come to the City's attention that the approved works have been altered from the original approvals.

Site inspections of the property, carried out by the City's Officers, have noted the dwelling has been partly constructed at the rear of the lower floor, whilst the upper floor has had the walls and internal partitioning completed. The site itself resembles a construction site with materials stored at the rear of the property.

The applicant has provided the following information in relation to the scope of works not covered in the previous approval and justification has been tabled.

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Building Setbacks	<u>Lower</u>	1.0 metre
	<i>Northern</i>	
	Bedroom – 1.5 metres	
	<u>Upper</u>	
	Northern – 2.0 metres	Nil (Minimum) – 2.7 metres
<b><i>Officer Comments:</i></b>		
Supported. The proposed lower portion of wall provides for a minimal variation of 0.5 metres. It is considered the variation for the portion of wall from the bathroom to the front of the existing dwelling still allows for light and ventilation to be retained by the adjoining property to the north. On this basis the variation is supported.		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<p>Supported. The existing northern parapet wall was previously approved, most recently on 2 April 2007, for the identical height and length as noted in the current retrospective plans. Based on this, whilst the applicant proposes a variation to the setback requirements of the Residential Design Codes, it is noted that given the City has issued a previous approval for the parapet wall it is supported.</p> <p>It is noted from an on-site inspection of the property, a two (2) storey portion of wall has already been built consistent with the submitted retrospective plans. This portion of wall abuts the rear yard area of the adjoining property to the north, and abuts a large tree. It is considered that whilst the structure is bulky in nature, given the orientation of the blocks, no shadow impact will be derived from the structure. Furthermore, the parapet wall represents 15% of the entire length of the boundary (35.1 metres long) it shares with the adjoining northern property. On this basis, together with the above, the variation is supported.</p>		

The above Officer Comments are provided pursuant to Clause 38(5) of Town Planning Scheme No. 1

Consultation	
<b>In Support</b>	Nil.
<b>Objections</b>	Eight (8)
Comments Received	Officer Comments
<ul style="list-style-type: none"> <li>Concern over the top - floor windows of the development compromising privacy of the adjoining properties to the south.</li> </ul>	Noted. A condition has been included in the recommendation to require the upper floor windows along the southern elevation to be screened in accordance with the Residential Design Codes 2010.
<ul style="list-style-type: none"> <li>Concern over the build up of sand and building materials on site and its affect on retaining wall on boundary to southern property.</li> </ul>	Noted. The concerns in relation to the build-up of sand on site are noted; however, the levels as proposed on the plans are to be maintained on site. If the applicant is found to have built up the levels of the land without approval, the City will monitor to ensure the levels on site are as per the approved site plans.
<ul style="list-style-type: none"> <li>Concern relating to the ongoing construction of the property over a period of eleven (11) years.</li> </ul>	Noted.
<ul style="list-style-type: none"> <li>Object to the reduced setback of the northern parapet wall and its impact on the northern property whereby it limits light and ventilation being experienced.</li> </ul>	Noted. See "Comments" above in relation to the parapet wall above.
<ul style="list-style-type: none"> <li>Object to the imposing and overbearing structure proposed.</li> </ul>	Noted. The dwelling is however compliant with the two (2) storey wall and ridge height requirements of the City's Policy No. 3.2.1 relating to Residential Design Elements, with a maximum wall height of 5.7 metres and maximum ridge height of 7.8 metres.
<ul style="list-style-type: none"> <li>Concerned with the proposed overshadowing that will result with the proposed development and its impact upon the adjoining properties to the south.</li> </ul>	Noted. The proposed overshadowing provided by the development is compliant with the requirements of the Residential Design Codes.
<ul style="list-style-type: none"> <li>Concern relating to the potential inadequate provision of retaining walls with regard to the southern boundary of the property and its impact on the adjoining properties.</li> </ul>	Noted. As the plans submitted there is no additional requirement for a retaining wall along the southern boundary. In respect of concerns relating to the existing boundary fences or the rights and responsibilities of the adjoining neighbours, the Dividing Fences Act 1961 should be consulted for reference.

<b>Consultation</b>	
<ul style="list-style-type: none"><li>Object that the proposed development is not tasteful in design and not in keeping with the style and period of construction with the development e.g. Materials used, brick colour and style.</li></ul>	Noted. The design is a two storey pitched roof format in keeping with the requirements of the City's Policy 3.2.1 relating to Residential Design Elements.
<b>Advertising</b>	The advertising was carried out as per the City 'Policy No. 4.1.5 - relating to Community Consultation for a period of fourteen (14) days.

**COMMENTS:**

It is considered that whilst retrospective applications for the two (2) storey additions and alterations to dwelling, has been in continuation for a period of ten (10) years, on-site inspections of the property have noted that the retrospective works are minor in nature and do not represent a significant impact to approvals for the two storey dwelling. Site inspections of the property have noted that the two (2) storey addition to the existing dwelling has commenced construction with the walls and internal partitioning of the proposed rooms already completed.

The proposed variations in relation to the northern elevation are considered to meet the performance criteria of the Residential Design Codes for the proposed setbacks, and have previously been supported by the City.

In light of the above, the retrospective application for two storey additions and alterations to the dwelling is supported, subject to the conditions outlined in the Officer Recommendation.

**9.1.5 No. 2/356 (Lot 64; D/P: 1823) Charles Street, North Perth – Proposed Change of Use from Light Industry (Commercial Kitchen) to Non-Medical Consulting Rooms (Traditional Chinese Massage)**

<b>Ward:</b>	North	<b>Date:</b>	24 October 2011
<b>Precinct:</b>	Charles Centre, P7	<b>File Ref:</b>	PRO0842; 5.2011.437.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Plans <a href="#">002</a> – Article from The West Australian 19 June 2010		
<b>Tabled Items</b>	Applicant's Submission		
<b>Reporting Officer:</b>	A Dyson, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	H Smith, Acting Director Development Services		

**OFFICER RECOMMENDATION:**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by L Huang on behalf of the owner Aztec Pty Ltd for proposed Change of Use from Light Industry (Commercial Kitchen) to Non-Medical Consulting Rooms (Traditional Chinese Massage), at No. 2/356 (Lot 64; D/P: 1823) Charles Street, North Perth, and as shown on plans stamp-dated 6 September 2011, for the following reasons:

1. The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;
2. The shortfall in car parking;
3. Consideration of the seventy-one (71) objections received; and
4. The non-compliance with the City's Policies Nos. 3.1.6 and 3.7.1 relating to the Parking and Access Policy and the Charles Centre Precinct, respectively.

**COUNCIL DECISION ITEM 9.1.5**

**Moved Cr Topelberg, Seconded Cr Maier**

That the recommendation be adopted.

Debate ensued.

Cr Carey departed the Chamber at 6.35pm.

Debate ensued.

Cr Carey returned to the Chamber at 6.36pm.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY (9-0)**

**ADDITIONAL INFORMATION:**

The City is aware of an article in *The West Australian* (copy attached) regarding the Lily's Massage establishment in Como concerning allegations of the establishment offering sexual services; however, these were not substantiated at the time.

The City's Development Compliance Officer has made contact with a representative from the City of South Perth, who has advised that the Council's Officers and the Police did investigate the premises, located at No. 7/61 Ley Street, Como and had noted that a detective had previously gone on-site and was allegedly offered 'extra services'. When questioned, the operators were unaware of staff members offering these services and the person in question no longer works at the establishment. The business is still operating as a "shop" use under the City of South Perth Town Planning Scheme.

The representative did note that complaints are received from time to time regarding the operations of the establishment.

The City of Stirling's Coordinator Compliance Services has advised that to-date, no complaints have been received in relation to the use of the Lily's Oriental Massage premises at No. 57B Walter Road West, Dianella.

Verification of Qualifications

The applicant has provided two (2) qualifications for the operation of massage therapy.

The first qualification provided is a Level 2 Massage Certificate for the completion of a Trigger Point Massage course from the Body Riches Massage Centre. The Body Riches Massage Centre, located in South Fremantle, offer single and multi-day courses for persons to learn about and complete courses in the practice of Massage. The Body Riches Centre has a website at [www.bodyriches.com.au](http://www.bodyriches.com.au), which outlines the services available at the centre, the cost of courses and treatments.

The second qualification provided by the applicant is an Occupational Qualifications Certificate for a Diploma in Massage Therapy (3<sup>rd</sup> Grade/Senior Skills), from the Ministry of Human Resources and Social Security from the People's Republic of China. A check of these qualifications has noted that the certificate is a standard certificate provided to applicants at the completion of a course. The certificate has been ratified by the National Accreditation Authority for Translators and Interpreters (Australia) [www.naati.com.au](http://www.naati.com.au), which provide standards for the interpretation of documents internationally in the field of occupational standards.

<b>Landowner:</b>	Aztec Pty Ltd
<b>Applicant:</b>	L Huang
<b>Zoning:</b>	Metropolitan Region Scheme: (MRS) Town Planning Scheme No. 1 (TPS 1): Local Centre
<b>Existing Land Use:</b>	Light Industry - Commercial Kitchen
<b>Use Class:</b>	Consulting Rooms
<b>Use Classification:</b>	"AA"
<b>Lot Area:</b>	591 square metres
<b>Access to Right of Way</b>	Eastern Side, 3.0 metres wide, sealed, City owned

**PURPOSE OF REPORT:**

The matter is referred to a meeting of Council as more than five (5) objections have been received.

**BACKGROUND:**

22 March 2011 The Council approved an application for a proposed Change of Use from Warehouse to Unlisted Use (Small Bar and Café/External Catering Service) at No. 1/356 Charles Street at its Ordinary Meeting.

**DETAILS:**

The proposal involves a change of use from Light Industry (Commercial Kitchen) to Non-Medical Consulting Rooms (Traditional Chinese Massage). The application proposes the provision of traditional Chinese massage, 7 days per week from 9am until 9pm. The applicant has advised the practice will employ up to three (3) trained and qualified staff with a maximum of 10-12 clients per day. The applicant has stated the practice is strictly non-sexual.

There is currently no parking on site for this property; a bitumised area exists at the rear of the Property, however it is not suitable for the parking of vehicles. The Pansy Street car park is available to the east of the subject property and provides 25 bays.

The subject property includes three separate tenancies, with a tenancy currently approved as a small bar/café establishment to the north and a warehouse at the rear of the property.

**COMPLIANCE:**

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<b>Consulting Rooms Policy</b>	Hours of operation to be limited to 8am to 6pm weekdays, and 8am to 1pm Saturdays, inclusive.	9am to 9pm, 7 days per week.
<b>Officer Comments:</b>		
Not Supported. It is noted the proposed use of the subject tenancy as Non-Medical Consulting Rooms for the hours noted is not in accordance with the City's Policy No. 3.5.22 relating to Consulting Rooms. It is considered if the proposal was to be supported; the hours of operation would be required to be in line with the Policy, that is, 8-6pm weekdays and 9-1pm on Saturdays.		
<b>Charles Centre Precinct Policy</b>	Local Centre Area to be consolidated as a small node of shops and similar uses providing day to day retail needs of local residents.  Uses which do not require display windows/interactive fronts, such as Consulting Rooms, are not appropriate fronting the street. They may be appropriate at the rear of the property.	Consulting Rooms proposed at the front of the subject property with limited street interaction.
<b>Officer Comments:</b>		
Not supported. It is considered the presence of consulting rooms along the Charles Street frontage is not a desirable outcome as per the Local Centre requirements of Charles Centre Precinct.		

The above Officer Comments are provided pursuant to Clause 38(5) of Town Planning Scheme No. 1.

Car Parking	
Car parking requirement (nearest whole number):	
<ul style="list-style-type: none"> <li>Proposed Use – Consulting Rooms (3 car bays per consulting room – 6 Proposed ) = 18 car bays</li> <li>Existing Tenancy – Small Bar/Café (1 space per 4.5 persons (95 persons) = 21.11 car bays</li> <li>Warehouse – (3 spaces for the first 200 square metres of Gross Floor Area (159.45m2) = 3.00 car bays</li> </ul>	
Total – 42.11 car bays	=42 car bays (nearest whole number)
Apply the adjustment factors:	
<ul style="list-style-type: none"> <li>0.85 (Within 400 metres of a bus stop)</li> <li>0.95 (The proposed development is within 400 metres of one or more existing public car parking place(s) with in excess of a total of 25 car parking spaces)</li> </ul>	(0.8075)
	=33.915 car bays

Car Parking	
Minus the car parking provided on-site	Nil car bays
Minus the approved on-site car parking shortfall: <ul style="list-style-type: none"> <li>• 13.542 car bays (1997 and 1998)</li> <li>• 8.349 car bays (2011)</li> </ul>	21.891 car bays
<b>Resultant shortfall</b>	12.024 car bays

There is an existing approved car parking shortfall for the property relating to approvals by the Council at the Ordinary Meetings held on 22 September 1997, 19 January and 26 October 1998. The last car parking shortfall approved was for 13.542 car bays at the Ordinary Meeting of Council held on 26 October 1998, with the addition of a second storey to the warehouse at the rear of the property. In March 2011, an approval was issued for a Small Bar/Café by the Council with an increased car parking shortfall of 8.349 bays; thereby, creating a total car bay shortfall of 21.819 car bays. The proposed use for Consulting Rooms will result in a shortfall of 12.024 car bays.

Consultation Submissions		
Item	Comments Received	Officer Comments
Support: (Nil)	<ul style="list-style-type: none"> <li>• Nil</li> </ul>	Noted.
Objections: Seventy One (71)	<ul style="list-style-type: none"> <li>• Concern regarding insufficient car parking provided, given the pre existing parking issues which are prevalent in the area already which have worsened in the past twelve months. It is also of concern that the Pansy Street car park is busy particularly between the hours of 8 am-6pm weekdays.</li> <li>• Concern that the business is of a sexual nature and given the presence of an Adult Bookstore within close proximity to the subject tenancy if it were to be used in this fashion it would have a negative impact on other tenancies within this locality.</li> <li>• Concern that the premises, located in a Local Centre does not comply with the City's policy relating to the North Perth Precinct.</li> <li>• Note that there is already a Chinese Massage establishment in the vicinity.</li> </ul>	<p>Supported. It is considered the shortfall in parking will lead to further pressure on the surrounding streets and a considerable burden on the adjoining residential properties.</p> <p>Noted. The applicant has however stated that the use of the premises is for Non Medical Consulting Rooms (Traditional Chinese Massage) and is non sexual.</p> <p>Noted. See 'Charles Centre' Comments in Compliance table.</p> <p>Noted.</p>
<b>Advertising</b>	Advertising for a period of 21 days was carried out as per the City's Policy No. 4.1.5 – relating to Community Consultation.	

Bicycle Parking	
Consulting Rooms: <ul style="list-style-type: none"> <li>• 1 space per 8 practitioners (class 2) – 1 space required</li> <li>• 1 space per 4 practitioners (class 3) – 1 space required</li> </ul>	<p>Nil spaces</p> <p>Nil spaces</p>

Other Implications	
<b>Legal/Policy</b>	TPS No. 1 and associated Policies and Local Government (Miscellaneous Provisions) Act 1960
<b>Strategic</b>	Nil
<b>Sustainability</b>	Nil
<b>Financial/Budget</b>	Nil



**COMMENTS:**

**Charles Centre Precinct**

The premises are located along Charles Street, in the Charles Centre Precinct, and abut several types of businesses including Offices, Retail and associated stores. The site itself is zoned Local Centre which allows for a wide variety of uses. The proposal is for the use of the premises as Non-Medical Consulting Rooms.

**Consulting Rooms**

The proposal is categorised as Non-Medical Consulting Rooms, which by definition are *any building or part thereof used in the practice of a qualified beauty technician, touch therapist, natural massage therapist or the like but does not include massage activity of a sexual nature, prostitution, brothel business, an agency business associated with prostitution, escort agency business or the like.* The proposed use is stated as Traditional Chinese Massage premises; the applicant has provided qualifications for Trigger Point Massage and Massage Therapy.

**Parking**

The proposed parking provisions for Non-Medical Consulting Rooms, according to the City's Policy No. 3.7.1 relating to Parking and Access is three (3) spaces per one (1) consulting room. Based on this requirement, six (6) consulting rooms require eighteen (18) car parking bays; after adjustment factors, the proposal results in a 12.109 car parking bay shortfall.

Given the proposed hours of business, from 9 am to 9pm, seven (7) days per week and the already high dependence on the Pansy Street public car park at the rear of the property, the demand for car parking associated with the use will likely result in a significant impact on available parking in the vicinity.

The City's Policy No. 3.7.1 relating to Parking and Access, suggests that the Council may determine to accept a cash-in-lieu payment where the shortfall is greater than 0.5 car bay, to provide and/or upgrade parking in other car parking areas. The policy stipulates that:

*"Cash-in-lieu provisions are only to be permitted in localities where the City already provides off-street public car parking which has spare capacity, or the City is proposing to provide or is able to provide a public car park (including enhanced or additional on-street car parking where appropriate) in the near future, within 400 metres of the subject development"*.

Notwithstanding the above, the premises are located adjacent to the Pansy Street car park located at the rear of the property, with access via a laneway and Pansy Street. The Pansy Street car park includes twenty-eight (28) free car parking bays.

Clause 22 (ii) of the City's Policy No. 3.7.1 relating to Parking and Access, states that in determining whether this development should be refused on car parking grounds, the following percentage should be used as a guide:

*"If the total requirement (after adjustment factors have been taken into account) is 11- 40 bays, a minimum of 15 per cent of the required bays is to be provided."*

In the event the shortfall in car parking were to be supported, a cash-in-lieu payment would be required. The cash-in-lieu payment required would be \$3100 per bay based on the 2011/2012 fees; \$37,274.40 in this instance.

In light of the above, the proposed substantial parking shortfall of 12.024 car bays, the strong objections received by the City in relation to the proposal with seventy one (71) objections received by both residential and commercial property owners in the vicinity in addition to the fact the only car parking bays available for the premises at the rear of the property already are substantially utilised by the surrounding businesses, there is concern the proposal would be of significant impact on the local area.

Accordingly, it is recommended that the application be refused as per the Officer Recommendation.

**9.4.5 City Policy No. 2.2.7 – “Street Parties” – Consideration of Possible Financial Assistance to Residents Wishing to Conduct a Street Party**

<b>Ward:</b>	Both	<b>Date:</b>	31 October 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	ENS0053, TES0212 & ENS0080
<b>Attachments:</b>	<a href="#">001</a> – Policy No. 2.2.7 – Street Parties; <a href="#">002</a> – Delegation No. 9.18 – Street Parties		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	R Lotznicker, Director Technical Services; C Wilson, Manager Asset and Design		
<b>Responsible Officer:</b>	R Lotznicker; Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** the report regarding possible assistance to residents wishing to hold a street party; and
2. in the event that it wishes to support street parties, that it:
  - 2.1 **APPROVES BY AN ABSOLUTE MAJORITY** to amend the Draft Policy No. 2.2.7 – “Street Parties” as shown in Appendix 9.4.5A;
  - 2.2 **ADVERTISES** the amended Draft Policy No. 2.2.7 – “Street Parties” for a period of twenty-one days, seeking public comment;
  - 2.3 after the expiry of the period of submissions:
    - 2.3.1 **REVIEWS** the amended Draft Policy No. 2.2.7 – “Street Parties” having regard to any written submissions; and
    - 2.3.2 **DETERMINES** to proceed with, or not to proceed with, Draft Policy No. 2.2.7 – “Street Parties”, with or without amendment;
  - 2.4 **AUTHORISES** the Chief Executive Officer to include the above amended Draft Policy No. 2.2.7 – “Street Parties” in the City’s Policy Manual if no submissions are received from the public;
  - 2.5 **APPROVES BY AN ABSOLUTE MAJORITY** pursuant to Section 5.42 of the *Local Government Act 1995*, the delegation of the exercise of its powers and duties to the Chief Executive Officer, as detailed in Appendix 9.4.5B; and
  - 2.5 **LISTS** for consideration appropriate funding, to a maximum value of \$2,500 in the 2012/2013 draft budget to allow the City to contribute up to 50% of the cost of holding a street party to a maximum value of \$500 per event; and

**COUNCIL DECISION ITEM 9.4.5**

**Moved Cr Carey, Seconded Cr Topelberg**

**That the recommendation be adopted.**

**Debate ensued.**

## AMENDMENT

**Moved Cr McGrath, Seconded Cr Harley**

**That a new clause 2.6 be inserted as follows:**

**“2.6 REQUESTS the Chief Executive Officer to:**

**2.6.1 incorporate the facilitation of “in-kind” support to organisers of Street Parties into the role and appropriate Officer in Community Development; and**

**26.2 consider following consultation to produce a brochure explaining how to go about holding a Street Party.”**

**Debate ensued.**

### **AMENDMENT PUT AND CARRIED (8-1)**

**For:** Mayor Hon. MacTiernan, Cr Buckels, Cr Carey, Cr Harley, Cr McGrath, Cr Maier, Cr Topelberg, Cr Wilcox

**Against:** Cr Pintabona

**Debate ensued.**

## PROCEDURAL MOTION

**Moved Cr Carey, Seconded Cr Maier**

**That the item be DEFERRED for further consideration.**

### **PROCEDURAL MOTION PUT AND CARRIED (8-1)**

**For:** Mayor Hon. MacTiernan, Cr Buckels, Cr Carey, Cr Harley, Cr McGrath, Cr Maier, Cr Pintabona, Cr Wilcox

**Against:** Cr Topelberg

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## PURPOSE OF REPORT:

The purpose of the report is to seek the Council's consideration to amending the City's Policy No. 2.2.7 – “Street Parties” to provide a mechanism for the City to contribute towards the cost of residents conducting a street party.

## BACKGROUND:

At the ordinary Meeting held on 22 November 1999 following requests to close roads in the City to facilitate street parties, the Council considered a report on the adoption of a policy to provide uniform and safe guidelines for street parties within the City.

Following consideration of the report the following decision was made:

*“That the Council;*

- (i) adopts the attached Policy No. 2.2.27 “Street Parties” and advertises the policy for public comment for a period of twenty one (21) days and seeks comment from the Community Identity Advisory Group”; and*
- (ii) authorises the Chief Executive Officer to include the policy in the policy manual in the event no submissions are received.”*

**DETAILS:**

**Community Request:**

In early October 2011, Elected members received an email from a local resident regarding holding a private event limited to the residents and without external publicity on a street in Mount Lawley.

An extract from the email is as follows:

*"The City of Vincent has a street party policy, which requires expenditure on road closures, traffic management, public liability insurance, bond which all adds up to \$1,000+. While of course this is necessary for large scale events it makes a small scale non profit neighbourhood event cost prohibitive.*

*The City of Vincent offers no funding to cover the cost of such expenses and as a group of individuals rather than an incorporated group we are not eligible for funding from many other organisations such as the Department of Communities and LotteryWest.*

*There are other options such as holding the gathering in a park or at somebody's home, however I imagine that the turn up would be the usual suspects where we would really like to get everyone involved and make it inclusive. Having it on the street is the best way to achieve this. We could also charge a fee to cover costs but this could be prohibitive or a cause of embarrassment for those people we'd really like to involve; the elderly, the vulnerable and the disadvantaged.*

*I would like to ask the Council:*

- *is there a requirement in law for the City of Vincent to advertise proposed closures or carry out consultations?*
- *are specific signs or other traffic management equipment required by law?*
- *if insurance of \$10,000,000 is required. What does the bond cover?*
- *if the Council is going to require this level of compliance for small street parties, might it be worth considering a small amounting of funding to cover the costs or even waiving the fees?*

*I would also like to appeal to the Council not to require a blanket Public Liability Insurance, as the risks of liability to the Council from a small street party is very low. The \$10,000,000 demanded would cover 2 deaths and the resurfacing of the road, which is very unlikely and cannot really be justified. For larger public events where the risk of liability is higher this is entirely sensible.*

*Instead, the council could indemnify itself using conditions and disclaimer clauses, for example on a street party application form, making clear the requirements and responsibilities of the residents.*

*Local authorities should act proportionately, wisely, and in the public interest.*

*I would urge the City of Vincent to consider whether they support residents' street parties or not and to treat them differently to large scale events. Charges and restrictive requirements mean there will be very few street parties; no charges mean that these important community building events are at least possible.*

*Street parties are powerful social events, mixing all ages and backgrounds."*

**Approvals/requirements:**

Other than those managed by the City, very few street party requests are received. It is a general requirement that street parties, which require a street closure or a footpath closure, shall meet the same conditions as any other road closure. Applications for road closures require WA Police approval as well as the City's approval, before they can go ahead. The requirements for a road closure include:

- One specific person, who will manage the event, must be contactable at all times by telephone;

- The City and WA Police must approve the street closure/part closure;
- A letter drop to all properties that could be affected, outlining proposal and seeking comment;
- A risk management plan to be compiled;
- Authorised traffic management company must draw up a traffic management plan and a traffic control diagram and submit this to the City;
- Authorised traffic management personnel must be in attendance throughout the closure;
- If food or liquor is proposed to be sold, approval must be obtained from Health Services and/or Department of Racing, Gaming and Liquor;
- If amplified music is proposed, approval must be obtained from the City;
- In the event that temporary structures are proposed (i.e. large marquee; stages), temporary Public Building requirements may be applied;
- If alcohol is to be drunk, approval must be obtained from WA Police and the local government.

**Public Liability:**

Following receipt of the email, the Local Government Insurance Services (LGIS) was contacted and they advised that the City's Public Liability covers potential liabilities to third parties for personal injury or property damage, should the City be found to be negligent. However Community Groups or Event Organisers would require their own insurances for the Street Party Event, as they cannot be covered under the City's insurance policies.

Community Groups or Event Organisers are not under the direction of the City and therefore the City has no insurable interest.

LGIS also advised that all community groups hiring a facility or using Council land must have their own Public Liability cover with a minimum \$10M limit of liability. A copy of the community group's Certificate of Currency for their Public Liability cover should be provided to the City for such an event and the certificate should ensure the limit of liability is no less than \$10M, the period of insurance is current and the Insurer is APRA approved.

LGIS further advised that if a group does not currently have insurance cover that they can contact the Local Community Insurance Services for further information.

**Local Community Insurance Services (LCIS):**

The Director Technical Services contacted LCIS and they advised that for a community event (street party) with from 1 to 200 participants, the "one-off" cost of Public Liability cover with a minimum \$10M limit of liability is approximately \$200.

**Traffic Management:**

As per the City's tender rates, the basic cost to develop a plan\*, set up and man signage would be in the order of \$800. This cost would allow for personnel and a vehicle from 7.00 pm to 12.00 am and for travel time.

*\*The is based upon a simple closure either end of a street and not involving side streets or detours, which, if required, will significantly increase the costs.*

The resident indicated that if the Council requires such a high level of compliance for small street parties, might it be worth considering a small amount of funding to cover the costs or even waiving the fees?

Officer Comments:

*The level of compliance is required as we live in a litigious age and we are dealing with a public road. There is no current funding allocated for these types of private events however as mentioned above the cost, excluding the bond (which is only charged if there is a large event planned) would be in the order of \$1,000.*

*The Council may wish to include some funding in the 2012/2013 draft budget to assist with such events as requested by the resident as in their words 'Street parties are powerful social events, mixing all ages and backgrounds'. The funding could be provided on a 50/50 basis.*

**CONSULTATION/ADVERTISING:**

In accordance with the City's Policy No. 2.2.7 – "Street Parties", where the event involves a street or locality event which does not involve large public participation, i.e. less than 500 people, the applicant must obtain and record the consent of not less than two thirds of the occupiers of land immediately adjacent to the road it is proposed to close.

**LEGAL/POLICY:**

The road reserve comprises Crown Land under the Care Control and Management of the Local Government.

**STRATEGIC IMPLICATIONS:**

The City's *Strategic Plan 2011-2016* states:

*"Enhance and Promote Community Development and Wellbeing*

*Objective: 3.1.1: Celebrate, acknowledge and promote the City's cultural and social diversity".*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** As long as due process is followed the Risk to the participants should be low.

**FINANCIAL/BUDGET IMPLICATIONS:**

No funds have been allocated in the 2011/2012 budget for Street Parties. The estimated cost for insurance and traffic management per event is \$1,000. The residents have requested that the Council contribute to such events.

**COMMENTS:**

The residents have requested that the Council contribute to such events or at least waive any fees. The estimated basic cost for insurance and traffic management per event is \$1,000.

If Council were to amend the policy and budget funds to assist, based upon a maximum of \$500 per event, it would not only demonstrate Councils support but also ensures residents 'buy-in' or commitment. The concern is that if residents are not required to contribute, then the street party may not be inclusive of all the people in their street.

It is recommended that the Council give consideration to amending its Policy, as detailed in this report.

**9.1.6 Amendment No. 88 to Planning and Building Policy Manual – Policy No. 3.1.5 relating to Cleaver Precinct – Scheme Map 5**

<b>Ward:</b>	South	<b>Date:</b>	25 October 2011
<b>Precinct:</b>	Cleaver; P5	<b>File Ref:</b>	PLA0237
<b>Attachments:</b>	<a href="#">001</a> – Draft Amended Policy No. 3.5.1 relating to Cleaver Precinct – Scheme Map 5		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	R Marie, Planning Officer (Strategic)		
<b>Responsible Officer:</b>	H Smith, Acting Director Development Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **AUTHORISES** the Chief Executive Officer to advertise the Draft Amended Policy No. 3.1.5 relating to Cleaver Precinct- Scheme Map 5 as shown in Appendix 9.1.6, for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1, including:
  - 1.1 advertising a summary of the subject Draft Amended Policy once a week for four consecutive weeks in a newspaper circulating in the locality;
  - 1.2 where practicable, notifying those persons who, in the opinion of the City, might be directly affected by the subject Draft Amended Policy; and
  - 1.3 forwarding a copy of the subject Draft Amended Policy to the Western Australian Planning Commission; and
2. After the expiry of the period for submissions:
  - 2.1 **REVIEWS** the Draft Amended Policy No. 3.1.5 relating to Cleaver Precinct- Scheme Map 5, having regard to any written submissions; and
  - 2.2 **DETERMINES** the Draft Amended Policy No. 3.1.5 relating to Cleaver Precinct- Scheme Map 5, with or without amendment, to proceed or not to proceed with them.

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**Moved Cr McGrath, Seconded Cr Topelberg**

That the recommendation, together with the following changes, be adopted:

“That the Recommendation be amended to read as follows:

That the Council;

1. **RECEIVES** the Draft Amended Policy No. 3.1.5 relating to Cleaver Precinct – Scheme Map 5, subject to the Policy being amended as follows:
  - 1.1 **new statement added to clause 1) Residential Area;**  
**Low intensity commercial uses are encouraged on the ground floors of buildings fronting or adjacent to Newcastle Street including shops serving the day-to-day and convenience needs of local residents;**

**1.2 new statement added to clause 2) Commercial Area ii) South of Newcastle Street, relating to Uses;**

**The existing building stock in this zone includes older warehouses that contribute to the identity and industrial character of the area and which the retention and adaptive re-use of is encouraged in new developments;**

**1.3 clause 2) Commercial Area ii) South of Newcastle Street, relating to Development Standards being amended as follows;**

**a) Height:**

A maximum of seven five storeys, to a maximum of height of 23 18 metres (including loft) can be considered, in the area zoned Commercial located south of Newcastle Street, provided that the amenity of any adjacent residential area is protected in terms of privacy, overshadowing, scale and bulk.

**1.4 a new clause 2) Commercial Area ii) g) South of Newcastle Street, relating to Development Standards be added;**

**(g) Variations to Requirements**

**The Council may consider variations to the building height requirements in the Commercial area south of Newcastle Street. In order for the Council to consider variations to the height requirements, the applicant must demonstrate that the development is of an exceptional nature and must address all the criteria listed in clause (i) below, and must satisfy at least one (1) of the criteria listed in clause (ii).**

**(i) The following criteria are compulsory:**

**(a) The subject development site is in excess of 1000 square metres; and**

**(b) It does not result in relaxation of the relevant acceptable development standards and requirements for overshadowing and car parking; and**

**(c) The street or 'public face' of the building is richly detailed to reduce any apparent bulk and enhance its individual identity. Buildings are to incorporate:**

- A mixture of building materials into the street facing façade, introducing variations in colour and texture;**
- Highly legible primary entrances; and**
- Facades that vary in height to add interest to the streetscape.**

**(d) The development is to be assessed by the City's Design Advisory Committee to ensure the design of the development is of a high quality and contributes to the streetscape character of the locality.**



**(e) Apply the following sustainable design principles;**

- **Apply passive design principles in the design of the development, such as appropriate orientation, ventilation, eaves, and use of appropriate building materials; and**
- **Incorporate sustainable energy and water use technology, such as solar panels, rainwater harvesting and grey water systems; and**
- **Use locally sourced, recycled, recyclable and rapidly renewable materials wherever possible; and**
- **Use waterwise landscaping – where possible, develop roof top gardens and/ or vertical gardens.**

**(Refer to the City's Sustainable Design Policy and Sustainable Residential Design Checklist, for more information.)**

**(ii) One (1) or more of the following criteria must be met:**

**(a) Affordable Housing**

**Performance Criteria**

**The development must have a component of affordable housing.**

**Acceptable Development**

**Enter into a partnership agreement with Department of Housing and/or housing service providers and provide evidence to substantiate this;**

**(b) Sustainable Design**

**Performance Criteria**

**The development must incorporate elements that address the key principles of sustainable design, and minimise the impact of development on the environment. This must be substantiated in a report prepared by a recognised practitioner.**

**Acceptable Development**

**Apply the Green Building Council of Australia's Green Star Rating System to achieve a five star rating or higher;**

**(c) Adaptive Reuse of a Heritage Listed Building**

**Performance Criteria**

**The proposed development conserves and enhances an existing Heritage listed building on the Municipal Heritage Inventory (the Heritage List).**

**Acceptable Development**

- **The Heritage listed building must be protected and conserved in accordance with the City's Policies relating to Heritage; and**
- **Interpretative material, visible from the public realm, are be included as part of the development, to demonstrate the conservation of the heritage building and it to be in accordance with the City's Heritage Management Policy No. 3.6.4 relating to Interpretive Signage.**

**(d) Provision of Public Spaces**

**Performance Criteria**

**The development cedes land for public purpose, for example community gardens (minimum 100m<sup>2</sup>), pocket parks (minimum 300m<sup>2</sup>), pedestrian retreats and pedestrian walkways.**

**Acceptable Development**

- **The space must be easily accessible by the public, and must be distinguishable from the main development.**
- **The space must provide adequate access to sunlight and soft waterwise landscaping.**
- **The space should be functional and provide areas for sitting.**
- **The space should be safe and secure and incorporate elements of *Crime Prevention Through Environmental Design* and the *principles of Liveable Neighbourhoods – Local Parks*.**
- **All structures and finishes within the space should be of a high quality and approved by the City.**
- **Pedestrian walkways are to comply with the City's Policy relating to Pedestrian Walkways.**

**Note: The City of Vincent will be responsible for the care, control and management of public open space ceded to the City however alternative arrangements will be made for 'community gardens';**

- 42. AUTHORISES the Chief Executive Officer to advertise the Draft Amended Policy No. 3.1.5 relating to Cleaver Precinct- Scheme Map 5 as shown in Appendix 9.1.6, for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1, including:**
- 42.1 advertising a summary of the subject Draft Amended Policy once a week for four consecutive weeks in a newspaper circulating in the locality;**
  - 42.2 where practicable, notifying those persons who, in the opinion of the City, might be directly affected by the subject Draft Amended Policy; and**
  - 42.3 forwarding a copy of the subject Draft Amended Policy to the Western Australian Planning Commission; and**
- 23. After the expiry of the period for submissions:**
- 23.1 REVIEWS the Draft Amended Policy No. 3.1.5 relating to Cleaver Precinct- Scheme Map 5, having regard to any written submissions; and**
  - 23.2 DETERMINES the Draft Amended Policy No. 3.1.5 relating to Cleaver Precinct- Scheme Map 5, with or without amendment, to proceed or not to proceed with them.”**

Debate ensued.

The Mover, Cr McGrath advised that he wished to correct the change above, clause 1.3 to delete the word “seven” and number “23” on the first line, as follows:

**“1.3 clause 2) Commercial Area ii) South of Newcastle Street, relating to Development Standards being amended as follows;**

**a) Height:**

A maximum of ~~seven~~ five storeys, to a maximum of height of ~~23~~ 18 metres (including loft) can be considered, in the area zoned Commercial located south of Newcastle Street, provided that the amenity of any adjacent residential area is protected in terms of privacy, overshadowing, scale and bulk.”

The Seconder, Cr Topelberg agreed.

Debate ensued.

#### AMENDMENT NO 1

**Moved Cr McGrath, Seconded Cr Pintabona**

That clause 1.4 be amended to read as follows:

**“1.4 a new clause 2) Commercial Area ii) g) South of Newcastle Street, relating to Development Standards be added;**

**(g) Variations to Requirements**

The Council may consider variations to the building height requirements to a maximum of seven storeys (maximum height of 23 metres) in the Commercial area south of Newcastle Street. In order for the Council to consider variations to the height requirements, the applicant must demonstrate that the development is of an exceptional nature and must address all the criteria listed in clause (i) below, and must satisfy at least one (1) of the criteria listed in clause (ii). ...”

Debate ensued.

**AMENDMENT NO 1 PUT AND CARRIED UNANIMOUSLY (9-0)**

Debate ensued.

**AMENDMENT NO 2**

**Moved Cr Topelberg, Seconded Cr McGrath**

That clause 1.2 be amended to read as follows:

“1.2 new statement added to clause 2) Commercial Area ii) South of Newcastle Street, relating to Uses;

The existing building stock in this zone includes older warehouses that contribute to the identity and industrial character of the area, and which the retention and adaptive re-use of these buildings is encouraged in new developments;”

**AMENDMENT NO 2 PUT AND CARRIED UNANIMOUSLY (9-0)**

Debate ensued.

Cr Topelberg departed the Chamber at 7.19pm.

Debate ensued.

Cr Topelberg returned to the Chamber at 7.20pm.

Debate ensued.

**AMENDMENT NO 3**

**Moved Cr Maier, Seconded Cr Buckels**

That new clauses 1.4 and 1.5 be inserted to read as follows and the remaining clause be renumbered:

**“1.4 clause 2) Commercial Area ii) South of Newcastle Street d) Side Setbacks, being amended as follows;**

**1. Commercial and Mixed Use Developments — Nil**

~~Where the development abuts a residential or residential/commercial zone, Table 5 of the Residential Design Codes shall apply.~~

~~2. Residential Developments — In accordance with Table 5 of the Residential Design Codes;~~

**1.5 clause 2) Commercial Area ii) South of Newcastle Street e) Residential Development, being amended as follows;**

**The area zoned Commercial located south of Newcastle Street is to be in accordance with the Residential-AC 2 density provisions of the Residential Design Codes;”**

Debate ensued.

**AMENDMENT NO 3 PUT AND CARRIED UNANIMOUSLY (9-0)**

Debate ensued.

**MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (9-0)**

**COUNCIL DECISION ITEM 9.1.6**

That the Council;

1. **RECEIVES the Draft Amended Policy No. 3.1.5 relating to Cleaver Precinct – Scheme Map 5, subject to the Policy being amended as follows;**

- 1.1 **new statement added to clause 1) Residential Area;**

**Low intensity commercial uses are encouraged on the ground floors of buildings fronting or adjacent to Newcastle Street including shops serving the day-to-day and convenience needs of local residents;**

- 1.2 **new statement added to clause 2) Commercial Area ii) South of Newcastle Street, relating to Uses;**

**The existing building stock in this zone includes older warehouses that contribute to the identity and industrial character of the area. Retention and adaptive re-use of these buildings is encouraged in new developments;**

- 1.3 **clause 2) Commercial Area ii) South of Newcastle Street, relating to Development Standards being amended as follows;**

- a) **Height:**

**A maximum of five storeys, to a maximum of height of 18 metres (including loft) can be considered, in the area zoned Commercial located south of Newcastle Street, provided that the amenity of any adjacent residential area is protected in terms of privacy, overshadowing, scale and bulk.**

- 1.4 **clause 2) Commercial Area ii) South of Newcastle Street d) Side Setbacks, being amended as follows;**

1. **Commercial and Mixed Use Developments — Nil**

- 1.5 **clause 2) Commercial Area ii) South of Newcastle Street e) Residential Development, being amended as follows;**

**The area zoned Commercial located south of Newcastle Street is to be in accordance with the Residential-AC 2 provisions of the Residential Design Codes;**

- 1.6 **a new clause 2) Commercial Area ii) g) South of Newcastle Street, relating to Development Standards be added;**

- (g) **Variations to Requirements**

**The Council may consider variations to the building height requirements up to seven storeys (23 metres) in the Commercial area south of Newcastle Street. In order for the Council to consider variations to the height requirements, the applicant must demonstrate that the development is of an exceptional nature and must address all the criteria listed in clause (i) below, and must satisfy at least one (1) of the criteria listed in clause (ii).**

- (i) **The following criteria are compulsory:**

- (a) **The subject development site is in excess of 1000 square metres; and**

- (b) It does not result in relaxation of the relevant acceptable development standards and requirements for overshadowing and car parking; and
- (c) The street or 'public face' of the building is richly detailed to reduce any apparent bulk and enhance its individual identity. Buildings are to incorporate:
- A mixture of building materials into the street facing façade, introducing variations in colour and texture;
  - Highly legible primary entrances; and
  - Facades that vary in height to add interest to the streetscape.
- (d) The development is to be assessed by the City's Design Advisory Committee to ensure the design of the development is of a high quality and contributes to the streetscape character of the locality.
- (e) Apply the following sustainable design principles;
- Apply passive design principles in the design of the development, such as appropriate orientation, ventilation, eaves, and use of appropriate building materials; and
  - Incorporate sustainable energy and water use technology, such as solar panels, rainwater harvesting and grey water systems; and
  - Use locally sourced, recycled, recyclable and rapidly renewable materials wherever possible; and
  - Use waterwise landscaping – where possible, develop roof top gardens and/ or vertical gardens.
- (Refer to the City's Sustainable Design Policy and Sustainable Residential Design Checklist, for more information.)
- (ii) One (1) or more of the following criteria must be met:
- (a) Affordable Housing
- Performance Criteria
- The development must have a component of affordable housing.
- Acceptable Development
- Enter into a partnership agreement with Department of Housing and/or housing service providers and provide evidence to substantiate this;

**(b) Sustainable Design**

**Performance Criteria**

The development must incorporate elements that address the key principles of sustainable design, and minimise the impact of development on the environment. This must be substantiated in a report prepared by a recognised practitioner.

**Acceptable Development**

Apply the Green Building Council of Australia's Green Star Rating System to achieve a five star rating or higher;

**(c) Adaptive Reuse of a Heritage Listed Building**

**Performance Criteria**

The proposed development conserves and enhances an existing Heritage listed building on the Municipal Heritage Inventory (the Heritage List).

**Acceptable Development**

- The Heritage listed building must be protected and conserved in accordance with the City's Policies relating to Heritage; and
- Interpretative material, visible from the public realm, are be included as part of the development, to demonstrate the conservation of the heritage building and it to be in accordance with the City's Heritage Management Policy No. 3.6.4 relating to Interpretive Signage.

**(d) Provision of Public Spaces**

**Performance Criteria**

The development cedes land for public purpose, for example community gardens (minimum 100m<sup>2</sup>), pocket parks (minimum 300m<sup>2</sup>), pedestrian retreats and pedestrian walkways.

**Acceptable Development**

- The space must be easily accessible by the public, and must be distinguishable from the main development.
- The space must provide adequate access to sunlight and soft waterwise landscaping.
- The space should be functional and provide areas for sitting.

- The space should be safe and secure and incorporate elements of *Crime Prevention Through Environmental Design* and the principles of *Liveable Neighbourhoods – Local Parks*.
- All structures and finishes within the space should be of a high quality and approved by the City.
- Pedestrian walkways are to comply with the City's Policy relating to Pedestrian Walkways.

**Note:** The City of Vincent will be responsible for the care, control and management of public open space ceded to the City however alternative arrangements will be made for 'community gardens';

2. **AUTHORISES** the Chief Executive Officer to advertise the Draft Amended Policy No. 3.1.5 relating to Cleaver Precinct- Scheme Map 5 as shown in Appendix 9.1.6, for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1, including:
  - 2.1 advertising a summary of the subject Draft Amended Policy once a week for four consecutive weeks in a newspaper circulating in the locality;
  - 2.2 where practicable, notifying those persons who, in the opinion of the City, might be directly affected by the subject Draft Amended Policy; and
  - 2.3 forwarding a copy of the subject Draft Amended Policy to the Western Australian Planning Commission; and
3. **After the expiry of the period for submissions:**
  - 3.1 **REVIEWS** the Draft Amended Policy No. 3.1.5 relating to Cleaver Precinct- Scheme Map 5, having regard to any written submissions; and
  - 3.2 **DETERMINES** the Draft Amended Policy No. 3.1.5 relating to Cleaver Precinct- Scheme Map 5, with or without amendment, to proceed or not to proceed with them.

---

**PURPOSE OF REPORT:**

The purpose of this report is to present a Draft Amended Policy No. 3.1.5 relating to Cleaver Precinct – Scheme Map 5, and to seek the Council's approval to advertise the Draft Amended Policy.

**BACKGROUND:**

- |               |  |
|---------------|--|
| 27 March 2001 | The City adopted the Planning and Building Policy Manual, which included Policy No. 3.1.5 relating to the Cleaver Precinct – Scheme Map 5. This precinct is bounded by Loftus, Vincent, Charles and Newcastle Streets. |
| 1 July 2007   | The area bounded by Loftus Street, Newcastle Street, Charles Street and the Graham Farmer Freeway was transferred to the City of Vincent from the City of Perth.   |



22 March 2011 The Council initiated Scheme Amendment No. 30 to include the abovementioned area in the City of Vincent Town Planning Scheme No. 1.

25 October 2011 The Council considered Scheme Amendment No. 30 following the 42 day community consultation period.

#### **DETAILS:**

On 1 July 2007, the City of Vincent via local government boundary changes, obtained an area from the City of Perth, which is bounded by Loftus Street, Newcastle Street, Charles Street and the Graham Farmer Freeway in West Perth. The City is currently in the process of amending its Town Planning Scheme No. 1 to include the area within its Scheme. To ensure that there are development provisions in place when the area is transferred, following the completion of Scheme Amendment No. 30, the City is amending Policy No. 3.1.5 relating to the Cleaver Precinct – Scheme Map 5.

The development guidelines are based on the information in the Draft Perth Precinct Policy that has been prepared as part of the review of Town Planning Scheme No. 1 and were confidentially approved by the Council at its Ordinary Meeting held on 11 October 2011.

The major changes to the Policy are as follows:

The area being incorporated into the City's Town Planning Scheme No. 1 is zoned Industrial under the Metropolitan Region Scheme (MRS) and is proposed to be zoned Commercial under the Town Planning Scheme No. 1. As a result of the proposed zoning, the Officers have divided Part 2 of the Cleaver Precinct Policy relating to the Commercial Area into two separate sections, the area north of Newcastle Street and the area south of Newcastle Street.

#### **Uses**

Land uses are to be in accordance with the Zone Table in the Town Planning Scheme No. 1 text. Given that the area is zoned Industrial under the MRS, it is likely the uses will generally be light and service industry, similar to what currently exists in the area.

#### **Development Standards**

##### Height

The height limit proposed for this area is 7 storeys to a maximum of height 23 metres (including loft). Given the area's close proximity to the Leederville train station, the area is ideal for high density development. The area is also located within the Free Transit Zone.

##### Setbacks

Setbacks are to be generally consistent with the adjacent properties and nil setbacks can be considered. Secondary street setbacks are generally nil. It is noted that a number of buildings in the area already have nil setbacks, as the area is characterised by warehouse and commercial buildings.

##### Side Setbacks

For Commercial buildings, side setbacks can be nil, however for residential buildings, the setbacks are to be in accordance with Table 5 of the Residential Design Codes (R-Codes).

##### Residential Development

Residential development is to be in accordance with the Residential-AC 2 density provisions of the R-Codes which allow high density development in activity centres. The area's strategic location, close to Leederville train station, provides an opportunity for greater development.

### Plot Ratio

The plot ratio for residential developments is consistent with the R-Code requirements for R-AC2 zoning of 2.5. For full commercial developments, there are no plot ratio requirements and the bulk of the building is governed by height limits, setbacks and car parking requirements.

### **Traffic, Parking and Access**

It is noted that the area bounded by Loftus Street, Newcastle Street, Charles Street and the Graham Farmer Freeway is affected by the Perth Parking Management Area and therefore developments within this area are to comply with the provisions of the *Perth Parking Management Act 1999*, *Perth Parking Management Regulations 1999* and *Perth Parking Policy 1999*. This has been noted in the Policy. The Perth Parking Policy only applies to non-residential parking requirements and the local government Scheme applies for residential developments. As outlined in the Perth Parking Policy, the Policy contains provisions for:

- *'Zones governing the provision of public parking.'*
- *'Desirable' and 'Maximum' number of bays per hectare for tenant parking dependent on the category of the street from which access is taken.'*

### **CONSULTATION/ADVERTISING:**

Amendments to Planning Policies are to be in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1.

As part of the Policy amendment process, the City will advise all affected land owners (in the area bounded by Loftus Street, Newcastle Street, Charles Street and the Graham Farmer Freeway) in writing.

### **LEGAL/POLICY:**

City of Vincent Town Planning Scheme No. 1 and associated Policies.

### **RISK MANAGEMENT IMPLICATIONS:**

Not Applicable.

### **STRATEGIC IMPLICATIONS:**

In keeping with the *City's Strategic Plan 2011-2016* – Objective 1.1.1 states:

*'Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision.'*

### **SUSTAINABILITY IMPLICATIONS:**

Nil.

### **FINANCIAL/BUDGET IMPLICATIONS:**

The City of Vincent 2011/2012 Budget allocates \$40,000 to Town Planning Scheme and Policy Amendments.

**COMMENTS:**

To ensure that there are development guidelines in place when Scheme Amendment No. 30 is complete, the Cleaver Precinct Policy should be amended. The development guidelines have been based on the information in the Draft Perth Precinct Policy that has been prepared as part of the review of the Town Planning Scheme and were approved by the Council at its Ordinary Meeting held on 11 October 2011.

It should be noted that the remainder of the Policy provisions relating to the area bounded by Loftus, Vincent, Charles and Newcastle Streets, have not been reviewed as part of this Policy Amendment as they will be examined as part of the Town Planning Scheme Review and the provisions will be included in the new Perth Precinct Policy.

In light of the above, it is recommended that the Council endorse the Officer Recommendation to amend No. 3.1.5 relating to the Cleaver Precinct.

**9.2.1 Possible provision of additional Parking in the City of Vincent**

<b>Ward:</b>	Both	<b>Date:</b>	31 October 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	PKG0001 & PLA0084
<b>Attachments:</b>	<a href="#">001</a> – Possible Parking Bay Plans ‘A’ to ‘N’ <a href="#">002</a> – Plan Nos. 2893-RD-01 and 2894-RD01		
<b>Tabled Items:</b>	-		
<b>Reporting Officers:</b>	R Lotznicker, Director Technical Services C Wilson, Manager Asset & Design Services D Mrdja, A/Manager Strategic Planning, Sustainability & Heritage		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** the report concerning the Notice of Motion from Mayor Hon. Alannah MacTiernan concerning how additional parking could potentially be provided in the City;
2. **NOTES:**
  - 2.1 that the cost of implementing an additional 121 bays as shown on Attachment 9.2.1 would be approximately \$552,000;
  - 2.2 that there are currently no specific funds allocated in the 2011/2012 Budget for any additional parking; however, funding could be provided from a variety of sources depending on the implementation priorities including, the reallocation of funds from one or more existing capital works projects, from the cash in lieu for parking fund or from other sources, to be determined at the midyear budget review;
  - 2.3 the summary of the matters raised at the Car Parking Forum held on 29 September 2011, conducted by the Beaufort Street Network, as detailed in this report; and
  - 2.4 that where feasible, the matters detailed in the report, as referred to in clause 2.3, will be further investigated in the context of the parking improvements discussed in this report; and
3. **REQUESTS** as a priority, the Chief Executive Officer to:
  - 3.1 prepare detailed design plans and proposed detailed cost estimates for the implementation of all, or some, of the proposed additional parking as outlined in the following tables and undertake community consultation, for a period of fourteen (14) days, in accordance with the City’s Consultation Policy for the following locations:

**Mount Lawley/Highgate**

Street	Section	Type	Side	Existing (Parallel)	Proposed (90 deg)	NET gain	Estimated Cost
Chelmsford Rd Plan A	Beaufort to ROW	parallel	north	-	4	4	\$15,000
Mary St: Plan B	Beaufort to ROW	90 deg	north	4	7	3	\$15,000

Street	Section	Type	Side	Existing (Parallel)	Proposed (90 deg)	NET gain	Estimated Cost
Clarence St: Plan C	o/s Nos 68 & 64	90 deg	north	6	12	6	\$25,000
Harold St: Plan D	Stirling to No 103	90 deg	south	8	20	12	\$30,000
Stirling St: Plan D	Harold to Nos 369-375	90 deg	west	17	37	20	\$85,000
Stirling St: Plan D	Harold to No 103	90 deg	west	5	14	9	\$25,000
Broome St: Plan E	Beaufort St to ROW	90 deg	north	6	13	7	\$25,000
Chatsworth Rd* Plan F	Beaufort St to ROW	90 deg	north	-	4	4	\$12,000
Total possible additional number of 'on road' parking bays						59	\$232,000

**North Perth**

Street	Section	Type	Side	Existing (Parallel)	Proposed (90 deg)	NET gain	Estimated Cost
Glebe St* Plan K	View to Alma	90 deg	east	17	35	18	\$85,000
Woodville St Plan L	ROW to View	90 deg	east	14	24	10	\$50,000
Wasley St Plan M	Fitzgerald St to ROW	90 deg	north & south	6	18	12	\$25,000
Forrest St Plan N	Fitzgerald to ROW	90 deg	north & south	8	19	11	\$40,000
Total possible additional number of 'on road' parking bays						51	\$200,000

**Leederville**

Street	Section	Type	Side	Existing (Parallel)	Proposed (90 deg)	NET gain	Estimated Cost
Carr Place Plan H	Near Newcastle St	45 deg	north	4	8	4	\$20,000
Vincent St Plan I	No 295 Vincent St	90 deg	-	-	15	15	\$65,000
Melrose St Plan J	Oxford to ROW	90 deg	north & south	7	14	7	\$35,000
Total possible additional number of 'on road' parking bays						11	\$120,000

<b>GRAND TOTAL</b>						121	\$552,000
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- 3.2 identify a source of funds to install all or some of the proposed additional parking at the locations specified in clause 2.1 above;
- 3.3 prepare a brief for the engagement of a suitably qualified consultant to investigate the provision of multi deck parking in the Raglan Road, Chelmsford Road and Brisbane Street public car parks, in accordance with the recommendations of the adopted Car Parking Strategy; and
- 3.4 submit a further report once the matters outlined in clauses 3.1, 3.2 and 3.3 have been further investigated.

**Moved Cr Carey, Seconded Cr Buckels**

That the recommendation, together with the following changes, be adopted:

1. That clause 3.1 be amended to read as follows:

“3. REQUESTS as a priority, the Chief Executive Officer to:

3.1 prepare ~~detailed design~~ **concept** plans and ~~proposed detailed~~ **indicative** cost estimates for the implementation of ~~all, or some,~~ of the proposed additional parking as outlined in the following tables and undertake community consultation, for a period of fourteen (14) days and arrange a separate public meeting/forum (to be completed by February 2012) for each of the:

- Mount Lawley/Highgate;
- North Perth; and
- Leederville;

Activity Centres to be held concurrently with the posting of the consultation letters, in accordance with the City’s Consultation Policy for the following locations:

**Mount Lawley/Highgate**

Street	Section	Type	Side	Existing (Parallel)	Proposed (90 deg)	NET gain	Estimated Cost
Chelmsford Rd Plan A	Beaufort to ROW	parallel	north	-	4	4	\$15,000
Mary St: Plan B	Beaufort to ROW	90 deg	north	4	7	3	\$15,000
<del>Clarence St: Plan C</del>	<del>o/s Nos 68 &amp; 64</del>	<del>90 deg</del>	<del>north</del>	<del>6</del>	<del>12</del>	<del>6</del>	<del>\$25,000</del>
Harold St: Plan D	Stirling to No 103	90 deg	south	8	20	12	\$30,000
Stirling St: Plan D	Harold to Nos 369-375	90 deg	west	17	37	20	\$85,000
Stirling St: Plan D	Harold to No 103 <del>388*</del>	90 deg	<del>west</del> <u>east*</u>	5	14	9	\$25,000
Broome St: Plan E	Beaufort St to ROW	90 deg	north	6	13	7	\$25,000
# Chatsworth Rd* Plan F	Beaufort St to ROW	<del>90 deg</del> <u>parallel*</u>	<del>north</del> <u>south*</u>	-	<del>4</del> <u>2</u>	<del>4</del> <u>2</u>	<del>\$12,000</del> <u>\$7,500</u>
Total possible additional number of ‘on road’ parking bays						<del>59</del> <u>57</u>	<del>\$232,000</del> <u>\$202,500</u>

\* Corrected at the meeting by the Council.

# Chatsworth Road Plan F previously approved at the Ordinary Meeting of Council held on 11 October 2011 (Item 9.2.1).

**North Perth**

Street	Section	Type	Side	Existing (Parallel)	Proposed (90 deg)	NET gain	Estimated Cost
Glebe St* Plan K	View to Alma	90 deg	east	17	35	18	\$85,000
Woodville St Plan L	ROW to View	90 deg	east	14	24	10	\$50,000
Wasley St Plan M	Fitzgerald St to ROW	90 deg	north & south	6	18	12	\$25,000
Forrest St Plan N	Fitzgerald to ROW	90 deg	north & south	8	19	11	\$40,000
Total possible additional number of 'on road' parking bays						51	\$200,000

**Leederville**

Street	Section	Type	Side	Existing (Parallel)	Proposed (90 deg)	NET gain	Estimated Cost
Carr Place Plan H	Near Newcastle St	45 deg	north	4	8	4	\$20,000
Vincent St Plan I	No 295 Vincent St	90 deg	-	-	15	15	\$65,000
Melrose St Plan J	Oxford to ROW	90 deg	north & south	7	14	7	\$35,000
Total possible additional number of 'on road' parking bays						26	\$120,000
						11	\$55,000

<b>GRAND TOTAL</b>						<b>124</b>	<b>\$552,000</b>
						<b>119</b>	<b>\$457,500</b>

...”

2. That a new clause 4 be inserted to read as follows:

“4. **APPROVES** of the:

4.1 introduction of four (4) additional fifteen (15) minute (free) car parking bays (coloured purple) on Beaufort Street;

4.2 introduction of three (3) additional fifteen (15) minute (free car parking bays (coloured purple) on Barlee Street, near the corner of Beaufort Street;

4.3 existing ten (10) minute car parking bays (coloured green) in Beaufort Street, Clarence Street and Grosvenor Road, to be increased to fifteen (15) minute (free) car parking bays; and

4.4 creation of a loading zone (coloured orange) outside No. 630 Beaufort Street, Highgate;

as shown in Appendix 9.2.1 - Plan Nos. 2893-RD-01, 2894-RD01;”

Debate ensued.

**AMENDMENT NO 1**

**Moved Cr McGrath, Seconded Cr Topelberg**

That clause 3.1 be amended to read as follows:

“3.1 prepare concept plans and indicative cost estimates for the implementation of the proposed additional parking as outlined in the following tables and undertake community consultation in regards to the perceived need for and any implications of each parking proposal and whether they be paid parking, for a period of fourteen (14) days and arrange a separate public meeting/forum (to be completed by February 2012) for each of the:”

Debate ensued.

The Mover, Cr McGrath advised that he wished to change his amendment and reword it as follows:

“3.1 prepare concept plans and indicative cost estimates for the implementation of the proposed additional parking as outlined in the following tables and undertake community consultation in regards to the perceived need for and any implications of each parking proposal and whether they be paid parking and/or time restricted, for a period of fourteen (14) days and arrange a separate public meeting/forum (to be completed by February 2012) for each of the:”

The Seconder, Cr Topelberg agreed.

Debate ensued.

**AMENDMENT NO 1 PUT AND CARRIED UNANIMOUSLY (9-0)**

Debate ensued.

**AMENDMENT NO 2**

**Moved Cr Maier, Seconded Cr Buckels**

That “Harold Street Plan D” be deleted from clause 3.1 – Mount Lawley/Highgate.

Debate ensued.

**AMENDMENT NO 2 PUT AND LOST (1-8)**

**For:** Cr Maier

**Against:** Mayor Hon. MacTiernan, Cr Buckels, Cr Carey, Cr Harley, Cr McGrath, Cr Pintabona, Cr Topelberg, Cr Wilcox

**AMENDMENT NO 3**

**Moved Cr Maier, Seconded Cr Buckels**

That “Stirling Street Plan D” (Harold to No. 103) be deleted from clause 3.1 – Mount Lawley/Highgate.

Debate ensued.

**AMENDMENT NO 3 PUT AND LOST (3-6)**

**For:** Cr Buckels, Cr Maier, Cr McGrath

**Against:** Mayor Hon. MacTiernan, Cr Carey, Cr Harley, Cr Pintabona, Cr Topelberg, Cr Wilcox



**AMENDMENT NO 4**

**Moved Cr Maier, Seconded Cr Buckels**

That "Broome Street Plan E" be deleted from clause 3.1 – Mount Lawley/Highgate.

Debate ensued.

**AMENDMENT NO 4 PUT AND LOST (2-7)**

**For:** Cr Buckels, Cr Maier

**Against:** Mayor Hon. MacTiernan, Cr Carey, Cr Harley, Cr McGrath, Cr Pintabona,  
Cr Topelberg, Cr Wilcox

Debate ensued.

**PROCEDURAL MOTION**

**Moved Cr Maier, Seconded Cr Pintabona**

That, in clause 3.1 all matters relating to North Perth be DEFERRED until February 2012.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)**

Debate ensued.

**AMENDMENT NO 5**

**Moved Cr Maier, Seconded Cr Topelberg**

That clause 4.2 be deleted.

Debate ensued.

**AMENDMENT NO 5 PUT AND LOST (1-8)**

**For:** Cr Maier

**Against:** Mayor Hon. MacTiernan, Cr Buckels, Cr Carey, Cr Harley, Cr McGrath,  
Cr Pintabona, Cr Topelberg, Cr Wilcox

**AMENDMENT NO 6**

**Moved Cr Buckels, Seconded Cr Maier**

That "Carr Place Plan H" be deleted from clause 3.1 – Leederville.

**AMENDMENT NO 6 PUT AND CARRIED (5-4)**

**For:** Cr Buckels, Cr McGrath, Cr Maier, Cr Pintabona, Cr Wilcox

**Against:** Mayor Hon. MacTiernan, Cr Carey, Cr Harley, Cr Topelberg

Debate ensued.

**MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (9-0)**

**COUNCIL DECISION ITEM 9.2.1**

That the Council;

1. **RECEIVES** the report concerning the Notice of Motion from Mayor Hon. Alannah MacTiernan concerning how additional parking could potentially be provided in the City;

2. **NOTES:**

2.1 that the cost of implementing an additional 121 bays as shown on Attachment 9.2.1 would be approximately \$237,000;

2.2 that there are currently no specific funds allocated in the 2011/2012 Budget for any additional parking; however, funding could be provided from a variety of sources depending on the implementation priorities including, the reallocation of funds from one or more existing capital works projects, from the cash in lieu for parking fund or from other sources, to be determined at the midyear budget review;

2.3 the summary of the matters raised at the Car Parking Forum held on 29 September 2011, conducted by the Beaufort Street Network, as detailed in this report; and

2.4 that where feasible, the matters detailed in the report, as referred to in clause 2.3, will be further investigated in the context of the parking improvements discussed in this report; and

3. **REQUESTS** as a priority, the Chief Executive Officer to:

3.1 prepare concept plans and indicative cost estimates for the implementation of the proposed additional parking as outlined in the following tables and undertake community consultation in regards to the perceived need for and any implications of each parking proposal and whether they be paid parking and/or time restricted, for a period of fourteen (14) days and arrange a separate public meeting/forum (to be completed by February 2012) for each of the:

- Mount Lawley/Highgate; and
- Leederville;

Activity Centres to be held concurrently with the posting of the consultation letters, in accordance with the City's Consultation Policy for the following locations:

**Mount Lawley/Highgate**

Street	Section	Type	Side	Existing (Parallel)	Proposed (90 deg)	NET gain	Estimated Cost
Chelmsford Rd Plan A	Beaufort to ROW	parallel	north	-	4	4	\$15,000
Mary St: Plan B	Beaufort to ROW	90 deg	north	4	7	3	\$15,000
Harold St: Plan D	Stirling to No 103	90 deg	south	8	20	12	\$30,000
Stirling St: Plan D	Harold to Nos 369-375	90 deg	west	17	37	20	\$85,000
Stirling St: Plan D	Harold to No 388	90 deg	east	5	14	9	\$25,000
Broome St: Plan E	Beaufort St to ROW	90 deg	north	6	13	7	\$25,000

Street	Section	Type	Side	Existing (Parallel)	Proposed (90 deg)	NET gain	Estimated Cost
# Chatsworth Rd* Plan F	Beaufort St to ROW	parallel	south	-	2	2	\$7,500
Total possible additional number of 'on road' parking bays						57	\$202,500

# Chatsworth Road Plan F previously approved at the Ordinary Meeting of Council held on 11 October 2011 (Item 9.2.1).

Leederville

Street	Section	Type	Side	Existing (Parallel)	Proposed (90 deg)	NET gain	Estimated Cost
Melrose St Plan J	Oxford to ROW	90 deg	north & south	7	14	7	\$35,000
Total possible additional number of 'on road' parking bays						7	\$35,000
<b>GRAND TOTAL</b>						<b>64</b>	<b>\$237,500</b>

3.2 identify a source of funds to install all or some of the proposed additional parking at the locations specified in clause 2.1 above;

3.3 prepare a brief for the engagement of a suitably qualified consultant to investigate the provision of multi deck parking in the Raglan Road, Chelmsford Road and Brisbane Street public car parks, in accordance with the recommendations of the adopted Car Parking Strategy; and

3.4 submit a further report once the matters outlined in clauses 3.1, 3.2 and 3.3 have been further investigated;

4. APPROVES of the:

4.1 introduction of four (4) additional fifteen (15) minute (free) car parking bays (coloured purple) on Beaufort Street;

4.2 introduction of three (3) additional fifteen (15) minute (free car parking bays (coloured purple) on Barlee Street, near the corner of Beaufort Street;

4.3 existing ten (10) minute car parking bays (coloured green) in Beaufort Street, Clarence Street and Grosvenor Road, to be increased to fifteen (15) minute (free) car parking bays; and

4.4 creation of a loading zone (coloured orange) outside No. 630 Beaufort Street, Highgate;

as shown in Appendix 9.2.1 – Plan Nos. 2893-RD-01 and 2894-RD01; and

5. DEFERS the following proposed additional car bays until February 2012, as it is not deemed a priority:

North Perth

Street	Section	Type	Side	Existing (Parallel)	Proposed (90 deg)	NET gain	Estimated Cost
Glebe St* Plan K	View to Alma	90 deg	east	17	35	18	\$85,000
Woodville St Plan L	ROW to View	90 deg	east	14	24	10	\$50,000
Wasley St Plan M	Fitzgerald St to ROW	90 deg	north & south	6	18	12	\$25,000
Forrest St Plan N	Fitzgerald to ROW	90 deg	north & south	8	19	11	\$40,000
Total possible additional number of 'on road' parking bays						51	\$200,000

**PURPOSE OF REPORT:**

The purpose of this report is to provide information relating to opportunities for the provision of additional parking bays and other related improvements as requested by the Council at its Ordinary Meeting held on 25 October 2011.

**BACKGROUND:**

The Council recently approved the introduction of paid parking in a number of streets and several car parks within the City based on recommendations of the Adopted Car Parking Strategy.

Since the introduction of the paid parking a number of issues have been raised by residents and business owners relating to time limits, availability of staff parking, first hour free on road, more short term free bays etc.

To further investigate some of the issues raised, the Council at its Ordinary Meeting held on 25 October 2011 adopted the following Notice of Motion prepared by Mayor Hon. MacTiernan:

*“That the Council REQUESTS as a priority, the Chief Executive Officer to:*

1. *investigate how to provide additional parking in the City of Vincent, particularly perpendicular parking in the streets in the Mount Lawley/Highgate area (particularly near Beaufort Street) and Leederville and Oxford Street business precinct;*
2. *submit a report on the matters raised at the Car Parking Forum held on 29 September 2011, conducted by the Beaufort Street Network. The report is to include, but not limited to the following information:*
  - 2.1 *a summary of the car-parking issues raised;*
  - 2.2 *possible options/solutions to issues raised;*
  - 2.3 *locations for the possible additional car-parking bays;*
  - 2.4 *indicative number of car-parking bays which can be created;*
  - 2.5 *indicative costs;*
  - 2.6 *funding sources;*
  - 2.7 *implementation time; and*
  - 2.8 *any other relevant matters; and*
3. *submit a report to the Ordinary Meeting of Council to be held on 8 November 2011.”*

**DETAILS:**

Clause one (1) and two (2) of the Council decision requested that locations for the possible additional car-parking bays, indicative number of car-parking bays which can be created, indicative costs/funding sources and implementation time. This was as a result of the Beaufort Street Car Parking Forum held on 29 September 2011.

The following information is provided in response to the Council’s request.

**Additional Parking - Mount Lawley/Highgate:**

Car Parking Strategy:

A significant portion of the Precinct Parking Management Plans document (forming part of the Car Parking Strategy) was devoted to the Mount Lawley/Highgate Precinct in recognition of the complexity of the issues involved. The recommendations ran to several pages with the majority of the ‘high’ priority actions related to the introduction of uniform paid parking (both on-road and off road), legibility and accessibility.

The recommendations did not extend to provision of additional on-road spaces but rather better management of the existing stock.

The report, unlike for the other precincts considered (and as discussed under the specific headings) did not provide a general conclusion in respect of parking supply and demand within the precinct. The most telling statistic related to the existing parking spaces in Harold Street, between Beaufort and Stirling Streets, with a 96% occupancy rate on Friday nights.

Previous 'angle' parking implementation:

On road angle has been progressively provided at the following locations:

Street	Section	Type	Side	Existing (parallel)	New (90 deg)	NET gain
Barlee St	Beaufort to ROW	90 deg	South	5	11	6
Clarence St	Beaufort to ROW	90 deg	North/South	6	14	8
Mary St	Beaufort to ROW	90 deg	South	5	9	4
Harold St	Beaufort to Stirling	90 deg	South	17	35	18
Harold St	Smith St to TAFE	90 deg	North	24	60	36
Broome St	Beaufort St to ROW	90 deg	North/south	7	18	11
Chatsworth	Beaufort St to ROW	90 deg	North	4	7	3
<b>Total additional number of 'on road' parking bays previously implemented</b>						<b>86</b>

Possible additional parking:

A 'desk top' assessment of possible additional 'on road' angle parking in the streets adjoining Beaufort Street between Walcott and St Albans has been undertaken and is outlined in the following table.

Street	Section	Type	Side	Existing (Parallel)	Proposed (90 deg)	NET gain	Estimated Cost
Chelmsford Rd <b>Plan A</b>	Beaufort to ROW	parallel	north	-	4	4	\$15,000
Mary St: <b>Plan B</b>	Beaufort to ROW	90 deg	north	4	7	3	\$15,000
Clarence St: <b>Plan C</b>	o/s Nos 68 & 64	90 deg	north	6	12	6	\$25,000
Harold St: <b>Plan D</b>	Stirling to No 103	90 deg	south	8	20	12	\$30,000
Stirling St: <b>Plan D</b>	Harold to Nos 369-375	90 deg	west	17	37	20	\$85,000
Stirling St: <b>Plan D</b>	Harold to No 103	90 deg	east#	5	14	9	\$25,000
Broome St: <b>Plan E</b>	Beaufort St to ROW	90 deg	north	6	13	7	\$25,000
Chatsworth Rd* <b>Plan F</b>	Beaufort St to ROW	parallel#	south#	-	4	4	\$12,000
<b>Total possible additional number of 'on road' parking bays</b>						<b>59</b>	<b>\$232,000</b>

# Corrected at the meeting.

Note:\* **Plan G:** An alternative for Chatsworth Street would be to either purchase or lease the vacant block on the south east corner of the street. This could result in an additional seven (7) bays. Purchase of the block could cost in the order of \$650,000 or leasing could be in the order of \$25,000 - \$30,000 per annum. The cost to implement the parking and associated works on the block would be in the order of \$55,000.

The following locations are deemed unsuitable for angle parking the following reasons:

- Grosvenor Road – Only 18m road reserve, residential street, crossover conflicts.
- Chelmsford Road – Only 15m road reserve, single lane one way restriction.
- Barlee Street (north side) – maybe possible in the future however pending development, existing subsidence. Restriction separates residential area from commercial area.
- Vincent Street – not suitable, District Distributor B road.
- Harold Street – West side Beaufort, only 15m road reserve width.
- Mary Street west of ROW - No scope to extend due to existing tree roots.
- Chatsworth Road – west of ROW - only 15m road reserve width.
- St Albans – Centrally planted trees, streetscape not conducive to angle parking.

**Additional Parking – Leederville/Oxford Street:**

Car Parking Strategy:

The Car Parking Strategy, specific to the Leederville (Oxford Centre) Precinct, established that there were approximately 1,302\* public parking spaces in Leederville, a combination of 876 spaces in carparks (The Avenue, Frame Court, Loftus Centre) and 449 on-road parking spaces. The recent introduction of paid parking in Oxford Street, Richmond Street, a portion of Leederville Parade and the then remaining section of Newcastle Street (south side between Oxford Street and Carr Place) has increased the number of paid parking bays by about 170 spaces.

Note:\* There are approximately an additional 120 parking spaces in the Leederville Oval (Medibank Stadium) car park (excluding the Department of Sport and Recreation secured parking) available to the public, free of charge, afterhours and on weekends. The exception being on WAFL games days during the football season when it is closed to the public.

The report concluded, in part, *“that overall there is currently a good supply of parking in Leederville. The peak time occupancy of available parking bays for Leederville was around 60%. Parking demand was fairly stable throughout the day, with occupancy ranging from a peak around 60% at midday and 45% in the evenings.*

*The Avenue and Frame Court car parks, however had high occupancy levels. A peak occupancy of over 90% was recorded at The Avenue over a mid-day period of 12noon to 2.00pm. At Frame Court occupancy reached 97% over the period 12noon to 2.00pm on a Wednesday and 95% for the period of 9.00am to 11.00am on a Friday.*

*Occupancy at The Avenue car park was also high on the Friday evening reaching 89% between 7.00pm and 9.00pm. At the Frame Court car park, however, occupancy was only 57% from 7pm to 9pm on the Friday evening.”*

Both car parks have recently had new restrictions and fee structures introduced as part of the City’s Car Parking Strategy Implementation Program.

Previous ‘angle’ parking implementation:

On road angle has been progressively provided at the following locations:

Street	Section	Type	Side	Existing (parallel)	New (90 deg)	NET gain
Oxford St*	Opposite Frame Court carpark	90 deg	east	5	11	6
Richmond St	Oxford St to Loftus St	90 deg	south	55	85	30
Frame Ct*	Near Leederville Pde	90 deg	north	7	17	10
Franklin St	Oxford St to ROW	90 deg	south	4	10	6
<b>Total additional number of ‘on road’ parking bays previously implemented</b>						<b>52</b>

Note:\* These bays were implemented during the reconfiguration of the Frame Court carpark to accommodate the Skate Park.

Possible additional parking:

A 'desk top' assessment of possible additional 'on road' angle parking in the streets in Leederville adjoining Oxford Street has been undertaken and is outlined in the following table.

Street	Section	Type	Side	Existing (Parallel)	Proposed (90 deg)	NET gain	Estimated Cost
Carr Place <b>Plan H</b>	Near Newcastle St	45 deg	north	4	8	4	\$20,000
Vincent St <b>Plan I</b>	No 295 Vincent St	90 deg	-	-	15	15	\$65,000
Melrose St <b>Plan J</b>	Oxford St to ROW	90 deg	north & south	7	14	7	\$35,000
<b>Total possible additional number of 'on road' parking bays</b>						<b>11</b>	<b>\$120,000</b>

The following locations are deemed to be unsuitable for angle parking the following reasons:

- Richmond Street (east of Oxford) north side – Too many crossovers.
- Richmond Street (west of Oxford) – Too many crossovers, not cost effective, residential street.
- Carr Place (east of Newcastle) (predominantly residential on the north side of the street and predominantly commercial on the south side – Too many existing crossovers, not cost effective.
- Vincent Street – not suitable, District Distributor B road.
- Oxford Street – not suitable, District Distributor B road.
- Leederville Pde – not suitable, District Distributor B road.
- Bruce St – Only 12m road reserve width.
- Bourke Street (east of Oxford) – Local Distributor, large number of crossovers, roundabout at Oxford, wider street treatment recently implemented.

**Additional Parking – North Perth**

Car Parking Strategy:

The Car Parking Strategy, specific to the North Perth Precinct, concluded that:

*“parking supply in the area is sufficient for current demand. Peak time occupancy in most streets and the View Street car park does not generally exceed 55%. Although some streets such as Woodville and Fitzgerald appear to be more popular, there is generally always available parking within a 350m (<5 minute) walk of Fitzgerald Street.”*

Previous angle parking implementation:

On road angle has been progressively provided at the following locations:

Street	Section	Type	Side	Existing (parallel)	New (90 deg)	NET gain
View St	Glebe to Fitzgerald	90 deg	south	7	16	9
Woodville St	Angove Street end	90 deg	east	6	12	6
<b>Total additional number of 'on road' parking bays previously implemented</b>						<b>15</b>

Possible additional angle parking:

A 'desk top' assessment of possible additional 'on road' angle parking in the streets in North Perth has been undertaken and is outlined in the following table.

Street	Section	Type	Side	Existing (Parallel)	Proposed (90 deg)	NET gain	Estimated Cost
Glebe St* <b>Plan K</b>	View St to Alma Rd	90 deg	east	17	35	18	\$85,000
Woodville St <b>Plan L</b>	ROW to View St	90 deg	east	14	24	10	\$50,000
Wasley St <b>Plan M</b>	Fitzgerald St to ROW	90 deg	north & south	6	18	12	\$25,000
Forrest St <b>Plan N</b>	Fitzgerald St to ROW	90 deg	north & south	8	19	11	\$40,000
<b>Total possible additional number of 'on road' parking bays</b>						<b>51</b>	<b>\$200,000</b>

Note:\* The Council previously resolved not to proceed with the angle parking in Glebe Street due to residents in the street being against the proposal.

**Additional Parking – Mt Hawthorn**

Car Parking Strategy:

The Car Parking Strategy, in regards to the Mt Hawthorn Precinct, established that there were approximately 1,153 public parking spaces in Mt Hawthorn of which all, except 106 spaces, were on-road parking. Of the total parking spaces, 890 (77%) are unrestricted. Of the 263 restricted spaces, 209 are limited to 1 hour with the remainder a combination of short or long term parking.

The report concluded that *"there is an ample supply of parking in Mount Hawthorn. The peak occupancy of the available parking bays was just 40%. A total of 74% to 76% of parked vehicles stayed for less than 3 hours. Scarborough Beach Road has the highest on-street peak time parking occupancy of 73%".*

The two 'free' and currently unrestricted public car parks, at Coogee Street and Flinders Street, have an 85% occupancy rate between 9.00am to 5.00pm Monday to Friday.

Opportunities:

In respect of opportunities to install additional angled parking within the immediate area a majority of the abutting streets are residential in nature behind the 'strip' of commercial activity and therefore it is unlikely to be supported by the residents.

There may be some limited opportunities to installed additional angled parking in Fairfield and Coogee Streets where there is an established demand adjacent commercial premises. In respect of Fairfield Street, south of Scarborough Beach Road adjacent and opposite the Paddington Ale House, the net gain being approximately 6 parking spaces. In Coogee Street 45 angled parking along the western side could result in a net gain of approximately 10 bays.

Conclusion:

The report's conclusion, in general, is that additional parking capacity in not required in the Mt Hawthorn Centre Precinct, in the foreseeable future.



**Indicative Timeline**

ITEM	INDICATIVE TIMELINE
Council decision	8 November 2011
Preparation of Plans	9 – 30 November 2011
Community Consultation	1 – 14 December 2011
Preparation of report	15 – 20 December 2011
Council to consider submissions received from community consultation	OMC 20 December 2011
Council to approve of funding sources/reallocations (absolute majority decision required)	OMC 20 December 2011
Commencement of works	Mid/Late January 2012

Restrictions/Paid Parking:

At its Ordinary Meeting held on 11 October 2011, the Council decided in part as follows:

- “...2.3 All existing 1P car bays located in the perpendicular areas on Broome Street, Mary Street and Harold Street between Beaufort Street and Stirling Street shall be amended to 2P car bays; and
- 2.4 All the perpendicular areas on Broome Street, Mary Street and Harold Street between Beaufort Street and Stirling Street shall have the first hour free between 8:00am and 5:00pm daily;...”

It would need to be determined whether the additional parking would have the same restrictions, be provided for staff on a permit basis during certain hours etc.

**Car Parking forum held on 29 September 2011:**

The Car Parking Forum held on 29 September 2011, provided an opportunity for the local resident and business communities to express opinions and voice issues relating to car parking and public transport. It was also an opportunity for the City to explain the philosophical basis for the recently adopted Car Parking Strategy. The forum allowed the City to respond to and take note of issues that have arisen during the implementation of the strategy. This summary will explain the following issues that were voiced during the forum:

1. One hour free parking;
2. Signage confusion;
3. Staff parking;
4. Anti-social behaviour;
5. Pressure on local resident parking;
6. A reduction in on-street parking take up;
7. A lack of motor-cycle parking; and
8. Parking limits.

The following summary identifies several concerns voiced by the resident and business community at the Car Parking Forum held on 29 September 2011.

**One hour free parking**

The most overwhelming response from the local business and resident communities was support for one hour free parking. Comments during and after the forum also indicate support for the Strategy’s intent to promote walking, cycling and public transport over car use.

Officer Comment:

*The City has implemented one hour free parking for all public car parks including the Barlee Street Car Park, the Raglan Road Car Park and the Chelmsford Road Car Park, all located within the Mount Lawley/Highgate commercial area.*

*Consistent with the City's Car Parking Strategy, on-street car parking is considered the premium location for short stay parking and allowing for an on-going churn of parking bays. For this reason, one hour free parking has been implemented in off-street public car parking only and is not recommended for on-street car parking bays.*

*It is noted however that all allocated on-street 15 minute bays are 'free' and do not require a ticket.*

Also as mentioned above, at its Ordinary Meeting held on 11 October 2011, the Council decided in part as follows:

*"All existing 1P car bays located in the perpendicular areas on Broome Street, Mary Street and Harold Street between Beaufort Street and Stirling Street shall be amended to 2P car bays and all the perpendicular areas on Broome Street, Mary Street and Harold Street between Beaufort Street and Stirling Street shall have the first hour free between 8:00am and 5:00pm daily".*

### **Parking Limits and Staff Parking**

Much of the parking in and around Beaufort Street has a maximum limit of two (2) hours. Long-term parking is available at the Barlee Street Car Park.

Local businesses whose employees travel to work by car have to replace their ticket every two hours. This is both expensive and unproductive. Instead, employees are parking on the surrounding local roads to the annoyance of local residents.

Community recommendations include:

- Investigate a permit system for local businesses. This might entail the use of a symbol (displayed on a dashboard), which is purchased monthly, entitling the user to park without the requirement to purchase a timed ticket each day;
- local businesses could be given the option to make formal arrangements to use car parking bays from businesses with a surplus of car parks (Super Chem on Broome Street for example); and/or
- businesses who provide a cash in lieu payment could receive a permit for each bay they pay for. This permit could then be used for any parking space in the subject area.

It is important to note that above recommendations are 'community ideas' which would warrant further analysis and investigation before implementation.

#### Officer Comment:

*The City's Parking Permit Policy No. 3.9.8 allows for the issuing of commercial parking permits to businesses in the City's commercial centres. Information on the eligibility for the issuing of these permits is detailed within the Policy.*

*One of the key recommendations of the City's Car Parking Strategy was to investigate options to improve the access and use of the City's existing car parking resources, through measures such as; improving signage, investigating the concept of 'parking benefit districts' and approaching businesses to investigate reciprocal car parking arrangements. These initiatives are currently being researched and investigated by the City's Officers, and will be reported to Council in due course.*

### **Signage Confusion**

At present there appear to be inconsistencies in the information displayed on ticketing machines. There are variations in parking regulations between streets and inconsistencies in the ticketing information displayed on the machine and the ticket itself.

Signage and parking provision should be consistent through the area to ensure people have an understanding of the regulations before they arrive.

The City's Officers will explore this in further detail before implementation.

Officer Comment:

*Prior to and following the meeting a great amount of effort has gone into ensuring that the new signage is consistent, clear and user friendly. The City considers that the signage is now at the acceptable standard.*

**Anti-social behaviour**

With the introduction of ticket machines on and around Beaufort Street there has been a transition of car parking to the adjoining local road network. At night, in order to avoid the ticket machines, people are parking further and further away from Beaufort Street. Local residents have observed an increase in anti-social behaviour in these neighbourhood streets as people walk back to their parked cars. Anti-social behaviours include vomiting, broken glass, and loud and unruly behaviour.

Resident-only parking could be explored as a means to 'force' parkers back to more appropriate parking areas.

Officer Comment:

*Foreseeing this situation, the City proposed to introduce additional areas of time restricted streets extending from Beaufort Street, to limit the occurrence of the above. However, during the consultation undertaken with the owners and occupiers of the streets proposed for new areas of time restrictions, an overwhelming objection to this was received. Taking into consideration the community objection, the Council at its Special Meeting held on the 5 July 2011, resolved to not introduce additional areas of time restrictions at this point in time, and to review the matter in 6 months.*

*The City's Car Parking Strategy does not support dedicated 'residential only' areas within local residential streets, based on the premise that parking is a public resource that should be better utilised by all users. Given this, other options such as Parking Benefit Districts and increasing areas of time restricted streets are being explored over introducing 'residential only streets'.*

**Increasing pressure on local-resident parking**

Further to the above, the increased pressure on the local road network is reducing the ability for local residents to park in front or close to their homes. People looking for free parking are now using the space on local roads. This frustrates local residents who have to park further away from their homes and have trouble finding spaces.

Officer Comment:

*As outlined above, foreseeing this situation, the City proposed to introduce additional areas of time restricted streets extending from Beaufort Street, to limit the occurrence of increased commercial patrons parking in local residential streets. However, during the consultation undertaken with the owners and occupiers of the streets proposed for new areas of time restrictions, an overwhelming objection to this was received. Taking into consideration the community objections, the Council at its Special Meeting held on the 5 July 2011, resolved to not introduce additional areas of time restrictions at this point in time, and to review the matter in 6 months (i.e. late 2011 or early 2012).*

*The City's Car Parking Strategy does not support dedicated 'residential only' areas in local residential streets, based on the premise that parking is a public resource that should be better utilised by all users. Given this, other options such as Parking Benefit Districts and increasing areas of time restricted streets are being explored over introducing 'residential only streets' in these local residential streets.*

A resident-only parking system could be explored, along with the introduction of 1 hour free parking to provide some car parking relief.

### **A decrease in people parking on the street**

Further to the observations above, local businesses are noticing a reduction in on-street parking. Although the objective of the car parking strategy is to improve the 'turnover' of car parking and reduce congestion there is a concern the ticket machines are having an impact on the number of people visiting the area.

An ongoing observational study should be employed to confirm any impacts (positive or negative) the car parking strategy is having on the local economy.

Officer Comment:

*The City is closely monitoring the impact of the introduction of new areas of paid parking. Following a 6 month period implementation of these changes, a report will be presented to Council, and where necessary amendments will be made.*

### **Insufficient motorcycle parking**

As an inner city area Mount Lawley and Highgate benefit from increased motorcycle and scooter use. At present the only formalised motorcycle/scooter parking in the area consists of 4 bays on Grosvenor Road, at the front of the Flying Scotsman. These bays are frequently at full capacity. The area would benefit from additional motorcycle/scooter bays distributed throughout the subject area.

Officer Comment:

*This was identified in the Car Parking Strategy and funds have been allocated in the 2011/2012 Budget to investigate/implement additional motor cycle and scooter parking.*

### **Lack of consultation**

Local business owners and residents have expressed concern over a perceived lack of consultation from the City of Vincent. It appears that many of the resident and business owners understand that as an inner city area, parking regulation is necessary.

The Beaufort Street Network strongly recommends that prior to any further decisions being made in regard to parking that consultation in the form of a forum is undertaken. The Beaufort Street Network would be pleased to assist consultation in any way possible.

Officer Comment:

*The consultation undertaken as part of the implementation of new areas of paid parking was extensive and included: 9,000 individual letters being sent to all owners and occupiers within a 400 metre radius of the proposed new ticket machines, information on the City's website, information in the local newspaper, a series of community workshops and letters to precinct groups.*

*Noting that electronic forms of communication are in most cases the most efficient form of communication, the City would be pleased to receive email contact addresses for the businesses in Mount Lawley to improve communication with local businesses.*

### **Resident only parking zones**

There has been a resounding call for resident only parking on local roads feeding into Beaufort Street (specifically Barlee, Clarence, Chelmsford, Roy and Gerald Streets and Chatsworth Road). As stated earlier, the current parking situation is encouraging people to look for free parking, resulting in increased parking congestion on the local road network. The implementation of resident only parking zones would deter roaming traffic back to more appropriate parking areas.

On the other hand, local businesses whose employees use local road on-street parking will need to be protected, potentially by one of the means suggested above.

Officer Comment:

*As outlined above, foreseeing this situation, the City proposed to introduce additional areas of time restricted streets extending from Beaufort Street, to limit the occurrence of increased commercial patrons parking in local residential streets. However, during the consultation undertaken with the owners and occupiers of the streets proposed for new areas of time restrictions, an overwhelming objection to this was received. Taking into consideration the community objections, the Council at its Special Meeting held on the 5 July 2011, resolved to not introduce additional areas of time restrictions at this point in time, and to review the matter in 6 months.*

*The City's Car Parking Strategy does not support dedicated 'residential only' areas in local residential streets, based on the premise that parking is a public resource that should be better utilised by all users. Given this, other options such as Parking Benefit Districts and increasing areas of time restricted streets are being explored over introducing 'residential only streets' in these local residential streets.*

**Barlee Street car park**

Barlee Street car park stands out as an underutilised parking facility.

A restriction on local road on-street parking may lead to greater usage of this facility. Barlee Street car park could be an ideal place for local employees using parking permits given the long-term parking allowance at the facility.

Officer Comment:

*This matter will be further investigated in the context of further consultation regarding the requirement and extent of on road parking restrictions.*

**Key Recommendations**

In light of the above issues raised, below is a summary of the key recommendations that have been provided to the City from the Beaufort Street Network:

- provide 1 hour free parking throughout the entire subject area;
- investigate a permit system for local businesses;
- ensure all ticketing machines represent the correct information and are consistent throughout the entire subject area;
- consider undertaking a study which analyses the impacts of the car parking strategy on the local economy;
- identify areas suitable for the installation of motorcycle/scooter bays;
- investigate the use of resident only parking zones;
- investigate the use of the Barlee Street car park as a facility for local employee parking; and
- ensure any major changes follow consultation with the community.

**CONSULTATION/ADVERTISING:**

Should the Council decide to progress to the next stage, detailed design would be undertaken on the priority areas, a further report presented to Council and Community Consultation with affected residents would be undertaken in accordance with the City's consultation policy prior to progressing the matter further. Consultation for a minimum of fourteen (14) days is prescribed in the City's Policy No. 4.1.5 – Community Consultation.

**LEGAL/POLICY:**

There is no legal consequence of the recommendation. An absolute majority decision is required to reallocate funds.

**RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

The City's *Strategic Plan 2011-2016* states:

*"Natural and Built Environment*

*Objective 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:**

There are no funds allocated in the 2011/2012 budget for additional on road (or off road) parking.

Indicative Costs

As can be seen from the above tables, the indicatives costs of implementing additional parking bays are as follows:

- Mt Lawley/Highgate = \$232,000 for 59 an additional bays\*.
  - Leederville/Oxford Street = \$120,000 for an additional 11 bays
  - North Perth = \$200,000 for an additional 51 bays
- Total: \$552,000**

Note:\* As mentioned above, for an additional 7 bays the cost would be \$55,000 to implement and \$25,000 - \$30,000 per annum to lease or \$650,000 to purchase.

As mentioned above, if the Council wished to proceed with the implementation of additional parking, funding could be provided from a variety of sources depending on the implementation priorities.

This could include reallocation of funds from existing capital works projects, cash in lieu for parking or other sources to be determined at the midyear budget review. Alternatively funds could be listed for consideration in the 2012/2013 for the staged implementation of the additional parking. Any re-allocation of funds will require an absolute majority decision of the Council. (Note: absolute majority decisions cannot be made under Delegated Authority to the Chief Executive Officer).

Funding Sources:

Funding could be provided from a variety of sources depending on the implementation priorities including, reallocation of funds from existing capital works projects, cash in lieu for parking or other sources to be determined at the midyear budget review. Alternatively, funds could be listed for consideration in the 2012/2013 Budget for the staged implementation of the additional parking. Once the Council has determined where it wishes to install the new car parking bays, precise costing and funding sources will be determined.

Implementation Timetable:

As mentioned above the indicative 'preliminary' cost of providing an additional 121\* car bays is approximately \$557,000.

Note:\* The actual bays constructed would be 244; however, the existing parallel parking bays have been deducted from this total.

**COMMENTS:**

Perpendicular on-road parking can be both an efficient and cost effective alternative to dedicated car parks. However, there are a number of constraints in respect of the land use, road classification, crossovers, street trees, width of road reserve, services in verge and potential impact upon resident amenity.

If all of the above issues can be resolved the ratio of perpendicular spaces to parallel spaces that can be accommodated is generally in the order of 2:1.

In respect of constraints where the road reserve is less than 20m wide, perpendicular parking may only be installed on one side of the road. Parking on both sides would effectively result in either substandard footpath widths or a footpath on one side only.

In regards conflicting services, access chambers, depth of plant, valves, easements and regulatory restrictions often lead to a reduction in the number of bays that can be installed. By way of example construction near/over high pressure gas mains comes with many caveats.

Crossovers and significant street trees also tend to reduce the number of bays that can be installed.

In respect of resident amenity where the 90 degree bays are adjacent residential properties many owners/occupiers resent the intrusion of frequent traffic, headlights and noise and therefore perpendicular parking works best in commercial zones and adjacent public open spaces.

Perpendicular parking is not permitted on District Distributor A or B roads in recognition of the volume of the volume and speed of traffic and function of the road.

Taking all of the above into account the potential locations identified in the report will be further investigated and detailed plans developed for inclusion in the further report to Council.

The provision of potentially 121 additional car parking bays will no doubt be of assistance to the various Activity Centres. However, the results of the community consultation are unknown and submissions will provide valuable feedback to the Council.

Accordingly, approval of the Officer Recommendation is requested.

**9.2.4 State Underground Power Program – Outcome of the Expressions of Interest for Round Five (5) Major Residential Projects – Further Progress Report No. 2**

<b>Ward:</b>	Both	<b>Date:</b>	25 October 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	TES0313
<b>Attachments:</b>	<a href="#">001</a> – SUPP 2010-2011 Status <a href="#">002</a> – 2010 Round 5 SUPP Submission		
<b>Tabled Items:</b>	-		
<b>Reporting Officers:</b>	M Rootsey, Director Corporate Services; C Wilson, Manager Asset and Design; R Lotznicker, Director Technical Services		
<b>Responsible Officers:</b>	R Lotznicker, Director Technical Services; M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** the progress report on the State Underground Power Program Outcome of Expressions of Interest for Round Five (5) Major Residential Project; and
2. **NOTES** the:
  - 2.1 City was unsuccessful with its submission for Round Five (5) Major Residential Project – State Underground Power Program and the reasons provided in the de-briefing session; and
  - 2.2 findings of the Economic Regulation Authority Inquiry into the State Underground Power Program; and
3. **REQUESTS** the Chief Executive Officer to provide further quarterly progress reports on the State Underground Power Program.

**Moved Cr McGrath, Seconded Cr Topelberg**

That the recommendation, together with the following change, be adopted:

“That clause 3 be amended to read as follows:

3. **REQUESTS** the Chief Executive Officer **to provide:** ~~to provide further quarterly progress reports on the State Underground Power Program.~~
  - 3.1 **a report to the Ordinary Meeting of Council to be held on 22 November 2011 detailing a locally funded roll out of underground power over a fourteen (14) year period; and**
  - 3.2 **further quarterly progress reports on the State Underground Power Program.”**

Debate ensued.

**PROPOSED AMENDMENT NO 1**

**Moved Cr Topelberg, Seconded Cr Buckels**

That clause 3.1 be amended to read as follows:

- “3.1 a report to the Ordinary Meeting of Council to be held on 22 November 2011 detailing **alternative funding models for the roll out of underground power in the City of Vincent** ~~a locally funded roll out of underground power over a fourteen (14) year period; and”~~



Debate ensued.

The Mover, Cr Topelberg advised that he wished to change his amendment to delete the words "22 November 2011" and replace them with "6 December 2011." The Seconder, Cr Buckels agreed.

Debate ensued.

The Mover, Cr Topelberg advised that he wished to withdraw his amendment. The Seconder, Cr Buckels agreed. Cr Topelberg withdrew his amendment.

Debate ensued.

#### **AMENDMENT NO 2**

**Moved Cr Topelberg, Seconded Cr Buckels**

That clause 3.1 be amended to read as follows:

"3.1 a report to the Ordinary Meeting of Council to be held on 6 December 2011 ~~22 November 2011~~ detailing a locally funded roll out of underground power ~~over a fourteen (14) year period~~; and"

**AMENDMENT NO 2 PUT AND CARRIED UNANIMOUSLY (9-0)**

Debate ensued.

**MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (9-0)**

#### **COUNCIL DECISION ITEM 9.2.4**

That the Council;

1. RECEIVES the progress report on the State Underground Power Program Outcome of Expressions of Interest for Round Five (5) Major Residential Project; and
  2. NOTES the:
    - 2.1 City was unsuccessful with its submission for Round Five (5) Major Residential Project – State Underground Power Program and the reasons provided in the de-briefing session; and
    - 2.2 findings of the Economic Regulation Authority Inquiry into the State Underground Power Program; and
  3. REQUESTS the Chief Executive Officer to provide:
    - 3.1 a report to the Ordinary Meeting of Council to be held on 6 December 2011 detailing a locally funded roll out of underground power; and
    - 3.2 further quarterly progress reports on the State Underground Power Program.
-

**PURPOSE OF REPORT:**

The purpose of this report is provide recently received information regarding why the City's Expression of Interest submitted to the Office of Energy to participate for Round Five (5) of the State Underground Power Program – Major Residential Projects was unsuccessful and the implications for ratepayers if the City was to adopt a funding model based on the one used by the City of Subiaco.

**BACKGROUND:**

**SUPP Round Five (5) Submissions**

As previously reported to the Council in late October 2009, the Minister for Energy and Training, issued a media release inviting all Local Governments to submit Expressions of Interest to participate in Round Five (5) of the SUPP – MRP.

The City subsequently submitted twelve (12) Expressions of Interest after having divided the City into twelve (12) project areas of approximately 800 lots.

In an email dated 25 May 2010, the Office of Energy, with very little detail, advised the City that its submission had not been supported. No reasons were provided at the time.

The matter was subsequently considered by the Council at its ordinary meeting held on 22 June 2010 where the following decision was made:

*"That the Council;*

(i) *NOTES that:*

- (a) *the Office of Energy has advised that the Town's Expression of Interest to participate in Round Five (5) of the State Underground Power Program - Major Residential Projects submissions (as outlined on the attached Plan Number 99070-2-1A) was unsuccessful;*
- (b) *no reasons for the Town's unsuccessful submission were offered at this time, however, a "full debriefing session" for unsuccessful applicants will be held in September 2010;*
- (c) *a further report will be submitted to the Council following the debriefing session outlining the reasons why the Town was unsuccessful in its submission;*
- (d) *the report is to indicate the implications for ratepayers if the Town was to adopt a funding model based on the one used by the City of Subiaco;*
- (e) *the report referred to in clause (i)(d) is to include, but not be limited to:*
  - 1. *cost implications for different types of properties;*
  - 2. *the possible timeframe for providing underground power across the whole Town;*
  - 3. *options for recovering the costs such as charging a flat fee based on property type similar to that used for the Highgate East SUPP, or defining Special Rates Areas and recovering costs based on property values;*
  - 4. *the impact on pensioners of different cost recovery mechanisms;*
  - 5. *the proportion of lots in Vincent without underground power as compared to the number across the whole metropolitan area, and therefore the expected share of SUPP funding that the Town could expect to receive over the long term;*

6. *the possibility of funding a component of the cost from the projected income from the sale of land at Tamala Park;*
  7. *issues of equity for property owners in the Highgate East SUPP area who have made a contribution to the cost without subsidy from the Town; and*
  8. *other funding models and sources of funds that may be suitable; and*
- (f) *the report be presented to Council by November 2010; and*
- (ii) *REQUESTS that the Chief Executive Officer provide a further report based on his continued investigation of funding models as indicated in the progress report provided to Council in September 2008;”*

#### **DETAILS:**

##### **Details of debriefing session:**

In accordance with clause (i)(c) of the Council decision the officers were requested to provide a further report following the debriefing session outlining the reasons why the City was unsuccessful in its submission.

The Manager Asset and Design Services attended a debriefing session at the Office of Energy on 29 August 2011.

The City of originally advised the de-briefing session would be held in September 2010. However this did not eventuate as the relevant officer from the Office of Energy was on extended leave.

The debriefing session was of a high level and involved senior staff from the Office of Energy, Western Power and a Probity Auditor to ensure that we, the City, were satisfied with the 'transparency' of the process.

Some of the information provided in the de-briefing was of a confidential nature in respect of the security of the Western Power's infrastructure, provided on the understanding it was to demonstrate the full disclosure of the process.

However a majority of the information is already on the public record, and as discussed at the de-briefing session, including:

##### Previous SUPP Participation

The City has previously/currently been involved in three (3) SUPP Projects:

1. Highgate East (Round 3) Major Residential Project (MRP);
2. Mary Street, Highgate (Round 2) Localised Enhancement Project (LEP); and
3. Walcott Street, Mt Lawley/Coolbinia/Menora LEP\*

Note:\* Currently being undertaken by Western Power at their cost to address a number of safety issues and while not technically an LEP is being delivered as an LEP. Previously reported to Council at its Ordinary Meeting of 11 May 2011.

##### Round 5 Submissions

The City submitted twelve (12) projects for consideration in Round 5 MRP:

1. Mount Hawthorn West – Area 1;
2. Mount Hawthorn North - Area 2;
3. Mount Hawthorn East - Area 3;
4. Mount Hawthorn South – Area 4;
5. Leederville/North Perth – Area 5;

6. North Perth – Area 6;
7. North Perth – Area 7;
8. North Perth – Area 8;
9. Mount Lawley/Highgate – Area 9;
10. Perth/Northbridge – Area 10;
1. Leederville/West Perth – Area 11; and
12. Leederville/North Perth – Area 12

#### Technical Criteria – The Star Rating system

The primary criteria for determining project priority is 'reliability' and the potential for system failures, be it due to old/sub standard infrastructure or inability to meet projected future demand.

Each submission is assessed against a series of hurdles, graded by a 'star' rating system. The higher the number of stars per fault/problem the greater the likelihood of a system failure and therefore the higher the score.

If a project area does not have at least one (1) x two (2) star hurdle it is automatically eliminated.

All twelve (12) City of Vincent projects were judged to have no two (2) star hurdles and were therefore eliminated in the first round of assessments.

Several had one or more (1) star faults, an example being *potential power quality related issues likely in the next twelve (12) months*, but these would be expected to be rectified by Western Power as part of its on-going infrastructure upgrade program.

In fact, because Western Power has, and continues to upgrade its infrastructure, within the city, a significant portion of its infrastructure is now classified as of 'low age' and in good order.

Proximity to the ocean also has a large bearing as 'salt' coats the conductors and lines leading to corrosion and regular outages and therefore scoring highly. This is obviously not considered to be an issue in the city.

#### **De-briefing session conclusion:**

The power supply infrastructure and reliability within the City of Vincent is of standard that does not warrant undergrounding at this time.

#### **Possible future Underground Power Funding model/s:**

In accordance with clause (i)(e) of the Council decision the officers were requested to provide a further report on the implications for ratepayers if the City was to adopt a funding model based on the one used by the City of Subiaco.

#### Report to OMC 23 September 2008:

The following information was provided to the Council in 2008:

#### *"Issues to Consider:*

*Within the terms of the Underground Power scheme, application is made by a Local Government for a specified area to have above underground power installed and overhead power cables removed. Whilst Western Power provides 50% of the funding for the project it is essential to recognise that certain costs may fall outside the "project" and are to be funded separately by the relevant Local Government.*

Cost Estimates:

*Western Power has provided an indicative cost per lot of \$6,000 per lot. This estimate has remained fairly static for several years. When seeking expressions of interest in the scheme from ratepayers through surveys, Local Governments have tendered to use the \$6,000 per lot as an indicative cost, with the ratepayer responsible to pay 50%, for example, \$3,000.*

Cost Components:

*In general, the costs of undertaking the underground power works may be viewed as having a number of separate components.*

*Project Management Costs: The GST per lot includes an element to cover project management costs. Various ancillary costs may be included. These costs are included in determining the 50% Western Power Funding.*

*General "reticulation" or "backbone" costs (works costs): The general reticulation costs are recognised as serving the entire community and as such these "common" costs have been separated for distribution as a general cost. These costs are included in determining the 50% West Power Funding.*

*Connection Costs (works costs): Connection costs are incurred in making the connection from the reticulation point (previously the pole) to the building meter box. These costs may vary, depending upon such factors as to whether the building currently has an existing underground connection to the reticulation point, whether the connection services multiple buildings, for example; units, etc. commercial applications may have a higher connection cost due to its particular power load factors.*

*These costs are included in determining the 50% Western Power Funding.*

*In terms of recovering monies from ratepayers, the connection costs have been charged separately in order to recognise the individuality of the underground service to the property.*

*Other Non-Works Costs: Other non-work costs may include charges to computer systems to accommodate business functions including, invoicing/application of interest and finance charges/accounts receivable.*

User Pay Model:

*Local Government should access which costs fall outside the scope of the project and would be borne by the Local Government alone.*

*An assessment should be undertaken as to the funding of these additional costs – from those benefiting from this program or from general Municipal funds.*

*Under the User Pay Scenario, that is where the Council covers their portion of the project from the rate payer, there are two different approaches.*

Flat Charge:

*A flat charge applies to spread the cost of the project across all properties receiving the benefit. In determining the use of a flat charge, consideration should be given to the following:*

- *Separation of reticulation versus connection costs.*
- *Who pays for council properties and State or Federal Government properties that are being serviced (the whole community or is this being charged across those in the project only?).*
- *The ability to pay.*
- *Relative benefit gained by each property (as with bins).*
- *Pensioners do not receive a rebate on the flat charge.*
- *Council must refund any balance of funds.*

*The Town has currently adopted this model with that rate adopted for both the network and connection charges.*

Special Area Rate (SAR) based on property valuations:

*Local Governments may, pursuant to the Local Government Act 1995 implement a Special Area Rate to cover the cost of undertaking such works.*

*Several Local Governments have used SAR based on property values. In determining the use of a SAR rate based on property values, consideration should be given to the following:*

- *Separation of reticulation verses connection costs.*
- *Who pays for council owned properties that are being serviced (the whole community or is this being charged across those in the project only?).*
- *Who pays for State and Federal Govt Properties?*
- *A higher cost to those that have the ability to pay (an implicit assumption that higher property values equals wealth and ability to pay).*
- *There is no relationship between property value and the cost of installing underground power.*
- *Relative benefit gained by each property.*
- *Pensioners receive a rebate on the SAR portion.*
- *Who received any balance of funds on completion of project? Can your systems deal with such refunds?*

Capping SAR's:

*Capping of the SAR provides for some equity in the cost of the services. Whilst the cost of the "reticulated" portion is in the main the same for all properties, a levy based on a SAR using a Rate-in-the-dollar linked to the property value means that some properties will pay more for the same service.*

*It appears that providing upper and lower ceiling for properties (capping) is not allowed under the Local Government Act (1995).*

*A maximum rate can be achieved by using provisions for granting a waiver or concession. Where a waiver is provided, this must be recorded against General Municipal Funds and not a specific underground power project. In this model the standard charge is.*

- *Connection Charge:*

*This is a standard charge and represents a proportion of the actual cost to connect each property to the new underground network. This charge provides the power supply connection between the property meter board and the network underground supply cables laid in the street.*

- *Network Charge:*

*The charge represents the cost of the electricity supply system infrastructure and the costs of providing a connection to Western Power's new underground power system at the property boundary. This charge will be variable and distributed according to the Gross Rental Value (GRV).*

*The distribution of the Network Charge on this basis is consistent with the method currently used to calculate Council rates on each property. This method of distributing the cost is considered to be the most equitable as it recognises the additional cost of designing and installing an electricity supply network to supply customers with larger properties or businesses which consume more power.*

Refunds/Shortfalls

*Reimbursing funds adds administrative costs. It may be possible to avoid the reimbursement issue by widening the scope of the project from inception to include some additional street lighting and streetscaping. However, it could lead to a funding shortfall, which would be difficult to explain and to deal with.*

### Terms of Repayment

Local Governments have offered a variety of repayment terms and periods, ranging from upfront payments with discounts (5-10%) and 2-10 year repayment periods. Alternatively instalment payment options include quarterly, bi-annually and annually. Extended terms add an additional administrative burden and such collection costs should arguably be covered within the costs of that project.

### Discount for Early Payment

Several Council funds the payment for the services and offers extended repayment terms the "cost of money" should be recognised. The overall "borrowing costs" or "cost of money" (foregone interest) should be factored into the overall project and recovered from the ultimate beneficiaries of the service. Cashflow models with estimated interest rates (flexible or fixed rates) would indicate projected interest costs. It appears that Councils have in the main applied fixed interest charges. Such interest rates will depend on the source of funding – internally or external borrowings.

### Pensioners Discounts

Pursuant to the Pensioners Rebate Act, pensioners receive a rebate on the general rates on the network charge but not on the connection charge.

Where the cost of providing underground power is charged through a SAR, the pensioner rebate continues to apply and the pensioner ratepayer is in effect subsidised by an additional 50%. In such instances, the total cost of the service is borne as follows: 50% Western Power, 25% State Government and 25% Pensioner Ratepayer.

### Non User Pay Model

The City of Subiaco decided to wholly fund the power lines projects from its general-purpose funds rather than raising charges against the properties affected. It views this program as similar to the provision of library services, parks, roads, footpaths, town planning and all other services where there is no direct user pays charge, or where the service is heavily subsidised by the community.

There are some self-evident advantages and disadvantages of this. Politically it is very popular with the Council and we have had relatively few complaints from the community about this method. It is also very simple to administer.

Each program is funded wholly by raising loans, paid off over relatively short periods of 5 years. The City has slowly increased the rate of income over the past three (3) years for this project and "quarantined" the funds by placing the equivalent amounts required for loan repayments into reserve funds each year. The purpose of this was to insulate the community from a massive increase in one year to fund the project and to preserve equity of meeting the cost burden over time.

### Funding

Ultimately, the source of funding for this programme is dependant on Councils resources at the point in time and Councils future intentions regarding it reserves and cashflows.

### Town's History on SUPP

The Town of Vincent has in the past been successful in securing funding in both categories:

- The Mary Street LEP, Highgate in 2000 to preserve and protect the significant Ficus trees; and
- The current 850 lot (Round 3) SUPP Highgate East MRP, scheduled for completion by the end of June 2008.

*Further, as reported to the Ordinary Meeting of Council of 22 April 2008, the Town is currently in discussions with the City of Stirling and Western Power Corporation about a possible LEP in Walcott Street, Coolbinia, Menora and Mt Lawley between Beaufort and Charles Streets.*

*Round 4 SUPP: In 2005/06 the Town applied for but was unsuccessful in securing a project in either category of Round 4 of the SUPP. At this time the State Government has only committed to funding up to the end of Round 4 of the SUPP in 2010.*

*Future SUPPs: The OoE, in consultation with the SUPP Steering Committee, is currently preparing a report to the State Government on the future of the program. The report, which will likely support the continuation of the program, albeit suggesting significantly different funding models, won't be release until 2009.*

*Therefore, the Town specifically, and Local Government in general, have no surety of future funding until the 2010 State budget as if the program is continued, Round 5 submissions, at the earliest, would not be called until the later part of 2009 or early 2010, suggesting the first project would not commence in 2010/11.*

*Note: The SUPP Steering Committee comprises representatives of the OoE, WALGA and Western Power.*

#### Town of Vincent Projects

*The Town has undertaken several small to medium scale underground power projects using its own resources such as:*

- *Angove Street – Woodville to Fitzgerald (a partial under-grounding only)*
- *Palmerston Street – Stuart to Newcastle Street*
- *Fitzgerald Street Upgrade Project (a partial under-grounding only)*
- *William Street Upgrade Project, Brisbane Street to Newcastle Street*
- *Mt Hawthorn Centre Precinct Upgrade (an upgrade of the existing underground power to accommodate the new streetlights).*

*In respect of costs, and as an indication of current trends, the William Street underground power costs were in the order of \$0.5 million, approximately 40% of the total project budget. Potentially the cost could have been in excess of 50% (of the project budget) but was capped at a fixed price only after the intervention of Western Power's Chief Executive Officer when the Town queried the escalating price.*

#### Private Developments

*In respect of private developers, the Town requires the undergrounding of the power supply for large scale stand-alone developments.*

#### Possible timeframe for providing underground power across the whole City:

The State Government has just released a report on the Inquiry into the State Underground Power Program Cost Benefit Study conducted by the Economic Regulation Authority.

The information sheet on the study is tabled for information in Appendix 9.2.4. This also lists the Benefits of Retrospective Undergrounding of Power as identified by the Economic Regulation Authority.

The proportion of lots in the City without underground power as compared with the number across the whole metropolitan area, and therefore the expected share of SUPP funding that the Town could expect to receive over the long term:

As illustrated by drawing No. 99070-2-1A approximately only 15% of the City is currently serviced by underground power. Further, as there is little opportunity for substantial subdivision development, of which underground power is a condition of approval, it is unlikely to markedly increase without significant funding, be it SUPP or other sources.



### **State Underground Power Program**

When the State Government introduced the underground power program in 1996, it aimed to supply underground power to at least 50% of Perth Metropolitan homes by 2010. The target was apparently achieved in January 2010 and as of January 2011 is about 51%, as illustrated on the attached *State Underground Power Program 2010-11 Status* diagram.

As Council are aware under the existing SUPP, major residential projects are funded by local governments (50 per cent, which is generally passed on to ratepayers), Western Power (25 per cent) and the State Government (25 per cent).

Since the start of the program:

- 39 Major Residential Projects and 30 Localised Enhancement Projects have been completed in the [Underground Power Program](#), costing \$257 million.
- Power supplies to 76,000 properties are now underground.
- Around 16% per cent of the overhead distribution network that existed when the program began in 1996 is now underground.
- The State Government and Western Power have in the past each contributed about \$5 million to the Underground Power Program annually.
- As of 1 July 2011 this increased to \$10million each and will be maintained in 2012-13.

### **The Future of SUPP**

#### **Economic Regulation Authority Underground Power Report - October 2011**

The Economic Regulation Authority (ERA) found that the wider Western Australian community (taxpayers) has benefited from the SUPP, although it appears to have contributed funding to the SUPP to a greater extent than it has benefited from it. In doing so, taxpayers have subsidised the cost of the program to the property owners.

Although the Authority's view is that the amount that each of these parties should fund in the future should be based on the benefits that they are estimated to receive from the SUPP, it is recognised that the Government may still want to continue to fund a portion of the SUPP costs which is greater than the benefit that the wider community receives from the program.

This could be due to the fact that to date, the SUPP has been installed in some of Perth's wealthier suburbs (on average). This means that the subsidy from taxpayers has been directed more towards property owners in wealthier suburbs than those in less wealthy suburbs. The Authority's view is that this is inequitable and the subsidy to suburbs with higher property values does not represent an efficient use of taxpayer funds, because the ratepayers in these suburbs may have paid for their entire share of the costs of undergrounding. Further, it is likely that more SUPP projects could have been provided for the same amount of funding from public funds.

The Authority therefore considered who should pay for the SUPP in the future, based on the proportion of benefits that have accrued to each party in the cost benefit analysis of the SUPP. It is proposed that a more flexible approach be adopted, where Western Power could contribute an amount which is equal to the value of its avoided costs for each individual project area (on average, the contribution from Western Power could be between 15 and 35 per cent although it could be more or less than this depending on the actual project area).

The State Government's contribution could vary depending on the property values in each project area (with households in higher property value areas paying more). Additionally, the State Government may wish to increase its contribution for projects in areas with low socio-economic status. The Authority has proposed an example of where the State Government could continue contributing 25-40 per cent of the cost of SUPP projects where the median house price is at or below the Perth median house price at the time when the projects are short listed. However, there is no justification (on efficiency or equity grounds) for the Government to continue to provide a 25 per cent contribution for high-value suburbs that benefit most through improved amenity values, as measured by increased house prices. Consequently, the contribution from the State Government could then decrease as the median property prices increase, with the highest value suburbs receiving a State Government contribution of 5 per cent.

The funding contribution from local governments (through ratepayers) should be the residual of the total project cost of an area, after the variable contributions from Western Power and the State Government, to a maximum indicated by the proportion of quantifiable benefits to property owners. Based on an example in the final report (see Table 1 below), which uses illustrative shares for the beneficiaries depending on Western Power's actual avoided costs and the median value of properties in each future SUPP project area, local governments (ratepayers) could contribute between 25 and 80 per cent to the cost of future SUPP projects.

Table 1 - Illustrative Example of Authority's Proposed Contribution Shares

Differential contribution shares from ratepayers	(A) Western Power* (%)	(B) State Government (%)	(C = Costs – A – B) Ratepayers** (%)
Median house prices of project area at or below Perth median house price and area is identified as low income***	15-35	40	25-45
Median house prices of project area at or below Perth median house price	15-35	25	40-60
Median house prices of project area greater than Perth median house price but below Perth median house price +\$250,000****	15-35	10	55-75
Median house prices of project area greater than Perth median house price +\$250,000	15-35	5	60-80

As can be seen, if this model is adopted there would be an increase in the funding required by the local government.

**Office of Energy Report, to be completed late 2011:**

On 20 October 2010, the Minister for Energy released the terms of reference for a public review of the State Underground Power Program. The review is being conducted by the Office of Energy and will include:

- whether the State Underground Power Program should continue;
- if the Program is to continue, the options as to what form it would take; and
- the respective costs and benefits of the options.

Details about the review and how to provide input (public comment) will be made available shortly.

The Office of Energy will be providing its final report to the Minister for Energy by the end of 2011.

**Comment:**

From discussions with the Officers from Western Power and the Office of Energy all indications are that the SUPP will continue, potentially with increased funding in 2013/14 and beyond. However until the office of Energy's report is completed and submitted to the Minister the eventual structure of the program is unknown.

**Round 5 Localised Enhancement Projects – call for submissions:**

While the review of the SUPP Program progresses the Office of Energy has recently called for submissions for Round 5 Localised Enhancement Projects (LEP).

These are typically aimed at (and as acknowledged by the Office of Energy) Regional Councils although they are open to Metropolitan Councils.

LEP's are intended to provide local governments with an opportunity to apply for funding to beautify streetscapes and traffic routes that are recognised as having scenic, tourism or heritage value.

They are intended to replace around 1,000 metres of overhead distribution power lines with underground supply in each project. To date, 30 LEPs are either in progress or have been completed throughout Western Australia including Mary Street, Highgate.

The costs of replacing existing overhead power lines are shared, with the State Government providing 50 per cent of the cost of each project up to a maximum limit of \$500,000.

A briefing session was held by the Office of Energy and Western Power on 17 October 2011 at which the revised guidelines were released, with submissions closing on 6 December 2011.

Successful Round 5 LEP's would commence as of 2012/13.

**Comment:**

As indicated above LEP's are directed more toward regional Local Governments as means of securing funding to beautify 'streetscapes and traffic routes of significance'.

However, the City has an opportunity to submit proposals to the Office of Energy with Technical Services currently assessing the eligibility of various locations within the City. It is therefore intended to present a report to Council at its Ordinary Meeting of 22 November 2011 outlining qualifying project submissions.

Options for recovering the costs:

The recovery options available for the recovery of the Local Government contribution of the costs are:

- Special Rates Area and recovery of costs based on Gross Rental Values (GRV's);
- Charge of a flat fee based on property type (this was the method used in the Highgate East SUPP); or
- City of Subiaco model funding the whole component through general purpose revenue, through a series of borrowings.

The impact on pensioners of different cost recovery mechanisms:

Local Governments do not receive a pensioner rebate from the State Government for pensioners in the SUPP programme.

The Local Government can implement their own subsidy for pensioners in the cost recovery calculation.

At the time of the Highgate SUPP, the Council allowed the pensioners to defer payment of the underground power charge.

The possibility of funding a component of the cost from the projected income from the sale of land at Tamala Park;

The City of Vincent Strategic Plan includes an item 4.1.4 Plan Effectively for the Future (b) Prepare an Investment Plan for the proceeds generated from the Tamala Park Redevelopment.

Consideration will be given to the funding of underground power for the City in this investment plan.

Issues of equity for property owners in the Highgate East SUPP area who have made a contribution to the cost without subsidy from the City:

In the Highgate East SUPP there were properties that had made contributions to the underground power as part of their property development. In addition these property owners also contributed to the SUPP through a network charge connecting them to the main underground power network. This charge was significantly discounted.

Consideration should be given in future SUPPS as to whether these properties should be charged for the additional network charge.

This will be considered at the time of the SUPP or any future SUPP proposals.

Other possible funding models and sources of funds that may be suitable.

The current funding models used by Local Governments are as follows:

- Special Rates area based on GRV's;
- Flat fee structure based on property type; and
- Self loan funding model for Local Governments to undertake Underground Power Program.

The City may consider use of Tamala Park funds for this purpose or longer term consideration may be given to any excess funds from land sales associated with the Leederville Masterplan.

**CONSULTATION/ADVERTISING:**

Not applicable at this stage.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** The Power network is owned and operated by Western Power Corporation. There is a low risk to the City should the proposal not proceed

**STRATEGIC IMPLICATIONS:**

The City's *Strategic Plan 2011-2016* states:

*"Natural and Built Environment*

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

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

*(d) Pursue options and funding for undergrounding of power throughout the City."*

**SUSTAINABILITY IMPLICATIONS:**

The undergrounding of the electricity infrastructure is ultimately more sustainable from an amenity and surety of power supply perspective, improves the aesthetics of the streetscape and arguably increases property values. Further, in this instance it mitigates an identified safety risk and reduces maintenance for Western Power.

**FINANCIAL/BUDGET IMPLICATIONS:**

Each successful SUPP program is evaluated and costed as to the budget implication for the City.

**COMMENTS:**

It is disappointing that the City was unsuccessful in its submission for Round five (5) of the SUPP-MRP.

However, the conclusion from the de-briefing session should also be noted. "The power supply infrastructure and reliability within the City of Vincent is of a standard that does not warrant undergrounding at this time".

There are significant implications for Local Governments from the Economic Regulation Authority inquiry into State Underground Power Program Cost Benefit Study.

It is proposed that regular progress reports be provided on this topic.

**9.4.2 Adoption of Annual Financial Report 2010/2011**

<b>Ward:</b>	Both	<b>Date:</b>	27 October 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	ADM0032
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	<a href="#">001</a> – Draft Annual Financial Report 2010/2011		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **APPROVES BY AN ABSOLUTE MAJORITY** to **ACCEPT** the Annual Financial Report of the City of Vincent for the financial year 2010/2011, as shown in Appendix 9.4.2, “Tabled” and forming Attachment 001, to this report.

**COUNCIL DECISION ITEM 9.4.2**

**Moved Cr McGrath, Seconded Cr Harley**

That the recommendation be adopted.

**MOTION PUT AND CARRIED UNANIMOUSLY**  
**BY AN ABSOLUTE MAJORITY (9-0)**

**PURPOSE OF REPORT:**

To consider and accept the 2010/2011 Annual Financial Report and the Independent Auditor’s Report.

**BACKGROUND:**

In accordance with Section 6.4 of the Local Government Act 1995, the 2010/2011 Annual Financial Report has been prepared and the accounts and the report have been submitted to the City’s Auditors. The preparation of an Annual Financial Report and the submission of the report and the City’s accounts to the Auditors for audit are statutory requirements of the Local Government Act 1995.

The City’s Auditors have completed their audit of the City’s accounts and the Annual Financial Report for the 2010/2011 financial year in accordance with the terms of their appointment and the requirements of the Local Government Act 1995 Part 7 Division 3 and have submitted their report.

Section 6.4 of the Local Government Act 1995 sets out the requirements for a Local Government to prepare an Annual Financial Report and to submit both the report and its accounts to the Auditor by the 30<sup>th</sup> September each year. The City of Vincent has met these requirements and the City’s Auditors have completed the audit of Council’s accounts and Annual Financial Report for the financial year 2010/2011.

**DETAILS:**

The Annual Financial Report is required to be accepted by the Council in order to enable the holding of an Annual General Meeting of Electors at which the City’s Annual Report containing the financial report (or at a minimum the abridged version) will be considered. A copy of the Annual Financial Report is also required to be submitted to the Director General of the Department of Local Government.

The Annual Financial Report for the financial year 2010/2011 is included with the report at Appendix 9.4.2, which is "Tabled" and also electronic Attachment 001.

The City's Auditors provided the Annual Financial Report to the City on 24 October 2011.

**CONSULTATION/ADVERTISING:**

There is no legislative requirement to consult on the preparation of the Annual Financial Report. The Local Government Act 1995 requires an Annual General Meeting of Electors to be held and the City's Annual Report incorporating the financial report (or at a minimum, the abridged version) to be made available publicly. The full Annual Financial Report will also be publicly available.

As per previous years, it is proposed that the Annual Financial Report will be produced on CD-Rom and made available on the City's public website. A minimal number of printed, bound colour copies will be available for viewing at the Library and Local History Centre and the Administration's Customer Service Centre.

A printed copy of the Annual Financial Report is provided to the Council Members.

**LEGAL/POLICY:**

Local Government (Financial Management) Regulation 51(2) states:

*"A copy of the annual financial report of a local government is to be submitted to the Executive Director within 30 days of the receipt by the CEO of the Auditor's Report on that financial report."*

Section 5.53 of the Local Government Act 1995 states:

**"5.53 Annual Reports**

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain:*
  - f. *the financial report for the financial year;"*

Section 6.64 of the Local Government Act states:

**"6.64 Financial Report**

- (1) *A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.*
- (2) *The financial report is to –*
  - (a) *be prepared and presented in the manner and form prescribed; and*
  - (b) *contain the prescribed information.*
- (3) *By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its Auditor –*
  - (a) *the accounts of the local government, balanced up to the last day of the preceding financial year; and*
  - (b) *the annual financial report of the local government for the preceding financial year."*

**RISK MANAGEMENT IMPLICATIONS:**

**High:** The risk associated with not adopting the 2010/2011 Annual Financial Report will result in non-compliance with the requirement of the Local Government Act 1995.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the City's Strategic Plan 2011-2016

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

**SUSTAINABILITY IMPLICATIONS:**

Not Applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost of preparing the Annual Report, which contains the Financial Report, will primarily be carried out in-house. This will provide cost savings of approximately \$4,000, for typesetting of the report.

The Auditor's total costs are \$12,530 (GST inclusive).

The Financial Report is prepared by the City's administration, as such, these costs are contained in the City's Operating Budget.

**COMMENTS:**

As in previous years, it is proposed that the Annual Financial Report will be produced on CD-Rom and made available on the City's public website. A minimal number of printed, bound colour copies will be available for viewing at the Library and Local History Centre and the City's Customer Service Centre.

In order for the City to meet its legislative requirements, it is recommended that the Council accepts the Annual Financial Report for the financial year 2010/2011.

The Annual Financial Report 2010/2011 has been reported to the first Ordinary Meeting of Council, after the report has been received from the City's Auditors.



**9.4.3 Adoption of Annual Report 2010/2011 and Annual General Meeting of Electors 2011**

<b>Ward:</b>	Both	<b>Date:</b>	27 October 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	ADM0032/ADM0016
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	<a href="#">001</a> – Draft Annual Report 2010/2011		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council:

1. **APPROVES BY AN ABSOLUTE MAJORITY to ACCEPT** the 2010/2011 Annual Report of the City of Vincent as shown in Appendix 9.4.3, “Tabled” and forming Attachment 001 to this report;
2. **CONVENES** the 2011 Annual General Meeting of Electors on Monday 28 November 2011 at 6.00pm in the City of Vincent, Leederville;
3. **ADVERTISES** by public notice that the City of Vincent Annual Report 2010/2011 will be available from approximately Monday 21 November 2011; and
4. **PROVIDES** a copy of the Annual Report and Annual Financial Statements to the Director General, Department of Local Government, in accordance with Local Government (Financial Management) Regulation 51(2).

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**Moved Cr Pintabona, Seconded Cr Maier**

That the recommendation be adopted.

Debate ensued.

Cr McGrath departed the Chamber at 8.53pm.

Debate ensued.

Cr McGrath returned to the Chamber at 8.55pm.

Debate ensued.

**AMENDMENT NO 1**

**Moved Cr Maier, Seconded Cr Carey**

That a new clause be inserted as follows:

“REQUESTS that reference to the Community Satisfaction Survey be included in the Annual Report.”

Debate ensued.

**AMENDMENT NO 1 PUT AND CARRIED UNANIMOUSLY (9-0)**

**AMENDMENT NO 2**

**Moved Cr Maier, Seconded Cr Buckels**

That a new clause be inserted as follows:

“REQUESTS that the figures for the Corrected Officer Recommendations on page 67 of the Annual Report, be reviewed.”

**Debate ensued.**

**AMENDMENT NO 2 PUT AND CARRIED (8-1)**

**For:** Mayor Hon. MacTiernan, Cr Carey, Cr Harley, Cr McGrath, Cr Maier,  
Cr Pintabona, Cr Topelberg, Cr Wilcox  
**Against:** Cr Buckels

**Debate ensued.**

**MOTION PUT AND CARRIED UNANIMOUSLY  
BY AN ABSOLUTE MAJORITY (9-0)**

**COUNCIL DECISION ITEM 9.4.3**

**That the Council:**

1. **APPROVES BY AN ABSOLUTE MAJORITY to ACCEPT the 2010/2011 Annual Report of the City of Vincent as shown in Appendix 9.4.3, "Tabled" and forming Attachment 001 to this report;**
2. **CONVENES the 2011 Annual General Meeting of Electors on Monday 28 November 2011 at 6.00pm in the City of Vincent, Leederville;**
3. **ADVERTISES by public notice that the City of Vincent Annual Report 2010/2011 will be available from approximately Monday 21 November 2011;**
4. **PROVIDES a copy of the Annual Report and Annual Financial Statements to the Director General, Department of Local Government, in accordance with Local Government (Financial Management) Regulation 51(2); and**
5. **REQUESTS that;**
  - 5.1 **reference to the Community Satisfaction Survey be included in the Annual Report; and**
  - 5.2 **the figures for the Corrected Officer Recommendations on page 67 of the Annual Report, be reviewed.**

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**PURPOSE OF REPORT:**

The purposed of the report is to accept the 2010/2011 Annual Report and set a date for the Annual General Meeting of Electors.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 26 October 2010, the Council considered the matter and resolved as follows:

*"That the Council:*

- (i) **APPROVES BY AN ABSOLUTE MAJORITY to ACCEPT the 2009/10 Annual Report of the Town of Vincent as shown in Appendix 9.4.2 ("Laid on the Table") and forming Attachment 001 to this report, subject to:**
  - (a) *the recommendations that are corrected after the agenda is made public and prior to the meeting be included in the table on page 68 of the Annual Report 2009/10;*

- (ii) *CONVENES the 2010 Annual General Meeting of Electors on Monday 29 November 2010 at 6.00pm in the Town of Vincent, Leederville;*
- (iii) *ADVERTISES by public notice that the Town of Vincent Annual Report 2009/10 will be available from approximately Monday 29 November 2010; and*
- (iv) *PROVIDES a copy of the Annual Report and Annual Financial Statements to the Director General, Department of Local Government, in accordance with Local Government (Financial Management) Regulation 51(2)."*

**DETAILS:**

The Local Government Act requires that every local government prepares an Annual Report and holds an Annual General Meeting (AGM) of Electors. Both the Annual Report and the Financial Report reflect on the City's achievements during 2010/2011 and focus on the many highlights of a busy year.

In accordance with Section 5.53 of the Local Government Act 1995, the 2010/2011 Annual Report has been prepared, summarising the year's highlights and achievements, as well as including specific statutory requirements.

The City's Auditors have completed the audit of Council's financial statements for the 2010/2011 financial year. The Financial Statements will form part of the 2010/2011 Annual Report. The Annual Report and the Financial Report will form an integral part of Council's report to the electors at the Annual General Meeting.

Section 5.27 of the Local Government Act 1995 requires that the Annual General Meeting of Electors is to be held on a day selected by the local government, but not more than 56 days after the report is accepted by the local government.

The Local Government Act 1995 under Section 5.27(1) requires every local government to hold a General Meeting of Electors once each financial year. The Act provides that the Order of Business at such a meeting is:

- (a) Welcome, Introduction and Apologies;
- (b) Contents of the Annual Report; and
- (c) General Business.

**PROCESS:**

The Council previously resolved that the Chief Executive Officer streamline the process so that the Annual General Meeting can be held earlier. However, it should be noted that the process timetable is predominantly dictated by the availability of the City's Auditor. The City's Auditor is also the Auditor for many other local governments and their workload at this time of the year is very heavy, due to their commitments.

The City's administration compiles the Annual Report within 2 months of the end of the financial year. It also prepares the Annual Financial Report. The Annual Financial Report is then submitted to the Auditor's for auditing. The Auditors are unable to complete their work until about mid October, due to their work load with other local governments.

Therefore, the earliest opportunity for the Council to consider and adopt the Annual Report and Financial Report is late October (at the earliest) or the first meeting in November. Once adopted, the City must give at least 14 days notice of the date of the Annual General Meeting.

To ensure there is sufficient time to advertise the Annual General Meeting and finalise the Annual Report, it is suggested that the most appropriate date for holding the Annual General Meeting of Electors is Monday 28 November 2011 at 6.00pm.

### **CONSULTATION/ADVERTISING:**

There is no legislative requirement to consult on the Annual Report, but the Local Government Act 1995 requires an Annual General Meeting of Electors to be held and the Annual Report to be made available publicly.

It is proposed that the Annual Report will be produced on CD-Rom and made available on the City's public website. A minimal number of printed, bound colour copies will be available for viewing at the Library and Local History Centre and the City's Customer Service Centre.

A printed copy of the Annual Report is provided to the Council Members.

### **LEGAL/POLICY:**

The Local Government Act 1995, Section 5.53 requires every Local Government to prepare an Annual Report. Section 5.54 states that the Annual Report is to be accepted by the Local Government no later than 31 December of that financial year.

Local Government (Financial Management) Regulation 51(2) states:

*"A copy of the annual financial report of a local government is to be submitted to the Executive Director within 30 days of the receipt by the CEO of the Auditor's Report on that financial report."*

Section 5.53 of the Local Government Act 1995 states:

#### **5.53 Annual Reports**

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain:*
  - a. *a report from the mayor or president;*
  - b. *a report from the CEO;*
  - (c) and (d) deleted*
  - e. *an overview of the plan for the future of the district made in accordance with Section 5.56 including major activities that are proposed to commence or to continue in the next financial year;*
  - f. *the financial report for the financial year;*
  - g. *such information as may be prescribed in relation to the payments made to employees;*
  - h. *the auditor's report for the financial year;*
  - ha. *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and*
  - i. *such other information as may be prescribed.*

Section 5.54 of the Local Government Act states:

#### **5.54 Acceptance of Annual Reports**

- (1) *Subject to subsection (2) the annual report for a financial year is to be accepted\* by the local government no later than 31 December after that financial year.*

*\* absolute majority required*

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

Section 5.55 of the Local Government Act 1995 states:

**5.55 Notice of annual reports**

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

Section 5.27 states:

**5.27 Electors' general meetings**

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

**RISK MANAGEMENT IMPLICATIONS:**

**High:** The risk associated with not adopting the 2010/2011 Annual Report and failure to set a date for the 2011 Annual General Meeting of electors will result in non-compliance with the requirement of the Local Government Act 1995.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the City's Strategic Plan 2011-2016

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

**SUSTAINABILITY IMPLICATIONS:**

Not Applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost of preparing the Annual Report, which contains the Financial Report will be carried out in-house. This will provide cost savings of approximately \$4,000 for typesetting of the report.

The Auditor's total costs are \$12,530 (GST inclusive).

The Annual Report is prepared by the City's administration, as such, these costs are contained in the City's Operating Budget.

**COMMENTS:**

The annual Report 2010/2011 has been reported to the first Ordinary Meeting of the Council after receiving the Annual Financial Report from the City's Auditors. (The Annual Financial Report forms part of the City's Annual Report).

In order for the City to meet its legislative requirements, it is recommended that the Council accepts the Annual Report for 2010/2011 and convenes the 2011 Annual General Meeting of Electors for Monday 28 November 2011 at 6.00pm.

**9.4.4 Policy No. 4.2.7 – Allowances, Fees and Reimbursement of Expenses – Proposed Amendment to Approve of Telecommunication and Information Technology Allowances**

<b>Ward:</b>	Both	<b>Date:</b>	31 October 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	ADM0051
<b>Attachments:</b>	<a href="#">001</a> – Amended Draft Policy No. 4.2.7		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council APPROVES BY AN ABSOLUTE MAJORITY the financial support that will be provided to Council Members through the payment of allowances, fees and reimbursement of expenses incurred and insurance cover while performing their official functions and duties of office, as detailed in the amended draft Policy No. 4.2.7 – “Council Member - Allowances, Fees and Re-imburement of Expenses”, to allow for a Telecommunication Allowance and an Information Technology Allowance and other minor amendments, as shown in Appendix 9.4.4.

**Moved Cr Harley, Seconded Cr Buckels**

That the recommendation, together with the following change, be adopted:

“That the Recommendation be amended to read as follows:

That the Council APPROVES BY AN ABSOLUTE MAJORITY the financial support that will be provided to Council Members through the payment of allowances, fees and reimbursement of expenses incurred and insurance cover while performing their official functions and duties of office, as detailed in the amended draft Policy No. 4.2.7 – “Council Member - Allowances, Fees and Re-imburement of Expenses”, to allow for a Telecommunication Allowance and an Information Technology Allowance and other minor amendments, as shown in Appendix 9.4.4, subject to clauses 3.1(c) and 3.2(c) of the Policy being amended as follows:

**1. Clause 3.1(c) be deleted and replaced with:**

**“3.1(c) In recognition of possible capital costs associated with telecommunications expenses, 50% of the annual allowance will be paid in advance within 14 days of election and thereafter the balance of the annual allowance will be paid in the months of January, April and June, after taking into account any advance payment that has been made.”**

**2. Clause 3.2(c) be deleted and replaced with:**

**“3.2(c) In recognition of possible capital costs associated with information technology expenses, 50% of the annual allowance will be paid in advance within 14 days of election and thereafter the balance of the annual allowance will be paid in the months of January, April and June, after taking into account any advance payment that has been made.”**

Debate ensued.

**AMENDMENT NO 1**

**Moved Cr Harley, Seconded Cr Pintabona**

That the Recommendation be amended to read as follows:

“That the Council APPROVES BY AN ABSOLUTE MAJORITY the financial support that will be provided to Council Members through the payment of allowances, fees and reimbursement of expenses incurred and insurance cover while performing their official functions and duties of office, as detailed in the amended draft Policy No. 4.2.7 – “Council Member - Allowances, Fees and Re-imbusement of Expenses”, to allow for a Telecommunication Allowance and an Information Technology Allowance and other minor amendments, as shown in Appendix 9.4.4.”

**AMENDMENT NO 1 PUT AND CARRIED UNANIMOUSLY (9-0)**

Debate ensued.

**AMENDMENT NO 2**

**Moved Cr Carey, Seconded Cr Buckels**

That the Recommendation be amended to read as follows:

“That the Council APPROVES BY AN ABSOLUTE MAJORITY the financial support that will be provided to Council Members through the payment of allowances, fees and reimbursement of expenses incurred and insurance cover while performing their official functions and duties of office, as detailed in the amended draft Policy No. 4.2.7 – “Council Member - Allowances, Fees and Re-imbusement of Expenses”, to allow for a Telecommunication Allowance and an Information Technology Allowance and other minor amendments, as shown in Appendix 9.4.4, subject to clauses 3.1(c) and 3.2(c) of the Policy being amended as follows:

**1. Clause 3.1(c):**

“(c) In recognition of possible capital costs associated with telecommunications expenses, payment will be made as follows:

- 50% to be paid in the month of October; and
- 50% to be paid in the month of April.

~~Upon Election/Election Year~~

- ~~50% paid in advance within 14 days after the election (October); thereafter,~~
- ~~25% paid in the months of January and April, until the completion of that financial year.~~

~~Non-Election Year~~

- ~~25% paid in arrears in the months of January, April, July and October.”~~

**2. Clause 3.2(c):**

“(c) In recognition of possible capital costs associated with information technology expenses, payment will be made as follows:

- 50% to be paid in the month of October; and
- 50% to be paid in the month of April.

~~Upon Election/Election Year~~

- ~~• 50% paid in advance within 14 days after the election (October); thereafter,~~
- ~~• 25% paid in the months of January and April, until the completion of that financial year.~~

~~Non-Election Year~~

- ~~• 25% paid in arrears in the months of January, April, July and October.”~~

**AMENDMENT NO 2 PUT AND CARRIED UNANIMOUSLY (9-0)**

Debate ensued.

**MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY  
BY AN ABSOLUTE MAJORITY (9-0)**

**COUNCIL DECISION ITEM 9.4.4**

That the Council APPROVES BY AN ABSOLUTE MAJORITY the financial support that will be provided to Council Members through the payment of allowances, fees and reimbursement of expenses incurred and insurance cover while performing their official functions and duties of office, as detailed in the amended draft Policy No. 4.2.7 – “Council Member - Allowances, Fees and Re-imburement of Expenses”, to allow for a Telecommunication Allowance and an Information Technology Allowance and other minor amendments, as shown in Appendix 9.4.4, subject to clauses 3.1(c) and 3.2(c) of the Policy being amended as follows:

1. Clause 3.1(c):

“(c) In recognition of possible capital costs associated with telecommunications expenses, payment will be made as follows:

- 50% to be paid in the month of October; and
- 50% to be paid in the month of April.”

2. Clause 3.2(c):

“(c) In recognition of possible capital costs associated with information technology expenses, payment will be made as follows:

- 50% to be paid in the month of October; and
- 50% to be paid in the month of April.”

---

**PURPOSE OF REPORT:**

The purpose of this report is to amend the Policy No. 4.2.7 – “Council Member - Allowances, Fees and Re-imburement of Expenses”, to allow for a Telecommunication Allowance and an Information Technology Allowance and other minor amendments (as shown in Appendix 9.4.4).



## **BACKGROUND:**

At the Ordinary Meeting of the Council held on 5 June 2007, the Council approved the Policy No. 4.2.7 – “Council Members Allowance, Fees and Re-imbursement of Expenses”. The Policy has been reviewed and amended at the Ordinary Meeting of Council held on 12 May 2009, 28 September 2010 and 19 April 2011, whereby the Council resolved as follows:

*“That the Council APPROVES BY AN ABSOLUTE MAJORITY the financial support that will be provided to Council Members through the payment of allowances, fees and reimbursement of expenses incurred and insurance cover while performing their official functions and duties of office, as detailed in the amended draft Policy 4.2.7 – “Council Member - Allowances, Fees and Re-imbursement of Expenses” (as shown in Appendix 9.4.2), for the period 1 July 2011-30 June 2013, subject to Policy 4.2.7 being amended to read as follows:*

### 1.3 Deputy Mayoral Allowance

*The Deputy Mayor shall be entitled to an annual local government allowance equivalent to 20% of the Mayoral Allowance. (Section 5.98A, Regulation 33A of Local Government (Administration) Regulations 1996).”*

## **DETAILS:**

The Local Government Elections held in October 2011 has resulted in five (5) new Council Members being elected to the City of Vincent Council. As such, there is a need to provide Council Members with their entitlements relating to telephones, facsimile machines, mobile phones, internet and the like. Previously the Council has approved of reimbursement of expenses and provision of mobile phones. However, the *Local Government (Administration) Regulations 1996* allows for a Telecommunication Allowance and an Information Technology Allowance to be paid within the prescribed limited, currently \$2,400 for the Telecommunication Allowance and \$1,000 for the Information Technology Allowance.

### Reasons for an Allowance

As each of the needs of the Council Members varies, it is considered more beneficial and appropriate to pay the Allowances and allow for each Council Member to determine what is considered best for their circumstances (e.g. not purchase a facsimile machine, not install a telephone landline, or only use a mobile phone etc).

### Office of the Mayor

The Office of Mayor is currently not entitled for reimbursement of mobile phone calls, as the maximum allowance is paid to the Office of Mayor, (that is \$60,000). However, the approval of a Telecommunication allowance and an Information Technology Allowance will overcome this matter. This will ensure the Office of the Mayor is not disadvantaged and is treated equitably.

## **Recommended Changes**

The following changes to the Policy are recommended:

### **Allowances**

#### **1. Telecommunications and Information Technology Allowances**

It is recommended that the existing clause 3 of the City’s Policy be rescinded and the following new clause be inserted:

### **3. TELECOMMUNICATIONS AND INFORMATION TECHNOLOGY ALLOWANCES**

#### **3.1 Telecommunications Allowance**

(a) The Council will pay all Council Members an annual Telecommunication Allowance to the maximum amount within the prescribed legislated limit of the *Local Government (Administration) Regulations 1996 – Regulation 34A*. This Telecommunication Allowance is an Allowance in lieu of reimbursement of expenses. This Allowance covers the expenses incurred by Council Members in performing a function under the express authority of the Council or in performing a function in the Council Members official capacity.

(b) The annual Telecommunication Allowance is for all costs relating to:

- telephone usage (including purchase, rental, plans/contracts and/or payments);
- line rental;
- call and service charges;
- costs for installation of an additional line (if required by the Council Member);
- purchase of facsimile machines;
- purchase of mobile phones, (and any replacements) and extra telephone lines or call costs;
- maintenance, servicing and replacement of any telecommunication equipment; and
- all consumables associated with Telecommunication equipment/facilities use whilst performing the functions as a Council Member.

(c) In recognition of possible capital costs associated with telecommunications expenses, payment will be made as follows:

##### **Upon Election/Election Year**

- 50% paid in advance within 14 days after the election (October); thereafter,
- 25% paid in arrears in the months of January and April, until the completion of the term.

##### **Non-Election Year**

- 25% paid in arrears in the months of January, April, July and October.

(d) Any claims by Council Members for expenses incurred over the maximum annual Telecommunication Allowance detailed in clause (a) above are to be submitted on the Reimbursement of Expenses Form. Additional claims above the maximum limit must be supported by receipted invoices for the maximum limit and the additional amounts claimed. Where a Council Member reaches the limit, all claims for reimbursement shall be referred to the Council for approval.

#### **3.2 Information Technology Allowance:**

(a) The Council will pay all Council Members an annual Information Technology Allowance to the maximum amount within the prescribed legislated limit of the *Local Government (Administration) Regulations 1996 – Regulation 34AA*. This Information Technology Allowance is an Allowance in lieu of reimbursement of expenses. This Allowance covers the expenses incurred by Council Members in performing a function under the express authority of the Council or in performing a function in the Council Members official capacity.

- (b) The annual Information Technology Allowance is for all costs relating to:
- computers, laptops and associated printers (purchase or lease);
  - internet connection, hardware (purchase or lease), associated service charges, costs of usage including downloads relating to Council business;
  - maintenance, servicing and replacement of any information technology equipment;
  - any additional software;
  - all consumables associated with Information Technology equipment/facilities use whilst performing the functions as a Council Member, including but not limited to paper and ink cartridges; and
  - except those items specified in paragraph 3.2(d).

- (c) Payment will be made as follows:

**Upon Election/Election Year**

- 50% paid in advance within 14 days after the election (October); thereafter,
- 25% paid in arrears in the months of January and April, until the completion of the term.

**Non-Election Year**

- 25% paid in arrears in the months of January, April, July and October.

- (d) This Allowance is in addition to any laptop, tablet and/or printer which is approved by the Council to enable the Council Member to fulfil their role. Any equipment (including software) provided by the City will be repaired, serviced, maintained and/or replaced by the City. Consumables for this equipment, such as paper and ink cartridges will also be paid by the City. The City will retain ownership of any equipment provided under this clause.

- (e) Any claims by Council Members for expenses incurred over the maximum annual information technology allowance detailed in clause (a) above are to be submitted on the Reimbursement of Expenses Form. Additional claims above the maximum limit must be supported by receipted invoices for the maximum limit and the additional amounts claimed. Where a Council Member reaches the limit, all claims for reimbursement shall be referred to the Council for approval.

### **3.3 Option to Purchase Upon Completion of Term of Office**

At the completion of their term, Council Members will have the option of purchasing the Telecommunication and Information Technology equipment/facilities, in accordance with Policy No. 4.2.6 – Council Member – Purchase of Items and Equipment.

#### **Other Minor Amendments**

When researching this matter, the Chief Executive Officer was advised that all entitlements provided to the Office of the Mayor and Councillors should be included in the Council's Policy. In this regard, minor changes have been made to the Policy as follows:

##### Clause 2 – Office of Mayor

The City has always provided an office and associated support for the Office of the Mayor – this is now reflected in Clause 2.1. (It should be noted that this is not a new benefit, but merely reflects the City's current practice).

#### Clause 8.1 – Stationery, Consumables and Postage

This clause has been amended to delete reference to facsimile machine cartridges – which will now be covered by the Telecommunications Allowance.

#### Clause 9 – Miscellaneous Expenses and Entitlements

A new clause 9(f) has been inserted – this reflects the current use of the Councillors Room and meeting rooms. (It should be noted that this is not a new benefit, it merely reflects the City's current practice).

#### Clause 10 – Policy Administration

Three new clauses have been inserted as follows:

10.2 – Time Limit on Claims and Approval Process – this requires Council Members to submit any claims within three (3) months of the expense being incurred. This allows for the orderly processing of any claims.

10.3 – Conditions Relating to Non-Claiming of Fees, Allowances and Entitlements – A Council Member has the right not to accept any fees, allowances and entitlements. However, the current Policy is silent on this matter. Accordingly, this clause specifies what is the City's current practice.

10.4 – Dispute Resolution – This clause merely specifies what is the City's current practice when a dispute may arise.

#### Other Local Governments

A review of a number of other local governments has revealed that they are payment the maximum allowances prescribed by the Regulations to provide for telecommunication and information technology for their Council Members e.g. Town of Victoria Park, Cities of Perth, Belmont, Gosnells, Joondalup and Wanneroo.

#### **CONSULTATION/ADVERTISING:**

The Council's Policy relating to Council Member Fees and Expenses was previously advertised for public comment in May 2003.

As the changes to the Policy are allowed for in the *Local Government (Administration) Regulations 1996*, it is recommended that the amended Policy not be advertised separately for public comment.

#### **LEGAL/POLICY:**

The Local Government Act provides that a Member has a legal right to be reimbursed for rental on one telephone line and one facsimile line and in addition, can claim child care costs incurred whilst attending to Council business.

The Local Government (Administration) Regulations also provide:

*"The extent to which an expense ...can be reimbursed is the actual amount, verified by sufficient information".*

The above criteria must be met before any reimbursement can be made. That is:

- the Council must first approve the types of expenses which can be reimbursed (and may set limits to these);
- the expense must be incurred in performing a function as a council member;
- reimbursement is limited to the actual expense incurred; and
- the expense must be verified by sufficient information.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** The risk associated with this Policy is considered low. However, the City will need to closely monitor the Policy to ensure that it meets the needs of the Council Members.

**STRATEGIC IMPLICATIONS:**

This matter is in keeping with the Strategic Plan 2011 – 2016 Objective 4.1.1 *“Develop leadership skills, behaviours and culture that enhance the public image of the City”*; *“(b) Maintain high standards of Council Member induction, training and knowledge”*.

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The costs associated with this Policy are partly included in the Annual Budget 2011/2012. Some additional costs will be incurred for the remainder of this financial year however, these can be contained within the current Budget, as there are only seven (7) months remaining.

The City's Annual Budget 2011/2012 currently contains an amount of \$7,000 for all Council Members telephone calls. The purchase of mobile phones, facsimile machines and consumables is contained within the City's Operating Budget and not specifically itemised.

The City has recently purchased new mobile phones for the newly elected Mayor and Councillors and these costs will be deducted from the Allowances for the period 2011/2012.

It is estimated that additional funds of approximately \$15,000 may be required for the 2011/2012 financial year.

**COMMENTS:**

The change to the Policy is considered appropriate as it allows for Council Members to best determine their requirements (appropriate to their needs). At the same time, the City's Administration will no longer be required to provide resources to process the payment of telephone accounts and associated installation of telephone lines, repairs to phones etc. This will provide cost savings to the City.

Accordingly, approval of the Officer Recommendation is requested.

**9.4.7 LATE ITEM: City of Vincent Dogs Local Law 2007 - Proposed Amendment to Designate Loton Park as a Dog Exercise Area**

<b>Ward:</b>	Both	<b>Date:</b>	4 November 2011
<b>Precinct:</b>	All	<b>File Ref:</b>	LEG0015
<b>Attachments:</b>	<a href="#">001</a>		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	J MacLean, Manager Ranger and Community Safety Services		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES BY AN ABSOLUTE MAJORITY** an amendment to the City of Vincent Dogs Local Law (2007), to include Loton Park Reserve in Schedule 5;
2. Under the powers conferred by the Local Government Act 1995 and all other powers enabling it, **RESOLVES** on ..... 2011 to make the Dogs Amendment Local Law No. 1, 2011, as follows:

**“LOCAL GOVERNMENT ACT 1995 (as amended)  
CITY OF VINCENT DOGS LOCAL LAW 2007  
AMENDMENT LOCAL LAW NO. 1, 2011**

- 2.1. **Schedule 5 amended**

Delete Schedule 5 and insert –

**SCHEDULE 5**

**DOG EXERCISE AREAS DURING SPECIFIED TIMES ONLY**

Item No.	Description of Public Place	Times During Which Place is a Dog Exercise Area
1.	<b>Forrest Park-Mount Lawley: - Reserve No. 7338.</b>	<b>At all times except where the public place is used for a function, sports training or activities approved by the local government.</b>
2.	<b>Woodville Reserve-North Perth: Bounded by Namur, Fitzgerald, Farmer and Mignonette Streets, North Perth.</b>	<b>At all times except where the public place is used for a function, sports training or activities approved by the local government.</b>
3.	<b>Les Lilleyman Reserve-North Perth, except that portion of the reserve roughly bounded by Gill Street, to the south and the prolongation of the northern kerb-line of Woodstock Street, eastwards across Les Lilleyman Reserve: - part of Certificate of Crown Land Title Volume 1077 Folio 517.</b>	<b>At all times except where the public place is used for a function, sports training or activities approved by the local government.</b>
4.	<b>Menzies Park-Mount Hawthorn: Bounded by East, Purslowe, Egina and Berryman Streets, Mount Hawthorn.</b>	<b>At all times except where the public place is used for a function, sports training or activities approved by the local government.</b>
5.	<b>Britannia Road Reserve South: Bounded by the Mitchell Freeway, Richmond Street and the prolongation of Namatjira Place where it meets the Mitchell Freeway.</b>	<b>At all times except where the public place is used for a function, sports training or activities approved by the local government.</b>

6. That portion of No. 310 Pier Street, Perth, known as Loton Park, bounded by Lord Street, Bulwer Street and the eastern fence-line of the rectangular Stadium, at that address, and excluding the enclosed fenced area used by Loton Park Tennis Club At all times except when the public place is used for an event, function, sports training or other activities, approved by the local government. ”

(Also as outlined in Yellow in Appendix 9.4.7 – Plan No. 2892-CP-01.)

3. In accordance with the provisions of Section 3.12 of the Local Government Act 1995 as amended, gives a Statewide advertisement, indicating where and when the proposed amendment may be viewed and seeking public comment on the proposed amendment to the City of Vincent Dogs Local Law 2007; and
4. NOTES that a further report will be submitted to the Council after the expiry of the statutory consultation period.

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**COUNCIL DECISION ITEM 9.4.7**

**Moved Cr Maier, Seconded Cr Carey**

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY  
BY AN ABSOLUTE MAJORITY (9-0)**

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**PURPOSE OF REPORT:**

The purpose of this report is to obtain the Council's approval for a proposed amendment to the City of Vincent Dogs Local Law 2007, to include Loton Park Reserve as a "Free Exercise Area for dogs" (except when it is being used for an approved event).

**BACKGROUND:**

As Council may be aware, the matter of dog exercise areas in the Forrest Precinct has been of considerable concern to the local community for a number of years. The use of Forrest Park and Jack Marks Reserve as dog exercise areas has resulted in a number of complaints over previous years. The dog exercise areas in the City are shown in Appendix 9.4.7(A) and in the Forrest Precinct at Appendix 9.4.7(B).

**Forrest Park - Refer to Appendices 9.4.7(C)**

The situation on Forrest Park is exacerbated as this is an "active" recreation area, which is very popular and also used primarily by the Perth Junior Soccer Club. With the upgrading of the Forrest Park Pavilion and construction of the club room, the need for an "off-leash" dedicated dog exercise was investigated. At the Ordinary Meeting of Council held on 26 August 2008, the Council resolved in part as follows:

*"That the Council:*

- (i) *RECEIVES the Progress Report and the Public Submissions on the Forrest Park Pavilion Community Consultation, carried out in July-August 2008; ...*
- (iii) *APPROVES;*
- (d) *the creation of a dog exercise area on the western portion of Forrest Park for provision of a dog off-leash area at all times, (except when the adjacent sports pitch is used for an approved function, event, sports training or other activities) comprising approximately 6,000m<sup>2</sup> together with two lights, dog tap, special purpose dog bins and signage, as shown in Appendix 10.3.3D on Plan No 2542-CP-01N, at an estimated cost of \$19,000; and*

- (e) *the installation of an additional light on Jack Marks Reserve (dog exercise area), at an estimated cost of \$7,500;...*"

Refer to Plan No. 2542-CP-01N (*Appendix 9.4.7(C)*).

**Jack Marks Reserve – Refer to Appendix 9.4.7(D)**

This Reserve is a dogs "off-leash" exercise area, at all times.

The City has recently conducted community consultation to erect a fence around Jack Marks Reserve and a number of submissions have been received, both for and against the fence. These submissions are currently being assessed and it is proposed to submit a report to the Ordinary Meeting of Council to be held on 22 November 2011.

The City's newly elected Mayor Hon. Alannah MacTiernan has recently met with a number of residents concerning Forrest Park and Jack Marks Reserve. As a result, she has requested that consideration be given to designating Loton Park as an "off-leash" dog exercise area.

**Loton Park – Refer to Plan No. 2892CP-01 – Appendix 9.4.7(E)**

Since 1994, Loton Park has not been used for dogs to be exercised "off-leash". However, given that the Park is poorly utilised, it is appropriate to allow the Park to be used as an "off-leash" dog exercise area at all times, except when an authorised event is being held on the Park.

Loton Park is a "Passive" Recreation Reserve, situated adjacent to the currently named "nib Stadium" and consists of approximately 22,400m<sup>2</sup> of grass, with a few shrubs and small trees around the perimeter. The reserve is infrequently used, except when an event is being held in the adjacent stadium. It is used for event day parking for major events at the Stadium. There is an old toilet block on the northern boundary.

The reserve is not included in either Schedule 4 "*Dog Exercise Areas - Unrestricted Time Limits*", or Schedule 5, "*Dog Exercise Areas During Specified Times Only*" and, as a result, dogs must be kept on-leash at all times. However, the City has received a request to review the use of this reserve, to allow dogs to be exercised off-leash at all times, except when the adjacent nib Stadium is in use and/or approval has been given by the City, for another use of the reserve. In general terms, this would only occur when Perth Glory are playing at home, when Western Force are playing at home or when the City has approved the use of the reserve for another use.

It is not considered that there will be any adverse impact on the few current park users, or the park itself, by virtue of including the reserve into Schedule 5, as dog-owners are still subject to the requirements of the Dogs Local Law; however, when the park is not in use, for an approved event, dogs can be exercised off-leash. In keeping with the City's objectives to promote better use of recreational facilities, it is expected that this proposal will increase the current use of the reserve.

It is noted that in the past few years, there have been a number of complaints from surrounding residents about anti-social behaviour, "street drinking" in the park and incidents of graffiti vandalism. This proposal should encourage increased passive surveillance and greater usage of the reserve which is likely to benefit the community by reducing the incidence of vandalism and anti-social behaviour.

**CONSULTATION/ADVERTISING:**

The process to amend a local law requires a period state-wide advertising for of not less than six (6) weeks Community Consultation. Following the consultation process, a further report will be submitted to the Council, detailing any comments received.



The following is an indicative timeline:

Date	Item
8 November 2011	Council decision to approve state-wide advertising to amend the City's Dogs Local Law
10 November 2011	State-wide advertisement
10 November 2011-15 December 2011	Statutory advertising
15 November 2011-18 December 2011	Consideration of submissions and preparation of report
20 December 2011	Council to consider submissions and determine to proceed or not proceed with amendment to Local Law
30 December 2011	Advertise Local Law Amendment in Government Gazette
16 January 2012	Loton Park Dog Exercise Area becomes effective

**LEGAL/POLICY:**

- Local Government Act 1995 (as amended);
- Dog Act 1976; and
- City of Vincent Dogs Local Law 2007 (as amended).

Section 51(bb) of the Dog Act 1976 authorises a local government to create a dog exercise area, under such conditions as it requires. This clause states:

*"51. Local law making powers*

*A local government may so make local laws –*

*(bb) specifying any public place or class of public place, being a place that is under the care, control and management of the local government, as a dog exercise area for the purposes of sections 31 and 32;"*

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** There will be a need for dog faeces collection bags and disposal bins to be placed in the area, and Rangers will undertake patrols of the area on a regular basis.

**STRATEGIC IMPLICATIONS:**

In keeping with the City's *Strategic Plan 2011 – 2016*, Objective 3.1.5(b) states:

*"Deliver a range of leisure programs to encourage structured and unstructured recreation in the community."*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

There will be a need to erect appropriate signage throughout the park, and installation of site collection bags and disposal bins on the reserve. The matter will also need to be advertised to inform the community. The estimated cost is \$1,000 and will be funded from the Loton Park operating budget.

**COMMENTS:**

Loton Park is currently under-utilised, except for nib Stadium related events. The proposal to create an "off-leash" dog exercise area for use when the reserve is not being used for official events, sports training or other activities approved by the City, may result in a reduction in graffiti vandalism, due to better passive surveillance. It may also improve the situation for Forrest Park and Jack Marks Reserve.

Approval of the Officer Recommendation is therefore requested.

**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**

**12.1 LATE ITEM: Foyer Oxford Community Reference Group**

<b>Ward:</b>	South	<b>Date:</b>	7 November 2011
<b>Precinct:</b>	Oxford Centre	<b>File Ref:</b>	PRO4172
<b>Attachments:</b>	<a href="#">001</a> – Terms of Reference		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi Chief Executive Officer		

That;

1. Cr ..... and the City's Manager Community Development, Jacinta Anthony, be nominated as the City's Council Member Representative and Officer on the Central Foyer Oxford Community Reference Group, with the term expiring on 12 October 2013, unless otherwise specified; and
2. Cr ..... be appointed as Deputy Member.

The Presiding Member, Mayor Hon. Alannah MacTiernan called for nominations.

Cr Matt Buckels nominated for clause 1; and

Cr Roslyn Harley nominated for clause 2.

No further nominations were received.

**Moved Cr Pintabona, Seconded Cr Carey**

That the motion, together with the nominations be approved.

**MOTION PUT AND CARRIED UNANIMOUSLY (9-0)**

**COUNCIL DECISION ITEM 12.1**

That;

1. Cr Matt Buckels and the City's Manager Community Development, Jacinta Anthony, be nominated as the City's Council Member Representative and Officer on the Central Foyer Oxford Community Reference Group, with the term expiring on 12 October 2013, unless otherwise specified; and
2. Cr Roslyn Harley be appointed as Deputy Member.

**PURPOSE OF THE REPORT:**

The purpose of the report is for the Council to appoint its Member to the Foyer Oxford Community Reference Group.

**DETAILS:**

Community Consultations for the Foyer Oxford Project were held earlier this year. At those consultations, community members expressed a desire to find out more about and provide input into, the Foyer's development and management. To achieve this, a Foyer Oxford Community Reference Group is being established.

Terms of Reference for the Group are attached at Appendix 12.1.

Meetings will be held four times a year on a quarterly basis in the lead up to the opening of Foyer Oxford. The first meeting is tentatively scheduled for Monday 14 November 2011.

### 13. URGENT BUSINESS

#### 13.1 URGENT BUSINESS: Appointment of an Alternative (Deputy Member) for Tamala Park Regional Council

Ward:	-	Date:	4 November 2011
Precinct:	-	File Ref:	ADM0078
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

#### OFFICER RECOMMENDATION:

That the Council APPROVES BY AN ABSOLUTE MAJORITY the appointment of Councillor Joshua Topelberg to be its alternative (Deputy Member) for the Tamala Park Regional Council Meeting to be held on 10 November 2011, due to the unavailability of the Council's appointed Member, the Mayor Hon. Alannah MacTiernan.

#### COUNCIL DECISION ITEM 13.1

Moved Cr Carey, Seconded Cr Buckels

That the recommendation be adopted.

**MOTION PUT AND CARRIED UNANIMOUSLY  
BY AN ABSOLUTE MAJORITY (9-0)**

#### PURPOSE OF REPORT:

For the Council to appoint an alternative (Deputy Member) to the Tamala Park Regional Council (TPRC) CEO Performance Review Committee Meeting, due to the unavailability of its appointed Member, Mayor Hon. Alannah MacTiernan, who is unable to attend the meeting to be held on 10 November 2011, due to a longstanding prior commitment.

#### BACKGROUND:

The City has previously received advice that the Local Government Act 1995 does not contain any provision to appoint a Deputy Member to be its Member on a Regional Council. However, it may appoint an alternative Member if the regular Member is unable to attend the meeting. Mayor MacTiernan is unable to attend due to another important previous commitment.

It is important for the City to be represented at the Meeting, where the Regional Council Chairperson and membership of the Management Committee will be appointed, as the subject matter will set the framework for the success of Council operations into the future.

#### CONSULTATION/ADVERTISING:

Not applicable.

#### LEGAL/POLICY:

Section 52(1) and (2) of the Interpretation Act confers power to appoint a person to a position including an Acting Appointment. The Local Government Act is deficient as it does not allow the appointment of a Deputy Member and an urgent amendment is currently being considered.

**RISK MANAGEMENT IMPLICATIONS:**

**High:** The non-attendance of a City representative to the Council meeting where the Regional Council's Chairperson and membership of the Management Committee will be appointed, will result in the City not having any vote in these important matters.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the City's Strategic Plan 2011 – 2016, Key Objective 4.1 – *“Provide good strategic decision making, leadership and professional management”*.

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The Local Government Act is being amended, so that deputy Members can be appointed for prescribed periods, therefore deleting the matter to be determined by a Council for each occasion.

It is important that the City be represented at this Meeting. Cr Joshua Topelberg has advised that he is available to attend the meeting.

**PROCEDURAL MOTION**

At 9.33pm **Moved Cr McGrath, Seconded Cr Wilcox**

That Council proceed "behind closed doors" to consider items:

- 13.2, as this matter contains information concerning legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
- 14.1, as this matter contains information concerning:
  - a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
  - legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
  - a matter that, if disclosed, would reveal information that has a commercial value to a person;
- 14.2, as this matter contains information concerning legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
- 14.3, as this matter contains information affecting an employee or employees.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)**

There were no members of the public or journalists present.

Executive Assistant (Minutes Secretary), Anita Radici departed the Chamber at 9.35pm.

The Council proceeded "behind closed doors" to consider Items 13.2, 14.1, 14.2 and 14.3.

**PRESENT:**

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Matt Buckels	North Ward
Cr John Carey	South Ward
Cr Roslyn Harley	North Ward
Cr Warren McGrath ( <i>Deputy Mayor</i> )	South Ward
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services

**13.2 URGENT BUSINESS: CONFIDENTIAL REPORT: Leederville Hotel, No. 742 Newcastle Street, Leederville – Refusal of Outdoor Eating Area – Review (Appeal) to the State Administrative Tribunal (SAT) DR 365 of 2011**

<b>Ward:</b>	South	<b>Date:</b>	7 November 2011
<b>Precinct:</b>	Oxford Centre (04)	<b>File Ref:</b>	PRO0630
<b>Attachments:</b>	<a href="#">001</a> – 5 Coloured photographs of the current structure		
<b>Tabled Items:</b>	SAT Appeal Papers (Confidential)		
<b>Reporting Officers:</b>	J MacLean, Manager Ranger and Community Safety Services; R Rasiah, Coordinator Statutory Planning; R Boardman, Director Development Services		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** the report relating to the Leederville Hotel’s Appeal application to the State Administrative Tribunal, Review Matter No. DR 365 of 2011 relating to the Council’s Refusal to renew their Outdoor Eating Area Permit, including the current enclosure structure at No. 742 Newcastle Street, Leederville; and
2. **INVITES** the MAYOR and/or COUNCILLOR(s) ..... to attend any future mediation(s) on behalf of the Council, including the SAT Review (appeal).

Moved Cr McGrath, Seconded Cr Maier

That the motion, together with the nominations be approved.

**PROCEDURAL MOTION**

Moved Cr McGrath, Seconded Cr Harley

That Standing Orders be suspended to enable open discussion.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)**

Discussion ensued.

Cr Carey departed the Chamber at 9.45pm.

Discussion ensued.

Cr Carey returned to the Chamber at 9.47pm.

Discussion ensued.

**PROCEDURAL MOTION**

Moved Cr McGrath, Seconded Cr Carey

That Standing Orders be resumed.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)**

**The Presiding Member, Mayor Hon. Alannah MacTiernan called for nominations for clause 2.**

**Cr Roslyn Harley and Cr Warren McGrath nominated.**

**No further nominations were received.**

**MOTION PUT AND CARRIED UNANIMOUSLY (9-0)**

**COUNCIL DECISION ITEM 13.2**

**That the Council;**

- 1. RECEIVES the report relating to the Leederville Hotel's Appeal application to the State Administrative Tribunal (SAT), Review Matter No. DR 365 of 2011 relating to the Council's Refusal to renew their Outdoor Eating Area Permit, including the current enclosure structure at No. 742 Newcastle Street, Leederville; and**
- 2. INVITES the Mayor Hon. Alannah MacTiernan and Councillors Roslyn Harley and Warren McGrath to attend any future mediation(s) on behalf of the Council, including the SAT Review (appeal).**

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**PURPOSE OF REPORT:**

The purpose of the report is to advise the Council of the Appeal lodged by the Leederville Hotel with the State Administrative Tribunal (SAT) concerning the Council's decision to refuse their Outdoor Eating Area Licence, to appoint Council Members to attend the mediation sessions and for the Council to provide a direction to the City's Administration with regards to the structure.

**BACKGROUND:**

On 26 October 2011, the City received a copy of the Grounds for Appeal to the SAT, lodged by the Leederville Hotel. On 4 November 2011, the Mayor and Chief Executive Officer met with Mr Barry Jones and Mr Adrian Fini – Directors of the Company who owns the Leederville Hotel to discuss the Outdoor Eating Area and other associated matters.

On 7 November 2011, the City received a copy of a letter from Mr Barry Jones to the SAT requesting that the SAT adjourn the matter to a date in the future, in order to allow *"an amicable settlement of this matter being reached without further assistance from the SAT"*.

Mayor MacTiernan has requested that this matter be placed before the Council as Confidential Urgent Business in order that the Council can determine its position, prior to the SAT Mediation being progressed.

11 October 2011      The Council at its Ordinary Meeting resolved in part to refuse the application from the Leederville Hotel to renew the Outdoor Eating Area Permit for No. 742 Newcastle Street, Leederville, including the current enclosure structure and decking, as constructed on the footpath of Newcastle Street, for the following reasons:

- 1.1 the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- 1.2 the outdoor eating area enclosure and decking is located within the footpath area, and dominates the footpath area in its current form; and*
- 1.3 results in a negative precedent for other similar Outdoor Eating Areas within the City; and*

*ADVISES the owners of the Leederville Hotel that the outdoor eating structure and decking shall be removed and the footpath returned to its original state and condition at the full cost of the Leederville Hotel Owners within twenty-eight (28) days from the date of the City's notification of the Council's decision, to the satisfaction of the Director Technical Services."*

*REQUESTS the Chief Executive Officer to review the City's current Policy No. 3.8.1 – Outdoor Eating Areas, with a view to clarifying the current guidelines including permanent fixtures/structures and that the Chief Executive Officer report back to the Council, before December 2011, with a proposed amended Policy No. 3.8.1;"*

26 October 2011      The Leederville Hotel submitted to the City a copy of its application to appeal a decision of the City to refuse the alfresco application at the above site.

9 November 2011      Directions Hearing to be held at the State Administrative Tribunal for the above application.

**DETAILS:**

The following was reported to the Ordinary Meeting of Council held on 11 October 2011:

*"In December 2010, the Leederville Hotel submitted an Application to Conduct an Outdoor Eating Area, on the footpath, immediately adjacent to the Hotel's "Garden". With the application, the Hotel provided a plan of the proposed area to be enclosed, photographs of the proposed fencing type and information about how the area would be managed.*

*The application was approved on the basis of the information provided, for a 6 month period. However, the Outdoor Eating Area enclosure was not built until May 2011 and the Outdoor Eating Area Permit expired at the end of June 2011. As a result, the Hotel applied for the renewal of the permit in June 2011, but when the area was checked, it was discovered that the enclosure was substantially more bulky than was apparent in the supplied photographs, had been erected with a raised wooden deck with up-lights fitted into the timber decking and did not fit in with the ambiance of the locality.*

*As a result of the issues relating to the Leederville Hotel, it has come to the attention of the City that there may be other establishments where fixed enclosures have been erected on the footpath. This matter is currently being investigated.*

**Leederville Hotel Outdoor Eating Area**

*Following the application for renewal of the Leederville Hotel Outdoor Eating Area Permit, Rangers undertook a check of the facility. When the area was checked, it was found that a timber deck, complete with electric up-lights, had been constructed inside the enclosed area and that the fencing was much more substantial and bulky than it had appeared in the photographs, which had been provided at the time of the application.*

*The initial application was submitted, along with a plan drawing of the proposed outdoor eating area and photographs of the proposed fencing, as shown in Appendix 9.1.14. However, since there were no dimensions provided with the photographs, the bulk of the fencing was not apparent, until it was physically examined. Further, the top rail of the fencing was solid timber and the corners, rather than being rounded, were sharp and pointed, which could have caused injury to passersby, or damage to their clothing.*

*The initial application was considered by the Ranger and Community Safety Services, the Asset and Design Services and the Health Services and had been assessed as being suitable, on the basis of the information provided at the time. Amongst the factors considered was a requirement of the Department of Liquor, Racing and Gaming (DLRG) for a solid structure that fully enclosed the alfresco area with no opening(s) to the footpath. Further, patrons were to enter the premises via the restaurant and to be seated, thereby ensuring that they entered the Hotel via the main entrance where there would be (in peak times) the appropriate crowd control measures in place. However, the Department has subsequently advised that this was not a "requirement", but that it was their "preference and advice only" and they suggested that it was up to the City of Vincent to impose the appropriate conditions.*



*However, while the enclosure is bulkier than was envisioned, the structure could be made less intrusive, by the strategic placement of items like planter boxes, which could either be bolted to the barriers, as a permanent fixture, or hung on to the barriers and taken inside each night. Since it would be a requirement for all tables and chairs to be moved inside each night, the removal of the planter boxes was not seen as an added impost on the Hotel.*

**Raised Timber Decking**

\*\*\*\*\* - information to remain confidential.”

**Processing of the Application by the City’s Administration**

\*\*\*\*\* - information to remain confidential.

**Council’s Position**

It is important that the Council provide direction to the City’s Administration in order that this matter can be successfully negotiated and/or mediated.

\*\*\*\*\* - information to remain confidential.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

- Planning and Development Act 2005 (WA), State Administrative Tribunal Act 2004 (WA) and City’s Policy No. 4.1.23-State Administrative Tribunal Policies and Procedures; and
- Policy No. 3.8.1 relating to Outdoor Eating Areas.

As the Council refused the Officer Recommendation, the Chief Executive Officer will be engaging a Consultant and/or Solicitor to assist the City in the SAT matter. This will occur after further discussions with the Directors of the Leederville Hotel have been carried out.

**RISK MANAGEMENT IMPLICATIONS:**

**High:** Failure to reach a compromised position between the two parties or successfully mediate the matter in the SAT will result in protracted legal action. Furthermore, litigation may be taken against the City, if damages are suffered by the Leederville Hotel.

**STRATEGIC IMPLICATIONS:**

In keeping with the City’s Strategic Plan 2011 – 2016, Objective 1.1.4(b) which states: “Continue to implement both minor and major improvements in public open spaces”.

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Cost implications for the City to be represented by Consultants and/or Lawyers at the State Administrative Tribunal.

**COMMENTS:**

It is important that the City negotiate a mutually acceptable position concerning this significant structure located on the footpath abutting to the Leederville Hotel Garden Restaurant. Accordingly, it is recommended that the Council adopt the Officer Recommendation.

The Chief Executive Officer advised that it was 10.15pm and in accordance with the Council Meeting Policy, the Council should resolve to extend the meeting, if it wished to continue.

The Presiding Member, Mayor Hon. Alannah MacTiernan requested that a procedural motion be moved to extend the meeting time, as the Council's Policy relating to Council meetings requires meetings to cease by 10.00pm.

**PROCEDURAL MOTION**

**Moved Cr Topelberg, Seconded Cr McGrath**

That the meeting be extended for 30 minutes to allow for the conclusion of the remaining items.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)**

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

**14.1 CONFIDENTIAL REPORT: Rectangular Stadium, 310 Pier Street, Perth – Proposed Redevelopment – Concept Plans**

<b>Ward:</b>	South	<b>Date:</b>	27 October 2011
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	RES0114
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	Perth Rectangle Stadium Schematic Design Report Volume 1		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council;

1. pursuant to section 5.23(2) of the Local Government Act 1995 and clause 2.14 of the City of Vincent Local Law Relating to Standing Orders, proceeds "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Council Members, relating to the Rectangular Stadium, 310 Pier Street, Perth – Proposed Redevelopment – Concept Plans, as this matter contains information concerning:
  - a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
  - legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
  - a matter that, if disclosed, would reveal information that has a commercial value to a person;
2. **AUTHORISES** the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.

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**COUNCIL DECISION ITEM 14.1**

**Moved Cr Harley, Seconded Cr Wilcox**

That the item be DEFERRED to the Ordinary Meeting of Council on 22 November 2011, due to the lateness of the hour.

**MOTION PUT AND CARRIED UNANIMOUSLY (9-0)**

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**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning:

- a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
- legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
- a matter that, if disclosed, would reveal information that has a commercial value to a person.

The Department of Sport and Recreation has requested the City to provide comments on the concept plans. They have also asked that the plans be kept confidential, as they are being finalised and may be the subject of change.

**LEGAL:**

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

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

*“2.14 Confidential business*

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

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

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

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

**14.2 CONFIDENTIAL REPORT – Scheme Amendment No. 29 to the City of Vincent Town Planning Scheme No. 1 – Special Use Provisions – Further Report**

<b>Ward:</b>	South	<b>Date:</b>	1 November 2011
<b>Precinct:</b>	EPRA - Claisebrook Road North-P15	<b>File Ref:</b>	PLA0224
<b>Attachments:</b>	Confidential - Proposed Conditions submitted by Allering and Associates No. 71 (Lot 200) Edward Street, Perth Confidential - Proposed Conditions submitted by Allering and Associates No. 120 (Lot 1001) Claisebrook Road, Perth		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	T Woodhouse, Manager Strategic Planning, Sustainability & Heritage Services		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

That the Council;

**1. CONSIDERS the following three (3) options to progress Scheme Amendment No. 29 to the City of Vincent Town Planning Scheme No. 1:**

- 1.1 **REQUEST that the Western Australian Planning Commission hold Scheme Amendment No. 29 to the City’s Town Planning Scheme No. 1 in abeyance, until a decision has been made on State Administrative Tribunal (SAT) Review (Appeal) Matter DR 225/2011 Holcim Australia Pty Ltd v City of Vincent and SAT Review (Appeal) Matter DR 264/2011 Hanson Construction Materials Pty Ltd v City of Vincent by the Minister for Planning; OR**
- 1.2 **REQUEST that the Western Australian Planning Commission remove the area known as Claisebrook North, bounded by Lord Street, Summers Street and the Graham Farmer Freeway from the current Scheme Amendment No. 29, to enable the progression of the area ceded to the City of Vincent from the City of Stirling, bounded by Brady Street, Scarborough Beach Road, Powis Street and the Mitchell Freeway, to be incorporated into the City of Vincent Town Planning Scheme No. 1, as part of Scheme Amendment No. 29; OR**
- 1.3 **ADVISE the Western Australian Planning Commission that it does not support No. 71 (Lot 200) Edward Street, Perth and No. 120 (Lot 1001) Claisebrook Road, Perth to be zoned ‘Special Use – Concrete Batching Plant’ under the City of Vincent Town Planning Scheme No. 1; however, should the Western Australian Planning Commission decide to advertise Scheme Amendment No. 29 proposing these two lots to be zoned as such, recommends the following conditions to be included in Schedule 2 – of the City of Vincent Town Planning Scheme No. 1, subject to the outcome of the SAT hearings for matters listed in 1.1 above, as follows:**
  - 1.3.1 **The ‘Special Use – Concrete Batching Plant’ shall apply for a period of five (5) years commencing on the gazettal date of Scheme Amendment No. 29, after which the subject site shall be rezoned to be consistent with the zoning of the adjoining and surrounding land; and**
  - 1.3.2 **The use of the site as a Concrete Batching Plant is to be conducted in accordance with a management plan as prepared or amended from time to time by the operator of the premises and endorsed by the City of Vincent;**

2. **AUTHORISES** the Chief Executive Officer to advise the Western Australian Planning Commission that the City's preferred option is '1.2' above for the following reasons:
  - 2.1 SAT Matters DR 225/2011 Holcim Australia Pty Ltd v City of Vincent and DR 264/2011 Hanson Construction Materials Pty Ltd v City of Vincent have both been 'called-in' by the Minister for Planning for determination, under section 246 of the Planning and Development Act 2005, and the full hearings preceding this determination have been scheduled for 2 March 2012 for DR 225/2011 and for 28, 29 February 2012 and 1 March 2012 for DR 264/2011;
  - 2.2 It is considered premature to progress Scheme Amendment No. 29, as proposed by the Department of Planning in the email correspondence dated 31 October 2011 to advertise the rezoning of No. 71 (Lot 200) Edward Street, Perth and No. 120 (Lot 1001) Claisebrook Road, Perth to 'Special Use – Concrete Batching Plant', without the Minister's determination on the SAT matters listed in 2.1 above; and
  - 2.3 It is considered appropriate that the area that was ceded to the City of Vincent from the City of Stirling, bounded by Scarborough Beach Road, Brady Street, Powis Street and the Mitchell Freeway be progressed to reduce any further delays in incorporating this area into the City of Vincent Town Planning Scheme No. 1; in particular, to expedite the enhanced development potential of the strategic development site bounded by Brady Street, Scarborough Beach Road, Gibney Avenue and Jugan Street, Mount Hawthorn;
3. **NOTES** the proposed Development Standards/Conditions for No. 71 (Lot 200) Edward Street, Perth and No. 120 (Lot 1001) Claisebrook Road, Perth dated 2 August 2011, submitted by Allering and Associates representing the operators of the batching plants, Hanson Pty Ltd and Holcim Pty Ltd respectively, as shown in Attachments 14.2a and 14.2b;
4. **REITERATES** to the Western Australian Planning Commission that:
  - 4.1 The long term strategic direction for the Claisebrook Road North Precinct is to establish the area as a high density mixed use area, developed in accordance with the principles of Transit Oriented Development and to encourage the progressive removal of general industrial uses that do not complement this strategic vision for this area; and
  - 4.2 The long-term presence of the concrete batching plants will impede the achievement of this strategic direction; and
5. **AUTHORISES** the Chief Executive Officer to forward the Council's recommendations to the Western Australian Planning Commission in relation to Scheme Amendment No. 29 to the City of Vincent Town Planning Scheme No. 1 to be included in the report to the Statutory Planning Committee of the Western Australian Planning Commission scheduled for 22 November 2011.

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**COUNCIL DECISION ITEM 14.2**

**Moved Cr Topelberg, Seconded Cr McGrath**

**That the recommendation be adopted.**

**MOTION PUT AND CARRIED UNANIMOUSLY (9-0)**

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**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning legal advice obtained, or which may be obtained by the local government and which relates to a matter to be discussed at this meeting. In accordance with Section 5.23 of the Local Government Act, the report is to be kept confidential until determined by the Council to be released for public information.

**LEGAL:**

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

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

"2.15 Confidential business

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

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

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

The following persons departed the Chamber at 10.35pm:

Rob Boardman      Director Development Services  
Rick Lotznicker    Director Technical Services  
Mike Rootsey      Director Corporate Services  
Anita Radici        Executive Assistant (Minutes Secretary)

**14.3      CONFIDENTIAL REPORT: Review of the City's Organisational Review and Creation of a New Position – Director of Planning**

<b>Ward:</b>	-	<b>Date:</b>	31 October 2011
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0061
<b>Attachments:</b>	<a href="#">001</a>		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council:

- 1      RECEIVES the report relating to the Notice of Motion from Mayor Hon. Alannah MacTiernan concerning the review of the City's Organisational Structure;
2.      APPROVES BY AN ABSOLUTE MAJORITY to:
  - 2.1      AUTHORISE the Chief Executive Officer to:
    - 2.1.1      amend the City's Organisational Structure to create a new position of Director of Planning and a Director of Community Services as follows:
      - (a)      Director of Planning – to be responsible for:
        - Planning & Building Services;
        - Strategic Planning, Sustainability and Heritage Services; and
      - (b)      Director of Community Services – to be responsible for:
        - Community Development;
        - Library & Local History Centre;
        - Ranger & Community Safety Services;
        - Health Services;
    - as shown in Appendices 14.3A and 14.3B;
    - 2.1.2      advertise and fill the new position of Director of Planning Services at a salary of up to \$\*\*\*\* and a salary package of up to \$\*\*\*\* using the services of an accredited external recruitment agency;
    - 2.1.3      carryout alterations to the City's Administration & Civic Centre at an estimated cost of \$22,000 to be funded from the "Administration & Civic Centre Reserve Fund" and the City's Works Depot at an estimated cost of \$18,000 to accommodate the employees, to be funded from a source to be determined;

- 2.1.4 purchase a vehicle for the Director – Planning Services in accordance with the Council Policy – 4.1.16 – Vehicle Management, at an estimated cost of \$37,000, to be funded from the City’s “*Light Fleet Reserve Fund*”; and
- 2.1.5 purchase the necessary computers and telephones to facilitate the organisational changes, at an estimated cost of \$10,350, to be funded from the City’s “*Electronic Equipment Reserve Fund*”; and
- 2.2 AMEND the City’s Policy 4.1.7 – Organisational Structure and Designation of Senior Employees and any other official documentation to, reflect the new position and Organisational Structure, as shown in Appendix 14.3C; and
3. ACCEPTS the recommendation of the Chief Executive Officer, pursuant to section 5.37(2) of the Local Government Act 1995, to offer the new position of Director of Community Services to Mr Robert Boardman, at a salary of \$\*\*\*\* and a salary package of \$\*\*\*\*.

\*\*\*\* - Information confidential.

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**COUNCIL DECISION ITEM 14.3**

**Moved Cr Maier, Seconded Cr Carey**

That the recommendation be adopted.

Debate ensued.

**AMENDMENT NO 1**

**Moved Cr Maier, Seconded Cr Carey**

That clause 3 be deleted and the following be inserted in its place:

“3. ADVERTISES the position of Director of Community Services at a salary of \$144,500 and a total salary package of \$188,000.”

Debate ensued.

**AMENDMENT NO 1 PUT AND LOST (1-8)**

**For:** Cr Maier

**Against:** Mayor Hon. MacTiernan, Cr Buckels, Cr Carey, Cr Harley, Cr McGrath, Cr Pintabona, Cr Topelberg, Cr Wilcox

Debate ensued.

**AMENDMENT NO 2**

**Moved Cr Carey, Seconded Cr Maier**

That the title of “Director of Community Services” be changed to “Director of Community Services and Engagement”.

Debate ensued.



**AMENDMENT NO 2 PUT AND LOST (4-5)**

**For:** Mayor Hon. MacTiernan, Cr Buckels, Cr Carey, Cr Maier  
**Against:** Cr Harley, Cr McGrath, Cr Pintabona, Cr Topelberg, Cr Wilcox

Debate ensued.

Cr Maier requested that the vote on the Officer Recommendation be made in 3 parts.

The Presiding Member, Mayor Hon. Alannah MacTiernan agreed and ruled accordingly.

**MOTION CLAUSE 1 PUT AND CARRIED UNANIMOUSLY (9-0)**

**MOTION CLAUSE 2 PUT AND CARRIED UNANIMOUSLY  
BY AN ABSOLUTE MAJORITY (9-0)**

**MOTION CLAUSE 3 PUT AND CARRIED (8-1)**

**For:** Mayor Hon. MacTiernan, Cr Buckels, Cr Carey, Cr Harley, Cr McGrath,  
Cr Pintabona, Cr Topelberg, Cr Wilcox  
**Against:** Cr Maier

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**PURPOSE OF REPORT:**

The purpose of the report is to provide information to the Council concerning the Notice of Motion from Mayor Hon. Alannah MacTiernan for a review of the City of Vincent's Administration Organisational Structure and creation of a new position for the Director of Planning.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 25 October 2011 the following Notice of Motion from Mayor Hon. Alannah MacTiernan was carried:

*"That the Council REQUESTS:*

1. *as a priority, the Chief Executive Officer to review the City's Organisational Structure to create a new position of Director of Planning to be responsible for Planning. The report is to include, but not limited to the following information:*
  - 1.1 *duties and responsibilities;*
  - 1.2 *financial/cost implications;*
  - 1.3 *timeline for implementation; and*
  - 1.4 *any other relevant matters; and*
2. *a report be submitted to the Ordinary Meeting of Council to be held on 8 November 2011."*

**DETAILS:**

**1. CITY OF VINCENT ORGANISATIONAL STRUCTURE –Refer to Appendix 14.3D**

The City of Vincent's Organisational Structure was adopted upon the creation of the local government in July 1994 and the number of directorates has remained unchanged since that time. The sections under each Directorate have changed periodically and in some cases new sections have been created. The City employs 186 full-time equivalent employees (FTE's) employed at the following locations:

- Administration and Civic Centre
- Library and Local History Centre

- Beatty Park Leisure Centre
- City Works Depot – Osborne Park

<b>CHIEF EXECUTIVE OFFICER</b>		
City Administration Mayor & Councillor Liaison Council Meetings Governance & Policies Customer Service		Inter Government Relations Corporate Planning Human Resources Communications/Public Relations Citizenship & Civic Functions
<b>Director Corporate Services</b>	<b>Director Development Services</b>	<b>Director Technical Services</b>
Financial Services	Planning & Building Services	Parks & Property Services
Community Development	Strategic Planning, Sustainability & Heritage	Asset & Design Services
Library & Local History Centre	Ranger & Community Safety Services	Engineering Operations
Beatty Park Leisure Centre	Health Services	
Information Technology		

**CEO's Comment**

The City's current Organisational Structure comprising the three directorates: Corporate, Development and Technical Services adequately meets the needs of a local government of the City of Vincent's size and demography. Notwithstanding, the creation of a fourth directorate has a number of advantages and disadvantages, as outlined in this report.

**1.1 Senior Employees (Directors)**

The Directors have been designated "*Senior Employees*" by the Council pursuant to Section 5.37(1) of the Local Government Act 1995. They are employed on a five (5) year performance based contract. The Directors' contracts expire on 30 June 2016.

The Directors are employed on a salary of \$\*\*\*\* and a package of approx. \$\*\*\*\*.

**1.2 Section Managers**

The City of Vincent's current structure has twelve (12) Section Managers. They are employed on a five (5) year performance based contract, however, are not deemed "*Senior Employees*". These contracts expire on varying dates in 2011 (1), 2012 (2), 2013 (1), 2014 (5), 2015 (1), 2016 (2).

The Section Managers are employed on various salary bands ranging from \$\*\*\*\* to \$\*\*\*\* per annum.

**2. RECRUITMENT PROCESS AND INDICATIVE TIMELINE**

**2.1 Recruitment Agency**

The City normally conducts its own recruitment, using in-house resources. Mayor MacTiernan has requested costings be obtained for an external recruitment organisation to carry out the recruitment process. Quotations were requested from the following agencies:

- (i) \*\*\*\*
- (ii) \*\*\*\*
- (iii) \*\*\*\*

- (iv) \*\*\*\*
- (v) \*\*\*\*
- (vi) \*\*\*\*
- (vii) \*\*\*\*
- (viii) \*\*\*\*

The above agencies were requested to take into consideration the provision of the following services when providing a quotation:

- Preparation of advertisement
- Advertising
- Handling enquiries
- “Head Hunting” of potential candidates
- Preliminary assessment of applications
- Preparation of shortlist of candidates
- Attendance at Council to assist in final appointment and to present their report.

**Quotations Received**

At the close of the quotation period, the following were received:

Company	Recruitment Cost (ex GST)	Additional Costs/Expenses	Total Cost (ex GST)
****	<b>Did not provide a quotation</b>		
**** – max of ****% of total package - proposed a fixed fee	*	\$**** – Advertising \$**** approx - Incidentals	*
**** – ****% of the cash component of package – proposed 8%	*	\$**** Advertising (approx as no cost provided)	*
**** – ****% of total package – proposed a fixed fee	*	\$**** Advertising	*
****	*	\$**** Advertising (approx as no cost provided)	*
**** – ****% of total package	*	\$**** Advertising (approx as no cost provided)	*
**** – ****% of total package	*	\$**** Advertising (approx as no cost provided)	*
**** – ****% of total package – proposed a fixed fee	*	\$**** Advertising	*

*Note:* Fees relating to travel and/or accommodation expenses for the short listed applicants if required, will be agreed with the Chief Executive Officer and invoiced to the City based on actual costs incurred.

## 2.2 In-house Recruitment

The recruitment costs to fill any position are absorbed in the respective operating budget for the employee's section. Costs associated for advertising and recruitment are also charged against the respective operating budget.

The approximate cost to advertise the position in The West Australian Newspaper on a Saturday is as follows:

"Professional" pages 15cm high x 13.3cm wide:

- 4 Colour \$\*\*\*\*
- Single Colour \$\*\*\*\*
- "Pointer" Ad \$\*\*\*\*

As this is a "Senior Employee" position, the CEO would normally take a major role in handling confidential enquiries, shortlisting of candidates, interviews etc.

## 2.3 Indicative Timeline

The timeline to recruit this position would only slightly vary as to whether it would be carried out by an external recruitment agency or in-house. The following is an indicative timeline:

### External Recruitment Agency

Item	Indicative Timeline
Council decision	8 November 2011
Appoint recruitment agency	9 November 2011
Recruitment	12 – 28 November 2011
Prepare shortlist of candidates	28 November – 3 December 2011
Interviews – 1 <sup>st</sup> round	5-9 December 2011
Interviews – 2 <sup>nd</sup> round – reference checks – preliminary offer discussions with preferred candidate	12-15 December 2011
Report to Council	20 December 2011
Finalisation of Contract of Employment	21-30 December 2011
Candidate commences	Variable - 1 February 2012 – 1 April 2012

### **CEO's Comment**

A Senior Employee under contract with a local government will normally be required to give three (3) month's notice. Other employees may be required to give 1-2 month's notice. The use of an external recruitment agency, whilst expensive does have the advantage of encouraging a wider range of suitable candidates. It also provides the external recruitment knowledge from these specialist consultants. As this is a key position in the organisation, the use of an external recruitment agency can be justified. It is recommended that the Mayor and CEO be authorised to select an appropriate external recruitment agency.

**3. OTHER RELEVANT MATTERS**

**3.1 Administration & Civic Centre Accommodation**

As the Council may be aware, the City's Administration & Civic Centre's accommodation is at capacity.

If the new organisational structure is approved, an additional office would need to be created to accommodate the new Director.

At the Ordinary Meeting of Council held on 11 October 2011 approval was granted to modify the Customer Service Centre and to create an office for the Manager Strategic Planning, Sustainability & Heritage Services at an estimated cost of \$90,000. These plans have been placed "on hold", pending the Council's consideration and determination of the review of the Organisational Structure.

The Director of Planning would require an office comparative in size to the existing Directors, executive furniture, computer, phone, storage cupboards, meeting table and chairs. There would also be requirement for a workstation, computer and phone for an Executive Secretary.

Due to the insufficient time to prepare this report, precise costings to carryout alterations to the Administration & Civic Centre have not been obtained, however as a guide it is envisaged the cost for an additional office and associated infrastructure and equipment would be as follows:

Item	Description	Indicative Cost
1	Preliminaries – drafting/demolition/rubbish disposal	\$****
2	Cabinetry/partitioning/workstations	\$****
3	Electrical/data services/computer cabling	\$****
4	Ceiling alterations/studwalls/ carpentry/cleaning/general labour	\$****
5	Glazing	\$****
6	Painting	\$****
7	New chairs, furniture, Council Chamber desk	\$****
<b>TOTAL</b>		<b>\$22,000</b>

**3.2 Works Depot**

The City's Works Depot comprises the bulk of the former City of Perth's Works Depot, located at 1 Linwood Court, Osborne Park. The depot is relatively modern and the Administration Building at the Depot contains numerous rooms which could be used to accommodate the City's Rangers. The Chief Executive Officer has inspected the Depot and advises that with minimal works the following could be carried out:

1. Partition a part of the Storeroom to create a Records Store, with the following works required:

Alterations (Walls, ceiling)	\$****
Shelving	\$****
Lighting/electrical	\$****
	\$****

2. Fit-out of an existing office for Rangers with the following works:

Workstations	\$****
Chairs	\$****
	\$****

3. Relocate the records from an existing office area to the newly created Records Store – Labour to relocate shelving and boxes of records – allow 2 persons 3 days labour – estimate \$\*\*\*\*
- Total** \$\*\*\*\*

**CEO's Comment - Accommodation**

Once the Council has determined this matter, further investigations will be carried out to prepare plans to accommodate the new Director. Precise costings will be obtained.

For some time now, the CEO has been considering transferring the City's Rangers to the City's Works Depot. This would provide more appropriate work areas for the City's 12 Rangers, whilst at the same time providing more room at the Administration and Civic Centre. It will reduce the current significant vehicle congestion which occurs at peak periods.

It is recommended that the Admin Centre works be funded from the Reserve Fund.

As at 31 October 2011, the Administration & Civic Centre Reserve Fund contained \$163,323. (Note: This includes the \$90,000 approved at the Council Meeting held on 11 October 2011.)

**3.3 Vehicle**

A Director is entitled to a vehicle as prescribed by the City's Policy 4.1.16 – Vehicle Management which prescribes a vehicle standard as per the WA Government Fleet Policy Category B – Class Executive – 2. This includes such vehicles as Ford Falcon, Holden Commodore, Subaru 2.5 Premium or equivalent standard.

Purchase price:	\$****
	Per Annum
Running costs	\$****
Servicing/Maintenance	\$****
Insurance	\$****
Depreciation	\$****

**CEO's Comment**

It is recommended that the Director's vehicle be purchased and funded from the City's Light Vehicle Fleet Reserve Fund. As at 31 October 2011, this Reserve Fund contained \$126,932.

**3.4 Executive Secretary**

The new position of Director would require the support of an Executive Secretary.

The proposed salary package for this position is as follows:

	Per Annum
Salary based on Band 6A	\$****
Superannuation – 9%	\$****
Annual Leave Loading	\$****
<b>Total</b>	<b>\$****</b>

**CEO's Comment**

It is considered that an Executive Secretary will be able to be shared between two Directors and therefore an additional Executive Secretary will not be required and there will be no additional support staff. Accordingly, these costs have **not** been included.

**3.5 Equipment**

The following electronic equipment will be required for the organisational changes:

- (a) equipment provided as “tools of trade” for the position of Director:
- |                 |               |
|-----------------|---------------|
| Laptop Computer | \$****        |
| Mobile Phone    | <u>\$****</u> |
|                 | \$****        |
- (b) Computers/phones for Administration Centre – Director
- |  |        |
|--|--------|
|  | \$**** |
|--|--------|
- (c) Computers/phones for Works Depot – Rangers
- |  |               |
|--|---------------|
|  | <u>\$****</u> |
|--|---------------|
- |       |        |
|-------|--------|
| Total | \$**** |
|-------|--------|

**CEO’s Comment**

It is recommended that the electronic equipment be purchased from funds in the City’s Electronic Reserve Fund. As at 31 October 2011, this Reserve Fund contained an amount of \$63,229.

**4. INDICATIVE ORGANISATIONAL STRUCTURE – Refer to Appendix 14.3A**

4.1 In the relatively short time available, the CEO has prepared the following new structure:

<b>CHIEF EXECUTIVE OFFICER</b>			
City Administration Mayor & Councillor Liaison Council Meetings Governance & Policies Customer Service		Inter Government Relations Corporate Planning Human Resources Communications/Public Relations Citizenship & Civic Functions	
<b>Director Corporate Services</b>	<b>Director Planning Services</b>	<b>Director Technical Services</b>	<b>Director Community Services</b>
Financial Services	Planning & Building Services	Parks & Property Services	Community Development
Information Technology	Strategic Planning, Sustainability & Heritage	Asset & Design Services	Library & Local History Centre
Beatty Park Leisure Centre		Engineering Operations	Ranger & Community Safety Services
			Health Services

**4.2 Proposed Changes**

***New Planning Services Directorate***

This Directorate will have responsibility for:

- Planning & Building Services;
- Strategic Planning, Sustainability & Heritage Services; and

(Note: The Economic Development Officer (P/T – 3 days per week) will be transferred to the Corporate Services Directorate, reporting directly to the Director.)

**Corporate Services**

- The Community Development Section and the Library & Local History Centre will be transferred to the newly created Community Services Directorate;
- Responsibility for Organisational Risk Management – this will be transferred from the CEO's Directorate to Corporate Services. This will complement the responsibility for the City's Insurance Portfolio; and
- Economic Development.

**New Community Services Directorate**

*This Directorate will have responsibility for:*

- Community Development;
- Library & Local History Services;
- Ranger & Community Safety Services; and
- Health Services.

**5. ADVANTAGES AND DISADVANTAGES OF A NEW DIRECTOR**

The advantages and disadvantages of a four directorate structure versus a three directorate structure are as follows:

Advantages	Disadvantages
A Director of Planning will be able to: <ul style="list-style-type: none"> <li>• Provide expert advice and direction to staff to effectively implement key strategic planning projects</li> <li>• Provide direction for the management of an improved statutory planning process and provide expert advice on significant developments</li> <li>• Provide expert advice and direction to implement the Town Planning Scheme Review, Scheme Amendments and Structure Plans</li> <li>• Attend and provide leadership at dedicated community workshops, forums, meetings</li> <li>• Invest more time in acquiring up to date information on key strategic planning initiatives, policies and legal documents released by the State Government</li> </ul>	The three directorate structure has operated successfully since the establishment of the organisation, albeit causing a heavy workload to the current Directors Significant cost implications on the City's Budget 2011-12 for the introduction of a new Director Ongoing increased cost implications for future budgets Space and cost to accommodate an office for a new Director
Workload will be spread over four directorates	
Allows for better alignment of key/strategic areas and the ability to better focus on strategic items	

**6. OTHER LOCAL GOVERNMENTS – BENCHMARKS**

The Organisational Structure for a local government varies considerably from local government to local government to best suit their purposes. For comparison, the structures of similar sized local governments have been researched. These include:

- Town of Cambridge
- Town of Victoria Park
- City of Belmont
- City of Nedlands
- City of South Perth

These are shown at Appendix 14.3E1-5



## 7. SUGGESTED TITLES

For the purpose of this report, the title “*Director – Planning Services*” and “*Director – Community Services*”, have been used as they are simple, clearly reflect the respective responsibilities and are commonly used by other local governments. However, other titles could be used as follows:

### Planning

1. Director – Planning and Sustainability
2. Director – Planning and Development Services
3. Director – Development Services
4. Director – Development and Sustainability

### Community Services

1. Director – Community Development
2. Director – Community and Statutory Services
3. Director – Community and Regulatory Services
4. Director – Community Engagement

## CONSULTATION/ADVERTISING:

Should a new position be created it would need to be advertised in a newspaper circulating Statewide.

## LEGAL/POLICY:

- Local Government Act 1995 –

### CEO responsible for employees

Section 5.41(e) – the CEO’s functions include – be responsible for the employment, management, supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees).

### Senior Employees

Section 5.37(2) – the CEO is to inform the Council of each proposal to employ or dismiss a senior employee, other than an employee referred to in section 5.39(1a), and the Council may accept or reject the CEO’s recommendation but if the Council rejects the recommendation it is to inform the CEO of the reasons for its doing so.

### Contract of Employment

Clause 4.3 – Variation to Duties – the Position Description, performance criteria and Key Result Areas may be varied by agreement in writing between the CEO and the employee. The CEO in his or her absolute discretion reserves the right to make such variations, subject to liaison with the employee.

- Policy 4.1.7 – Organisation Structure and Designation of “Senior Employees”.
- Policy 4.1.16 – Vehicle Management.

## RISK MANAGEMENT IMPLICATIONS:

**Low – Medium:** A source of funds will need to be identified.

## STRATEGIC IMPLICATIONS:

This matter is in keeping with the Strategic Plan 2011 – 2016 Objective 4.1.2 “*Manage the organisation in a responsible, efficient and accountable manner*”.

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

There are no funds in the 2011/12 Budget for a new Director and associated costs, as the matter has arisen after the 2011 Elections as a result of a Notice of Motion by the newly elected Mayor Hon. Alannah MacTiernan.

As such, any expenditure will require an absolute majority decision of the Council.

The following is an indicative summary of the costs:

**Summary of Costs**

Item	Indicative Cost \$	Pro-rata Costs from 1.2.12 until 30.6.12 \$	Funding Sources
Salary	****	****	To be advised
Salary on costs	****	****	To be advised
Vehicle purchase	****	****	Light Fleet Reserve Fund
Vehicle Operating Costs	****	****	Operating Budget
Office alteration/furniture	****	****	Admin Centre Reserve Fund
Equipment	****	****	Electronic Equipment Reserve Fund
Works Depot Alterations	****	****	To be advised
Recruitment costs*	****	****	To be advised
<b>TOTAL</b>	<b>272,350</b>	<b>188,350</b>	

\* Lowest quotation received

**COMMENTS**

The City of Vincent is a vibrant and diverse inner city local government which is experiencing all the benefits (and disadvantages) associated with being located only 3 kilometres from the Perth Central Business District. The complexities of issues currently being experienced include:

- Statutory and Strategic Town Planning;
- Sustainable Development;
- Integrated Transport (light rail, bus transit, lanes);
- Parking and access issues;
- Environmental and social impacts (eg Hyde Park Lakes, public open space);
- Community engagement and social issues;

The creation of a new position of Director of Planning will significantly assist in providing a strong focus on Statutory and Strategic Town Planning and Sustainable Development. It will also allow for the Organisation's Senior Executive Team to better focus on matters within their directorate.

Accordingly, approval of the Officer Recommendation is recommended.

**PROCEDURAL MOTION**

At 11.03pm **Moved Cr Buckels, Seconded Cr Wilcox**

That Council resume an "open meeting".

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)**

**15. CLOSURE**

**There being no further business, the Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting closed at 11.04pm with the following persons present:**

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Matt Buckels	North Ward
Cr John Carey	South Ward
Cr Roslyn Harley	North Ward
Cr Warren McGrath ( <i>Deputy Mayor</i> )	South Ward
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
John Giorgi, JP	Chief Executive Officer

No members of the Public or Journalists were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 8 November 2011.

Signed: .....Presiding Member  
Mayor Hon. Alannah MacTiernan

Dated this ..... day of ..... 2011