



CITY OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

24 APRIL 2012

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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 24 April 2012, commencing at 6.00pm.

1. (a) DECLARATION OF OPENING

The Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting open at 6.02pm and read the following Acknowledgement of Country Statement:

(b) ACKNOWLEDGEMENT OF COUNTRY STATEMENT

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Matt Buckels – apology due to family reasons.

(b) Members on Approved Leave of Absence:

Nil.

(c) Present:

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Warren McGrath (<i>Deputy Mayor</i>)	South Ward
Cr John Carey	South Ward
Cr Roslyn Harley	North 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 Community Services
Carlie Eldridge	Director Planning Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary) (until 8.40pm)
Ben Doyle	City's Planning Consultant (from 8.12pm until 9.38pm – for Items 13.2 and 14.2)
Lauren Peden	Journalist – <i>"The Guardian Express"</i> (until approximately 7.40pm)

Approximately 18 Members of the Public

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

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

1. Patricia Young of Matlock Street, Mt Hawthorn. Stated the following:
 - Parking in Matlock Street is very difficult because workers park their cars in front of residents houses all day, catch the bus to work and sometimes do not pick their cars up until 6/7pm therefore, residents/ratepayers do not have the ability of parking in front of their house.

- Coogee Car Park – by 9am that is practically full again by commuters parking there all day and travelling to work in the City.
- This also affects the local businesses as there is no parking available for shoppers.
- Her main concern is that she cannot park in front of her own home and her visitors do not have parking.

The Presiding Member, Mayor Hon. Alannah MacTiernan advised that a report will be requested on this matter.

2. Marie Slyth of 89 Carr Street, West Perth – Item 9.1.3. Stated the following:
 - She is currently waiting to hear from the Council as to whether her nomination for a place on the Local History/Heritage Advisory Group has been accepted. She trusts that she will be duly notified as a result of her nomination when they are to hand.
 - She found it confusing to read Item 9.1.3 when it discussed a Committee already in operation. She was a member of the Vincent Heritage Advisory Group for 3 years until it ceased to operate about 2 years ago.
 - Interpretative signage and plaques – asked what the Council is going to do about the selected “*ear mark*” place and sites already chosen at the end of the Vincent Northbridge Heritage Committee Group Meetings which, she was also a member and still has a list of records of some of the chosen sites.
 - Notes in 9.1.3F where costs are to be incurred by people who nominate History Heritage Places. This would be necessary in cases where owners demolish historic or heritage type buildings in places and, in so doing, she believes they must be liable to costs of interpretative plaques for such places.
 - It was understood that for other historical heritage places, the Council would bear the full cost of placing interpretative plaques at such sites if anyone nominates, in order to keep and maintain its cultural history – that had been understood then.
 - Cleaver Precinct Group appreciates both the Mayor MacTiernan and Manager Strategic Planning, Sustainability & Heritage Services, Ms Young’s interest, input and commitment in the historic heritage areas of the Precinct.
3. Tom Parker – Item 9.1.2. Stated the following:
 - Referred to Attachment 003 which details their response to some of the key concerns raised by residents. At the previous meeting, the Item was deferred to allow them to get a little more information from the Strata Body.
 - Since the last meeting, they have had telephone contact with one of the strongest opponents of their proposal and the goal of that conversation was to try to come to some form of compromise and it was agreed that they would meet to discuss all issues. They have had regular contact with the Strata Manager who seems very supportive of their proposal. The Strata Manager of Harcourt Central helped them to organise a meeting at Harcourt at 6pm Monday 26 March 2012 with the Council of owners to discuss the proposal and also changing some of the By Laws. Unfortunately, despite ample notice and reminders being sent out, nobody turned up to the meeting which made it difficult for them to gain formal approval.
 - Acknowledges that the City would like the By Laws changed to allow for short term accommodate however, their Strata Manager has indicated that it is almost impossible to change Strata By Laws as you need 100% agreement from all owners which is difficult as the owners will not attend a scheduled meeting.
 - They feel they have done all they can to gain formal approval but unfortunately could not get owners to attend the meeting to discuss their concerns on the Item in more detail.

4. Neil Teo of Dynamic Planning, 54B Angove Street, North Perth, acting on behalf of Auto Masters across Western Australia – Item 9.1.1. Stated the following:
 - Thanked the City’s Planning Services for working closely with them which is reflected in their support of the Recommendation which they have no issues with or with the Conditions.
 - Pointed out at the site and buildings on the property have always been used for commercial purposes for decades it really is constructed for that purpose. Appreciates the City’s approach in looking at the Draft Town Planning Scheme and acknowledging that the proposed use is consistent with the vision under that proposed change in the Scheme.
 - Ultimately, at the end of the day the use (whilst non residential) does serve many residents in the locality which is in the fashion of Auto Masters – to locate around residential areas to service the community.

5. Izzi Messina of 44 Angove Street, North Perth – Item 9.2.1 and 9.1.5. Stated the following:
 - Requests the Council to accept the Recommendation for approval.
 - Believes the outcome has been fantastic and the opportunity for local ratepayers to be able to dialogue with Officers and Council Members through Forums to be able to provide their feedback and support in relation to achieving a positive outcome, not only for business in the Town Centre but also for nearby residents and also, it is a positive benefit for the Council
 - Thanked and congratulated the Officers in Technical Services who have been without a doubt engaging and the Council should give itself a pat on the back. From experience he knows that Officers and Council Members always receive negative feedback however, in this instance he would like to congratulate the Council on being engaging.
 - Item 9.1.5 – he will definitely be submitted a response during consultation and encouraged the Council to engage with the community as much as possible as it will also provide positive outcomes.
 - Hopes the good work continues to occur within the Council as per recent events like the Angove Street Festival and other Festivals attract which not only provide services to ratepayers and to residents but also to the wider community.

6. Denae Watkins of 9 Barlee Street, Mt Lawley – Item 9.2.4. Stated the following:
 - Also speaking on behalf of other community members.
 - Read in the Agenda that as part of the Recommendation, it did not address one of the core issues discussed at the meeting which is disappointing and, she would be very appreciative if it could be acknowledged, and that is equity of access to public open space for unstructured recreation for residents and ratepayers in peak hours – after work and weekends.
 - Looking at the winter time schedule for the current Club, that is, maximising its use currently of Forrest Park, it is scheduled much of their time on the Park during peak hours. They have no problems sharing the Park and facilities however, it is the issue of getting access of peak hours.
 - When you add up the hours that they are utilising the Park, they always over exceed their time, going before or staying much later than the booking times therefore it works out to be about 21 hours of usage at peak hours which is a lot when want to come home and exercise yourself with your own family.
 - As the Mayor acknowledges they keep getting higher density living in the area approved particularly, in Highgate/Mt Lawley, a lot more apartments. They live in small blocks therefore they need that access to green open space as it is only going to continue to be an issue for them living in the area.
 - Parking is absolutely ridiculous as there are over 171 children on Tuesday and Thursday nights and up to 185 children the other days of the week, that is 185 cars that they are accommodating around the Park. On Sunday she had a birthday with family and friends for breakfast and they had to get them to go down and pay for parking at the Barlee Street Car Park.

- Believes one of the basic rights of living area that ratepayers pay for is being able to have friends and family come and visit and park on a residential street but, unfortunately a sporting club seems to get precedents over the recreational needs and needs of the residents.
 - Requested acknowledgement that they too need equity of access to this space during peak hours.
7. Lee Rodder, Senior Planning with RPS, speaking on behalf of their client Rosewood Aged Care Group – Item 9.3.4. Stated the following:
- At the last Council Meeting he expressed Rosewood's concern with the proposal and simply wishes to reiterate this position.
 - Notes that there has been no further details included with the most current Agenda Item nor has there been any consultation with Rosewood on the proposal.
 - Believes the proposal has a potential to impact on the amenity of Rosewood's Aged Care Facility given its proximity and the likely fencing treatments.
 - Understands that Rosewood has made contact with Council Members regarding these concerns and hopes that these will be considered this evening.
 - Thanked the Council for their time and consideration.
8. Steve Klifunis part owner of 460 Fitzgerald Street, North Perth – Item 9.1.5. Stated the following:
- His family have owned the property since about 1936 and maintained a business for over 3 generations. Over that time they have seen a lot of changes.
 - Acknowledges the great work that was done by the Department Planning around the time of Network City which sought to make better use of the activity corridors and, in more recent times, the release of Directions 2031 and the work on the Activity Centres Policy which are all designed to accommodate the growth for Perth and Peel.
 - Understands that the focus of Directions 2031 is catering for the increased growth of Perth through urban infill rather through green fill.
 - Also understands the Directions 2031 reinforces the Policy of strengthening the Activity Corridors which is where more intense infill can occur.
 - Feels the east and west sides of Fitzgerald Street are quite separated largely due to the volume of traffic. Commends Hames Sharley for their work on the Master Plan however, feels it needs more work on strengthening/connecting the east and west sides of Fitzgerald Street along its entire length most in the same way that is occurring in the Fitzgerald/Forrest Street intersection.
 - Would like to see more work done on the whole Fitzgerald Street strip and feels there is more opportunity in certainly providing for a more critical mass to support the business old, new and into the future so they can prosper. Feels this would better connect and consolidate the east and west and more traffic would slow if there was a stronger urban form along the entire strip.
 - Should the light rail station be developed and with T.O.D, there is more opportunity for more intense development along the entire strip also.
 - Highlighted that with infrastructure upgrading it would need to be expended as part of development along the strip and more intensive along the strip would accommodate more opportunity for development to occur.
 - Asked the following:
 - Q1. Whether a number of growth and development potential scenarios for the entire centre were examined?
 - Q2. Would the Council be interested and/or able to include a range of growth/development scenarios in its final draft Master Plan which would then be released for public comment?

The Presiding Member, Mayor Hon. Alannah MacTiernan advised that the questions would be "Taken on Notice".

9. Terry Baker of West Coast Highway, Scarborough – Item 14.2. Stated the following:
- The site currently has development approval for a 5 storey commercial office block with much more intense and greater site coverage than what is now proposed with the present mixed use development application.
 - The application is made on the basis of a mixed use development which has been the subject of a State Administration Tribunal (SAT) appeal and subsequent mediation. It has been the topic of 3 mediation meetings which have been held with the guidance of Deputy Mayor McGrath, Cr Maier and the CEO as well as Ben Doyle the Planning Consultant. The participating Council assistance and guidance throughout the process has been integral in getting the application to the position where the owners now feel comfortable in resubmitting the application.
 - The application has been substantially amended to reflect the mediation discussions and importantly to address any concerns addressed by attending Councillors and any advice they profited was taken onboard and acted on.
 - The new plan addresses concerns of surrounding residents where appropriate setback screening noise and traffic management techniques have been adopted. Part of the proposal has undergone a complete transformation where floors have been setback 16.5m and an awning added to the front of the building to provide pedestrian amenity and general store/café has been made accessible and visible from the Newcastle Street frontage.
 - An independent professional environmental organisation has given the building a 7.77 green rating with the new plans giving emphasis to sustainability in power and water usage and excellent waste management techniques.
 - The proposal meets the Direction 31 strategy plan for the area where affordable housing served by public transport is recommended for such sites, particularly one of this size (3,051m²) in such a strategic location.
 - In good faith, the owners have made significant changes to the original application in a genuine effort to conform to suggestions by representatives of the City of Stirling and the mediator at what will be an additional substantial cost to the owners.
 - Emphasised that the application was substantially amended and much less in density than the 5 storey commercial building presently approved that would have been built boundary to boundary and, certainly not as attractive as. The proposal is highly efficient for a mixed use development with strong emphasis on sustainable power/water and very efficient management strategy.
10. Steve Banner of Kensington Street, East Perth – Item 14.2. Stated the following:
- He is the architect for the development.
 - Would like to review the amendments made to the Scheme as a result of the SAT mediation process. In addressing the neighbours concerns, firstly there was a rear setback which has been increased from 2.6m to 4m and further terracing with landscaping is introduced to lessen the apparent bulk of the development to these apartments.
 - Privacy – it was agreed that a 1.6m high wall would be introduced to the pool terrace and the terrace landscaping would include mature trees and hedging to create a sound barrier to protect the neighbours privacy.
 - Traffic impact statement report was conducted and this concluded that there was no impact on surrounding business or the community.
 - Building height and bulk – the floor levels of 6 and 7 have been setback a further 16m from the street so the front of the building now appears as 5 storeys from Newcastle Street. By agreeing to reduce the number of car bays, they have also been able to improve the integration of the building with the street so it also adds to the amenity of the street and locality.
 - Key features of the development: affordable housing – this will provide a good number of affordable housing units within close proximity to the CBD which they understand is still in critical supply.

- Sustainable design – the windows and doors will be double glazed and the highest level insulation added to the walls ceilings and floors and, as the previous speaker mentioned, they have achieved a 7.77 average rating.
- Natural ventilation – the design is such that most units are able to capture the south westerly sea breezes and will be very well ventilated. It also incorporates good natural lighting (LED lights) and all the measures that can be taken to ensure that it is of the highest sustainable design. There is also solar panels for electricity generation and landscaped areas on the roof that will have water harvesting cells for self irrigated planting.
- In respecting the neighbouring heritage building, the building has been setback a further 0.5m in addition to the 1.5m required by the Council from the right-of-way. There is a setback of 6.8m to the eastern half of the façade that provides better site line of this building from along Newcastle Street.
- The subject site is exceptional large and situated in a pivotal transport node area and thus should be considered a strategic development site.
- The Affordable Housing Strategy calls for greater density in the area as does the Direction 31 Strategy.

There being no further speakers, Public Question Time closed at approx. 6.30pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

- 4.1 Cr Julia Wilcox requested leave of absence from 16 May 2012 to 2 July 2012 (inclusive), due to family/personal commitments.

Moved Cr Pintabona, Seconded Cr Harley

That Cr Wilcox's request for leave of absence be approved.

CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was an apology for the meeting.)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

- 5.1 Petition received from Dr S. Edwards of Harwood Place, West Perth along with 27 signatures opposing the proposed development at 394-398 Newcastle Street, West Perth for the following reasons:

- building height and proposed density; and
- location of site and proposed carriage way - significant traffic entry/exit problems to the site.

The Chief Executive Officer recommended that this petition be received and considered during the debate of Confidential Item 14.2.

Moved Cr Maier, Seconded Cr Harley

That the petition be received as recommended.

CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was an apology for the meeting.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Meeting of Council held on 10 April 2012.

Moved Cr Pintabona, Seconded Cr Maier

That the Minutes of the Ordinary Meeting of Council held 10 April 2012 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was an apology for the meeting.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Anzac Day Ceremony 2012

On behalf of the Council, I wish to invite everyone to the Anzac Day Ceremony 2012, which will be held at Axford Park, Mount Hawthorn at 11.00am on Wednesday 25 April 2012, as well as a Sunset Service at Anzac House, Mount Hawthorn.

Everyone is most welcome to attend and lay a wreath or flowers on the memorial.

I look forward to seeing you on the day.

7.2 Urgent Business

I have approved of three Urgent Business items on tonight's Agenda as follows:

13.1 Proposed Amendments to the Local Government (Financial Management) Regulations

This matter is considered Urgent as it will have a significant detrimental financial impact on the City of Vincent.

13.2 Confidential Notice of Motion submitted by Councillor Joshua Topelberg on the State Government's Economic and Employment Lands Strategy.

This matter has a potential legal impact on the City, as the matter relating to the Appeal by the Holcim and Hansom Concrete Batching Plants in the State Administrative Tribunal is still being considered and the Minister for Planning is yet to make a decision on the matter.

The Strategy makes reference to the Concrete Batching Plants.

13.3 Confidential Notice of Motion relating to a new position to be responsible for the City's Art Program, Festivals and Cultural Events submitted by Mayor Alannah MacTiernan.

This matter relates to the City's Employees and therefore should be considered on a confidential basis.

7.3 Withdrawal of Item

It is announced that Item 9.2.4 relating to Forrest Park – Investigation of Feasibility of Relocating Existing Cricket Pitch, Formation of a Working Group and Petition relating to Jack Marks Reserve has been WITHDRAWN from tonight's Agenda to enable the City's Administration to investigate and provide further information as follows:

1. The area of play for the cricket pitches needs to be shown on the plans.

2. The implications of possibly planting a low hedge for demarcation of the active play areas from the dog exercise area, including:
 - advantages;
 - disadvantages;
 - community support or otherwise;
 - cost;
 - future maintenance; and
 - how it may operate.
3. The dates, times and usage of the cricket clubs on Forrest Park. A list of all clubs who use it.
4. The views of the cricket, soccer and other Clubs about a possible hedge and other changes.
5. Whether the soccer pitches can be better re-configured to move them away from the dog exercise area and maximize use.
6. Whether the City can provide more park furniture, e.g. seats around the park and on the Walcott St side, rubbish bins, BBQ's, children's playground or equipment, improved amenities, lighting.
7. Improved signage, contact numbers etc.
8. Possible better use of the clubroom facilities by the other park users e.g. cricket clubs.

A report will be submitted to a Council Meeting to be held in May 2012.

8. DECLARATIONS OF INTERESTS

- 8.1 Cr Pintabona declared an Impartiality interest in Item 9.3.4 – No. 20 (Lot 100) Brentham Street, Leederville – Consideration of Deferred Item – Proposed Extension of Lease area for Aranmore Catholic Primary School. The extent of his interest being that he is a Member of the School Board and his children attend the Aranmore Primary School.
- 8.2 Cr McGrath declared an Impartiality interest in Item 9.5.5 – Information Bulletin, particularly IB06 - Minutes of the Tamala Park Regional Council Ordinary Meeting held on 12 April 2012. The extent of his interest being that his company is working on the Federal approvals of the Catalina Land Development being proposed by the Tamala Park Regional Council.
- 8.3 Cr McGrath declared an Impartiality interest in item 12.2 – Confidential Report Nos. 394 – 398 (Lot 90) Newcastle Street, West Perth – Proposed Construction of an Eight Storey Mixed-Use Development Comprising of Twenty-Four (24) One Bedroom Multiple Dwellings, Fifty-Five (55) Multiple Dwellings, One (1) Eating House, One (1) Shop and Associated Car Parking – State Administrative Tribunal (SAT) DR 402 of 2011. The extent of his interest being that he was contacted by a previous colleague in Local Government/Council Member who now represents the applicant.
- 8.4 Cr Maier declared an Impartiality interest in Item 12.2 – Confidential Report: Nos. 394-398 (Lot 90) Newcastle Street, West Perth – Proposed Construction of an Eight Storey Mixed-Use Development Comprising of Twenty-Four (24) One Bedroom Multiple Dwellings, Fifty-Five (55) Multiple Dwellings, One (1) Eating House, One (1) Shop and Associated Car Parking – State Administrative Tribunal (SAT) DR 402 of 2011. The extent of his interest being that a former Council Member has acted on behalf of the applicant.

The Chief Executive Officer advised that there was no legal requirement to declare this interest however, Crs McGrath and Maier stated they would still like to record their interest.

Crs Carey, Harley, Pintabona and Topelberg also declared the same interest, in the same item.

Councillors Carey, Harley, Pintabona and Topelberg 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 vote accordingly.

- 8.5 Mayor Hon. Alannah MacTiernan declared a Financial interest in the Item 9.1.3 – Amendment No. 92 to Planning and Building Policies – Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage and Adjacent Properties; Policy No. 3.6.2 Relating to Heritage Management – Assessment; Policy No. 3.6.4 Relating to Heritage Management – Interpretative Signage; and Policy No. 3.6.5 Relating to Heritage Management – Amendments to the Municipal Heritage Inventory (MHI). The extent of her interest being that she owns a property which is on the City of Vincent's Municipal Heritage Inventory. Mayor Hon. Alannah MacTiernan requested approval to participate in debate, vote and preside on this matter.
- 8.6 Cr Maier declared a Financial interest in the Item 9.1.3 – Amendment No. 92 to Planning and Building Policies – Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage and Adjacent Properties; Policy No. 3.6.2 Relating to Heritage Management – Assessment; Policy No. 3.6.4 Relating to Heritage Management – Interpretative Signage; and Policy No. 3.6.5 Relating to Heritage Management – Amendments to the Municipal Heritage Inventory (MHI). The extent of his interest being that he owns a property which is listed on the City of Vincent's Municipal Heritage Inventory. Cr Maier stated that he believed he has an interest in common and requested approval to participate in debate, vote and preside on this matter.

The Presiding Member, Mayor Hon. Alannah MacTiernan and Cr Maier departed the Chamber at 6.39pm whilst their declaration of interest was being considered and Deputy Mayor, Cr Warren McGrath assumed the Chair at 6.39pm.

The Acting Presiding Member, Deputy Mayor Cr Warren McGrath ruled that he would consider the requests separately.

PROCEDURAL MOTION

Moved Cr Topelberg, Seconded Cr Harley

That Cr Maier's request to participate in debate and vote on Item 9.1.3, be approved.

CARRIED UNANIMOUSLY (6-0)

(Mayor MacTiernan and Cr Maier were absent from the Chamber and did not vote on this matter. Cr Buckels was an apology for the meeting.)

The Acting Presiding Member, Deputy Mayor Cr Warren McGrath ruled that the request by Mayor MacTiernan to preside over Item 9.1.3 would be considered separately. Firstly the request to participate in debate and vote on Item 9.1.3 would be considered.

PROCEDURAL MOTION

Moved Cr Wilcox, Seconded Cr Harley

That Mayor Hon. Alannah MacTiernan's request to participate in debate and vote on Item 9.1.3, be approved.

CARRIED UNANIMOUSLY (6-0)

(Mayor MacTiernan and Cr Maier were absent from the Chamber and did not vote on this matter. Cr Buckels was an apology for the meeting.)

The Acting Presiding Member, Deputy Mayor Cr Warren McGrath asked for a Mover and Seconder to allow for the Mayor's request to preside at the Meeting for Item 9.1.3. There were no Movers or Seconders. Therefore, the proposed Motion lapsed for want of a Mover and Seconder and was not approved.

The Presiding Member, Mayor MacTiernan and Cr Maier returned to the Chamber at 6.42pm and the Presiding Member, Mayor MacTiernan assumed the Chair. The Acting Presiding Member, Deputy Mayor Cr Warren McGrath advised that the requests of both the Mayor and Cr Maier to participate and debate and vote on the matter were carried unanimously however, the Mayor's request to preside over Item 9.1.3 lapsed for want of a Mover and Seconder and therefore was not approved.

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 9.1.3, 9.1.2, 9.1.1, 9.2.1, 9.1.5, 9.2.4 (withdrawn Item), 9.3.4 and 14.2.

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 9.5.1 and 14.1.

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

Item 9.1.3.

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	Nil.
Cr Topelberg	Item 9.2.2.
Cr McGrath	Item 9.4.1.
Cr Wilcox	Nil.
Cr Pintabona	Nil.
Cr Harley	Nil.
Cr Maier	Items 9.1.4, 9.1.6 and 9.5.4.
Mayor Hon. MacTiernan	Nil.

The Presiding Member, Mayor 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 9.2.3, 9.3.1, 9.3.2, 9.3.3, 9.5.2, 9.5.3 and 9.5.5.

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

Items 13.2, 14.1 and 14.2.

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 9.2.3, 9.3.1, 9.3.2, 9.3.3, 9.5.2, 9.5.3 and 9.5.5.

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

Items 9.1.3, 9.1.2, 9.1.1, 9.2.1, 9.1.5, 9.2.4 (withdrawn Item), 9.3.4 and 14.2.

(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.

(d) Confidential Items – to be considered (“Behind Closed Doors”).

The Presiding Member, Mayor Hon. Alannah MacTiernan ruled that the Items raised during public question time for discussion are to be considered in numerical order as listed in the Agenda index.

ITEMS APPROVED “EN BLOC”:

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

Moved Cr Pintabona, Seconded Cr Wilcox

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

Items 9.2.3, 9.3.1, 9.3.2, 9.3.3, 9.5.2, 9.5.3 and 9.5.5.

CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was an apology for the meeting.)

9.2.4 Forrest Park – Investigation of Feasibility of Relocating Existing Cricket Pitch, Formation of a Working Group and Petition relating to Jack Marks Reserve

Ward:	South	Date:	16 April 2012
Precinct:	Forrest (14)	File Ref:	RES0003
Attachments:	001 – Pitch Plan		
Tabled Items	Nil		
Reporting Officers:	K Godfrey, Parks Technical Officer; J van den Bok, Manager Parks & Property Services		
Responsible Officers:	R Lotznicker; Director Technical Services; John Giorgi, Chief Executive Officer		

The Chief Executive Officer has **WITHDRAWN** this Item from the Agenda to enable the City's Administration to investigate and provide further information as follows:

1. The area of play for the cricket pitches needs to be shown on the plans.
2. The implications of possibly planting a low hedge for demarcation of the active play areas from the dog exercise area, including:
 - advantages;
 - disadvantages;
 - community support or otherwise;
 - cost;
 - future maintenance; and
 - how it may operate.
3. The dates, times and usage of the cricket clubs on Forrest Park. A list of all clubs who use it.
4. The views of the cricket, soccer and other Clubs about a possible hedge and other changes.
5. Whether the soccer pitches can be better re-configured to move them away from the dog exercise area and maximize use.
6. Whether the City can provide more park furniture, e.g. seats around the park and on the Walcott St side, rubbish bins, BBQ's, children's playground or equipment, improved amenities, lighting.
7. Improved signage, contact numbers etc.
8. Possible better use of the clubroom facilities by the other park users e.g. cricket clubs.

As the requested information is considerable and the City's Administration needs more time to investigate the matters, the Item has been withdrawn this Agenda.

Subject to the above information being available, it is proposed that the matter will now be reported to a Council Meeting in May 2012.

OFFICER RECOMMENDATION:

That the Council;

1. **DOES NOT APPROVE** the relocation of the existing southern most cricket pitch on Forrest Park from its current location for the reasons as outlined in the report;
2. **REQUESTS** the Perth Junior Soccer Club to use indicator cones to delineate the active sports area from the dog exercise area, as a trail for the duration of the 2012 winter sporting season;
3. **APPROVES** the formation of a Forrest Park Working Group to meet as required to consider operational matters relating to Forrest Park, comprising of the following:
 - 3.1 **Director Technical Services (Chair);**
 - 3.2 **Manager Parks and Property Services;**
 - 3.3 **Manager Ranger and Community Safety Services;**
 - 3.4 **..... two (2) local residents; and**
 - 3.5 **President and Member of the Perth Junior Soccer Club;**
4. **subject to clause 3 above being approved, AUTHORISES** the Chief Executive Officer to advise for two (2) community representatives and for the Council to further consider this matter after the close of nominations; and
5. **NOTES:**
 - 5.1 **the action taken concerning the Petition which was received at the Ordinary Meeting of Council 27 March 2012, relating to fencing at Jack Marks Reserve; and**
 - 5.2 **that funding has been listed for consideration in the Draft 2012/2013 Budget to improve the lighting in Brigatti Gardens and Jack Marks Reserve.**

PURPOSE OF REPORT:

The purpose of the report is to advise Council of the feasibility of relocating the southernmost cricket pitch on Forrest Park, other matters highlighted at the public forum held on 11 February 2012 and also the Petition recently received concerning Forrest Park and Jack Marks Reserve.

BACKGROUND:

Ordinary Meeting of Council held on 28 February 2012

A report was presented in relation to the proposed installation of fencing around the perimeter of Jack Marks Reserve and other matters raised at the Public Forum where it was resolved as follows:

“That the Council;

1. *APPROVES the planting of a low perimeter ‘native hedge with a 600mm high pool style fence around Jack Marks Reserve, with openings located at strategic locations as specified by the Director of Technical Services; and*
2. *NOTES that the other comments/suggestions made at the Public Forum held on the 11 February 2012 at Forrest Park Croquet Club will be further investigated/implemented where feasible, and/or reported to the Council where necessary.”*

DETAILS:

Relocation of southernmost cricket pitch

During the Public Forum held on the 11 February 2012 question was raised in relation to relocating the southernmost cricket pitch north of its current position in order to increase the buffer zone between soccer activities and the dog exercise area. If this occurred there was then the potential to install a physical or vegetative barrier across the reserve between the dog exercise area and the soccer activities.

As indicated above the only alternative location that the cricket pitch could be relocated was to the northern side of the reserve. Forrest Park originally had three (3) cricket pitches, another was located to the north of the southernmost cricket pitch however this was removed approximately seven (7) years ago.

The removal of the pitch was undertaken because of three (3) reasons:

- The boundary of the north-western pitch intersected significantly with the pitch located immediately to the east, creating a potential safety issue with fielders colliding.
- The clubs/schools would not play on this pitch for reasons outlaid above and as a result it was never very well utilised.
- The cricket pitch was located within one of the Perth Junior Soccer Clubs (PJSC) major soccer pitches and this posed safety issues for soccer training/matchplay.

Should the relocation of the southernmost cricket pitch occur to the north (refer attached plan) the cricket pitch would be located within the main soccer field.

Where cricket pitches are located within the field of play in other reserves, they are covered with heavy duty rubber mats for the duration of the winter season. However, whilst the heavy rubber matting has minimal impact upon ball sports such as Australian Rules Football and Rugby where the ball is in most parts is aerial, soccer relies on direct ball contact with the grassed surface.

Therefore the grassed surface, as in hockey, must be reasonably level and free of material or objects that can divert or impact on the direction that the ball is travelling when kicked along the ground. The rubber mats whilst not presenting a trip hazard do affect the ball movement and therefore soccer fields have always been marked adjacent to or around cricket pitches. This has the potential to cause a safety concern to children playing soccer.

With both remaining cricket pitches at Forest Park being utilised over the summer season by various clubs, including 'Last Man Stands', 'Tuart Hill Cricket Club' and 'Perth College', the option of completely removing this cricket pitch which has also been put forward cannot be considered at this stage.

Reasons for Not Relocating the Cricket Pitch

Therefore the reasons for not supporting the relocation of the existing southern most cricket pitch are that:

- it would severely compromise the current functional use of Forrest Park as an active recreational reserve;
- it would cause a safety issue for children playing soccer;
- it would potentially increase the City's liability, in the event that an accident or injury occurs;
- the City previously removed one cricket pitch and the two current pitches are considered acceptable in their current location;
- there are other operational methods of demarcation of the dog exercise area; and
- the estimated cost of \$20,000 of the works cannot be justified;

Other matters raised by the attendees at the Public Forum

Public Toilets

The public toilets are currently being opened at 7.00 am daily and are locked at 10pm each night by security personnel. Over this summer season, fortunately this facility has not been subject to the level of vandalism that has been experienced in previous years when at times the toilets had to be locked.

The closing time for all public toilets is reviewed regularly and may vary dependant on acts of vandalism or unauthorised use occurring within the facility.

Additional Park Furniture

Forrest Park has had many benches and seats installed over the past five (5) years, however in view of the comments received following the public forum, staff will reassess the availability and location of these items and install additional benches and bins where appropriate.

Working Group Meetings

The suggestion of convening a working group meeting between the PJSC, City of Vincent staff and community members has considerable merit and has worked well where issues have arisen at other reserves such as Britannia Road Reserve and Les Lilleyman Reserve in the past.

It is suggested that the working group be restricted to operational matters and comprise of the following:

- (a) Director Technical Services (Chair);
- (b) Manager Parks and Property Services;
- (c) Manager Ranger and Community Safety Services;
- (d) two (2) local residents; and
- (e) President and Member of the Perth Junior Soccer Club.

The period will be for May 2012 to October 2013 (to coincide with the Council Elections).

If approved by the Council, an advertisement will be placed in a local newspaper seeking nominations from the local community. The Council will thereafter consider the nominations after the close of the advertising period.

Meetings will be held as and when required.

Other matters raised include:

Brigatti Gardens – Request to Improve Lighting

The lighting has been inspected and is considered adequate in terms of the amount of light poles installed (light poles all within 25 metres of each other which is well in accordance with the Australian standard for recreational lighting). However due to the heavy tree canopy cover the park is dark in some areas. The main issue is the type of lights installed. Originally there were four (4) x 70 watt heritage style lights and they have a very poor light distribution. The City has recently changed a damaged heritage light to the City's current standard Thorn 'Urbi' model and that has made a significant difference.

Recommendation: Change all existing heritage style lights to 70watt metal halide Thorn 'Urbi' models and provide an additional two (2) light poles to illuminate darker areas.

Jack Marks Reserve – Request to Improve Lighting

The lighting is excellent other than one area behind the playground adjacent to Turner Street.

Recommendation: Install one (1) additional Thorn 'Urbi' light behind the playground, adjacent to Turner Street.

Forrest Park

The lighting for the dog exercise area and Perth Junior Soccer club is adequate. Lighting along the Dual Use Path has not been considered as the lighting from the dog and soccer training lights is adequate.

Recommendation: No further action be taken.

Funding has been listed in the Draft 2012/2013 Budget for the consideration of the Council as follows:

Jack Marks Reserve Lighting	\$5,000
Brigatti Gardens Lighting	\$15,000

Petition relating to Jack Marks Reserve and Forrest Park

A petition with 335 signatures was received at the Ordinary Meeting of Council held on 27 March 2012 as follows:

"We the undersigned respectfully request that the Council:

- 1. Acknowledge and act on the wishes of community NOT to fence Jack Marks Reserve as expressed at the 11 February 2012 Public Forum organised by the City of Vincent "to express [our] views on the current and future uses of the City's existing parks in the Mount Lawley and Highgate areas" which arose from a deficient community consultation process occurring in October 2011;*
- 2. Apolitically represent the community and provide fair and equitable access for all users of Forrest Park, Jack Marks Reserve or other public open space in Vincent for passive recreation. We consider Vincent's parks and reserves are community assets that in use and access, should reflect the diversity, unique character and inclusiveness of everyone in our community whether they be dog walkers, children, soccer players, families or individuals equally;*
- 3. RESCIND the approval motion of Council on 28 February 2012 to erect "a 600mm high pool type fence around Jack Marks Reserve, with openings located at strategic locations as specified by the Director Technical Services" due to that decision not truly reflecting the community sentiment to preserve Jack Marks Reserve in its current condition as public open space uninhibited by fenced barriers and perimeter structures; and*
- 4. Resolve longstanding community conflict over the use of Forrest Park – as per the 11 February 2012 Public Forum discussion – by treating Forrest Park on its own merits. We ask the Council consultatively and equally work with the respective competing interests and satisfy public interest principles of diversity and equality for all the community."*

Chief Executive Officer Comments:

Council Decision to Erect a Fence

The Council decision to erect a fence and native hedge around Jack Marks Reserve was made at the Ordinary Meeting of Council held on 28 February 2012. Following the Council decision, the City's Administration commenced implementation and placed an order for the fence.

Petition

At the time of receiving the Petition on 26 March 2012, the fencing supplier had advised that the fence had been constructed and was due to be erected in early April 2012.

Local Government Act Requirements

The Local Government Act specifies the following:

“Section 5.41: The functions of the CEO are to:

- (a) advise the Council...*
- (b) ensure advice and information is available t the Council...*
- (c) **cause Council decisions to be implemented;***
- (d) manage the day to day operations of the local government...etc”*

City of Vincent Standing Orders

The City of Vincent Local Law relating to Standing Orders, Clause 11.1 states as follows:

“11.1 Implementation of a decision

- (1) If a notice of motion to revoke or change a decision of the Council or a committee is received before any action has been taken to implement that decision, then no steps are to be taken to implement or give effect to that decision until such time as the motion of revocation or change has been dealt with, except that –*
 - (a) if a notice of motion to revoke or change a decision of the Council or a committee is given during the same meeting at which the decision was made, the notice of motion is of no effect unless the number of members required to support the motion under Regulation 10 of the Regulations indicate their support for the notice of motion at that meeting; and*
 - (b) if a notice of motion to revoke or change a decision of the Council or a committee is received after the closure of the meeting at which the decision was made, implementation of the decision is not to be withheld unless the notice of motion has the support in writing, of the number of members required to support the motion under Regulation 10 of the Regulations.*
- (2) **Implementation of a decision is only to be withheld under sub-clause (1) if the effect of the change proposed in a notice of motion would be that the decision would be revoked or would become substantially different.***
- (3) The Council or a committee shall not vote on a motion to revoke or change a decision of the Council or committee whether the motion of revocation or change is moved with or without notice, if at the time the motion is moved or notice is given –*
 - (a) action has been taken to implement the decision; or*
 - (b) where the decision concerns the issue of an approval or the authorisation of a licence, permit or certificate and where that approval or authorisation of a licence, permit or certificate has been put into effect by the Council in writing to the applicant or the applicant’s agent by an employee of the Council authorised to do so;*

without having considered a statement of impact prepared by or at the direction of the CEO of the legal and financial consequences of the proposed revocation or change.”

Rescission Motion

Whilst there were a number of verbal enquiries and numerous emails from some Council Members after the Petition was received and prior to the fence being erected, no Rescission Motion was received as per City of Vincent Standing Orders Clause 11.1 (above).

Accordingly, the Council Decision was implemented, as required by the Local Government Act.

Chief Executive Officer's Decision

The Chief Executive Officer acknowledges that the Petition was sizable and there was some degree of passion about merits of the fence/hedge. This was taken into consideration, however, the matter was progressed as legally required and there were no valid reasons to withhold or defer implementation.

The Mayor sent a letter dated 29 March 2012 to all of the Petitioners explaining the matter (this was also copied to all Councillors).

The fence was erected in the week commencing 2 April 2012 and was completed on Tuesday 10 April 2012. A number of changes were made to the original fence design to provide additional and/or change the location of the openings, in order to accommodate requests received from Council Members and also the public.

Forrest Park

The formation of a Working Group is a strategy to address Item 4 of the Petition, relating to Forrest Park.

CONSULTATION/ADVERTISING:

The advertising for community representatives for the Working Group will be for 14 days.

The local community and Perth Junior Soccer Club will be advised of the Council's decision.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Medium/High: If the cricket pitch is relocated, it will cause potential safety risk and increase the City's public liability.

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 in the 2011/2012 Budget to relocate the cricket pitch.

COMMENTS:

It is therefore recommended that for the reasons highlighted in the report that the Council approve the retention of the southernmost cricket pitch and Forrest Park and advise the local community and the PJSC of its decision.

9.2.3 Traffic Related Matter for Referral to the City's Integrated Transport Advisory Group (ITAG): Intersection Fairfield Street and Scarborough Beach Road, Mount Hawthorn

Ward:	North	Date:	16 April 2012
Precinct:	Mount Hawthorn Centre (2)	File Ref:	TES0077/TES0240
Attachments:	001 – Plan 2941-CP-01		
Tabled Items:	Nil		
Reporting Officer:	C Wilson, Manager Asset and Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

That the Council;

1. REFERS the proposed modification to the intersection of Fairfield Street and Scarborough Beach Road as shown on attached Plan No. 2941-CP-01 to the City's Integrated Transport Advisory Group (ITAG) for consideration;
2. INVITES representatives from the affected area to attend the meeting; and
3. RECEIVES a further report on the above matter following consideration by the Integrated Transport Advisory Group.

COUNCIL DECISION ITEM 9.2.3

Moved Cr Pintabona, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Buckels was an apology for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to request that Council refer a possible road safety improvement at the intersection of Scarborough Beach Road and Fairfield Street, Mount Hawthorn, to the ITAG for consideration.

BACKGROUND:

The City regularly receives complaints about drivers, including commercial vehicles, flagrantly disregarding the right turn and straight through bans at the Scarborough Beach Road and Fairfield Street intersection in the Mount Hawthorn Centre.

Three (3) of the four (4) legs of the intersection have an existing 'Right Turn Ban', the only exception being Scarborough Beach Road east bound turning right into Fairfield Street south bound.

As a consequence the Fairfield Street straight through north-south movement across Scarborough Beach Road is also banned.

While the attitude of errant drivers is annoying it is also potentially dangerous, particularly the illegal right turn from Fairfield Street south in Scarborough Beach Road west as pedestrians would not be expecting vehicles to be turning across them from this direction.

During a mid morning fifteen (15) minute site visit on 11 April 2012 three (3) instances of illegal turns were observed.

DETAILS:

As indicated above the City regularly receives complaints about drivers, including commercial vehicles, flagrantly disregarding the existing right turn and straight through bans at the intersection of Scarborough Beach Road and Fairfield Street.

Not only are these illegal manoeuvres it is also a road safety issue when drivers and pedestrians, in what should be a predictable road environment, are suddenly confronted by a vehicle turning across them from an unexpected bearing.

The Director Technical Services and Manager Asset and Design Services visited the site on mid morning Wednesday 11 April 2012 and observed three (3) such illegal (and potentially dangerous) manoeuvres in the space of fifteen (15) minutes.

Consideration was given to 'tightening up' the intersection while maintaining the existing right turn into Fairfield Street south. However, when allowing for a standard single unit truck any modifications would be ineffectual.

Therefore the obvious solution is close the median strip, the consequence of which will be that the existing 'legal' right turn movement (Scarborough Beach Road east bound into Fairfield Street South) will also be eliminated.

However the impact may be negligible for the residents of Fairfield Street, south of Scarborough Beach Road, and could actually lead to an improved amenity by reducing traffic volumes, particularly the traffic associated with the Paddington Ale House.

Traffic data

The most recent traffic data indicates of the 579 average weekday vehicle movements in Fairfield Street between Scarborough Beach Road and Anzac Road 372 or 64% were south bound. If only 10% of these vehicles were turning right in from Scarborough Beach that would result in a reduction of thirty seven (37) vehicles per average week day.

Access

In respect of inconvenience for residents only one movement is affected, the right turn east bound from Scarborough Beach Road. However, residents can turn right, with the traffic signals, at the preceding intersection, being Flinders Street, and access Fairfield Street via Flinders Street and Anzac Road.

Accident data

For the five (5) year period 1 January 2006 to 31 December 2010 there were four (4) recorded accidents. Two (2) were specific to the geometry of the intersection while two were unrelated (pedestrian stepping into the path of a car (hospitalised) and a vehicle reversing into traffic).

Of the two (2) accidents specific to the intersection one was the direct result of an illegal right turn and the other a side swipe of a car legally turning right into Fairfield Street east bound.

Proposed treatment

The most effective and simplest treatment is to close the median strip as shown on attached plan 2941-CP-01.

This could be done as two (2) stage process, firstly as a trial if supported by the residents and businesses, and then as permanent closure.

ITAG

It is proposed to raise the matter on an ITAG agenda. If there is a general or 'in principle' agreement within the ITAG it then proposed to consult with the residents of Fairfield Street between Scarborough Beach Road and Anzac Road and the businesses immediately abutting the intersection on the southern side of Scarborough Beach Road.

A further report would be presented to Council at the conclusion of the consultation.

CONSULTATION/ADVERTISING:

If supported by the ITAG the residents of Fairfield Street between Scarborough Beach Road and Anzac Road and the businesses immediately abutting the intersection on the southern side of Scarborough Beach Road would be consulted for a period of fourteen (14) days.

LEGAL/POLICY:

Scarborough Beach Road is a District Distributor A, while a Fairfield Street is classified as an Access Road under the Functional Road Hierarchy and come under the care, control and management of the City. However any significant changes to the road network are bound by the Road Traffic Code 2000, Main Roads WA Act 1930 and require the approval of the Managing Director, Main Roads WA.

RISK MANAGEMENT IMPLICATIONS:

Medium: While the intersection of Scarborough Beach Road and Fairfield Street is not classified as a 'Black Spot' the City has sought to mitigate the risk of accidents at the intersection.

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:

The estimated cost of the proposal is \$25,000. There are no funds currently allocated in the 2011/2012 budget for this work.

COMMENTS:

As mentioned above a safety issue has presented itself at the location mentioned in the report and it is incumbent on the City to ensure that any identified hazards are rectified.

It is therefore recommended that the remedial actions as proposed be supported.

9.3.1 Investment Report as at 31 March 2012

Ward:	Both	Date:	16 April 2012
Precinct:	All	File Ref:	FIN0033
Attachments:	001 – Investment Report		
Tabled Items:	Nil		
Reporting Officers:	B Wong, Accountant; N Makwana, Accounting Officer		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **NOTES** the Investment Report for the month ended 31 March 2012 as detailed in Appendix 9.3.1.

COUNCIL DECISION ITEM 9.3.1

Moved Cr Pintabona, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Buckels was an apology for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the level of investment funds available, the distribution of surplus funds in the short term money market and the interest earned to date.

BACKGROUND:

Interest from investments is a significant source of funds for the City, where surplus funds are deposited in the short term money market for various terms. Details are attached in Appendix 9.3.1.

Council’s Investment Portfolio is spread across several Financial Institutions in accordance with Policy Number No. 1.2.4.

DETAILS:

Total Investments for the period ended 31 March 2012 were \$27,111,000 compared with \$23,811,000 at 29 February 2012. At 31 March 2011, \$17,635,510 was invested.

Investment comparison table:

	2010-2011	2011-2012
July	\$11,109,646	\$13,511,000
August	\$22,184,829	\$24,011,000
September	\$20,084,829	\$22,011,000
October	\$20,084,829	\$21,511,000
November	\$21,086,506	\$21,011,000
December	\$19,585,155	\$18,011,000
January	\$19,335,155	\$25,011,000
February	\$18,335,510	\$23,811,000
March	\$17,635,510	\$27,111,000

Total accrued interest earned on Investments as at 31 March 2012:

	Annual Budget	Budget Year to Date	Actual Year to Date	%
Municipal	\$567,000	\$496,000	\$445,129	78.51
Reserve	\$700,000	\$467,000	\$520,004	74.29

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

High: Section 6.14 of the Local Government Act 1995, section 1, states:

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

COMMENT:

As the City performs only a custodial role in respect of monies held in Trust Fund Investments these monies cannot be used for Council purposes. As at 27 June 2011, key deposits, hall deposits, works bonds, planning bonds and unclaimed money were transferred into Trust Bank account as required by Local Government (Financial Management) Regulations 1996, Section 8 (1b).

The funds invested have increased from the previous period due to \$5,000,000 received from State Government of Western Australia for a new lease agreement for the nib Stadium for 25 years with an option for a further 25 years.

The report comprises of:

- Investment Report;
- Investment Fund Summary;
- Investment Earnings Performance;
- Percentage of Funds Invested; and
- Graphs.

9.3.2 Authorisation of Expenditure for the Period 1 – 31 March 2012

Ward:	Both	Date:	16 April 2012
Precinct:	All	File Ref:	FIN0032
Attachments:	001 – Creditors Report		
Tabled Items:	-		
Reporting Officers:	O Wojcik, Accounts Payable Officer; B Tan, Manager Financial Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **CONFIRMS** the;

1. **Schedule of Accounts for the period 1 March – 31 March 2012 and the list of payments;**
2. **direct lodgement of payroll payments to the personal bank account of employees;**
3. **direct lodgement of PAYG taxes to the Australian Taxation Office;**
4. **direct lodgement of Child Support to the Australian Taxation Office;**
5. **direct lodgement of creditors payments to the individual bank accounts of creditors; and**
6. **direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;**

paid under Delegated Authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 as shown in Appendix 9.3.2.

COUNCIL DECISION ITEM 9.3.2

Moved Cr Pintabona, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Buckels was an apology for the meeting.)

DECLARATION OF INTEREST

Members/Officers	Voucher	Extent of Interest
Nil.		

PURPOSE OF REPORT:

To present to the Council the expenditure and list of accounts approved by the Chief Executive Officer under Delegated Authority for the period 1 March – 31 March 2012.

BACKGROUND:

The Council has delegated to the Chief Executive Officer (Delegation No. 3.1 the exercise of its power to make payments from the Town's Municipal and Trust funds. In accordance with Regulation 13 of the Local Government (Financial Management) Regulations 1996 a list of accounts paid by the Chief Executive Officer is to be provided to the Council, where such delegation is made.

The Local Government Act provides for all payments to be approved by the Council. In addition the attached Schedules are submitted in accordance with Regulation 13 of the Local Government (Finance Management) Regulations 1996.

DETAILS:

The Schedule of Accounts to be passed for payment, cover the following:

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Automatic Cheques	071797 - 071950	\$162,669.86
Transfer of Creditors by EFT Batch	1353-1357, 1359-1363	\$3,003,756.24
Transfer of PAYG Tax by EFT	March 2012	\$346,499.49
Transfer of GST by EFT	March 2012	
Transfer of Child Support by EFT	March 2012	\$1,054.29
Transfer of Superannuation by EFT:		
• City of Perth	March 2012	\$28,536.71
• Local Government	March 2012	\$102,856.04
Total		\$3,645,372.63
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$6,267.67
Lease Fees		\$7,057.50
Corporate Master Cards		\$12,124.19
Loan Repayment		\$113,688.59
Total Bank Charges & Other Direct Debits		\$139,137.95
Less GST effect on Advance Account		0.00
Total Payments		\$3,784,510.58

LEGAL POLICY:

The Council has delegated to the Chief Executive Officer (Delegation No. 3.1) the power to make payments from the municipal and trust funds pursuant to the Local Government (Financial Management) Regulations 1996. Therefore, in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 a list of accounts paid by the Chief Executive Officer is prepared each month showing each account paid since the last list was prepared.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2011-2016:

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

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

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

SUSTAINABILITY IMPLICATIONS:

Expenditure has been incurred in accordance with the adopted Budget which has been structured on financial viability and sustainability principles.

ADVERTISING/CONSULTATION:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

All expenditure from the municipal fund was included in the Annual Budget adopted by the Council.

COMMENT:

All municipal fund expenditure included in the list of payments is in accordance with the Council's adopted Annual Budget or has been authorised in advance by the Council where applicable.

Vouchers, supporting invoices and other relevant documentation are available for inspection at any time following the date of payment and are tabled.

9.3.3 Financial Statements as at 31 March 2012

Ward:	Both	Date:	16 April 2012
Precinct:	All	File Ref:	FIN0026
Attachments:	001 – Financial Reports		
Tabled Items:	002 – Significant Accounting Policies		
Reporting Officers:	B Wong, Accountant; N Makwana, Accounting Officer		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** the Financial Statements for the month ended 31 March 2012 as shown in Appendix 9.3.3.

COUNCIL DECISION ITEM 9.3.3

Moved Cr Pintabona, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Buckels was an apology for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to present the Financial Statements for the period ended 31 March 2012.

BACKGROUND:

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

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

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

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

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

DETAILS:

The following documents represent the Statement of Financial Activity for the period ending 31 March 2012:

Note	Description	Page
1.	Summary of Programmes/Activities	1-17
2.	Statement of Financial Activity by Programme Report	18
3.	Statement of Financial Activity by Nature or Type Report	19
4.	Statement of Financial Position	20
5.	Statement of Changes in Equity	21
6.	Notes to the Net Current Funding Position	22-23
7.	Capital Works Schedule	24-31
8.	Restricted Cash Reserves	32
9.	Sundry Debtors Report	33
10.	Rate Debtors Report	34
11.	Beatty Park Leisure Centre Report – Financial Position	35
12.	Variance Comment Report	36-41
13.	Monthly Financial Positions Graph	42-44

1. SIGNIFICANT ACCOUNTING POLICIES AND NOTES

The significant accounting policies and notes forming part of the financial report are 'Tabled' and shown in electronic Attachment 002.

Comments on the financial performance are set out below:

2. As per Appendix 9.3.3.**3. Statement of Financial Activity by Programme Report****Operating Revenue excluding Rates**

YTD Actual	\$12,160,373
YTD Revised Budget	\$12,412,237
YTD Variance	(\$251,865)
Full Year Budget	\$19,174,015

Summary Comments:

The total operating revenue is currently 98% of the year to date Budget estimate.

Major contributing variances are to be found in the following programmes:

Governance – 22% under budget;
Health – 3% under budget;
Education and Welfare – 4% under budget
Community Amenities – 2% over budget;
Recreation and Culture – 2% over budget;
Transport – 6% under budget;
Economic Services – 1% over budget;
Other Property and Services – 2% over budget; and
General Administration (Allocated) – 190% over budget.

Note: Detailed variance comments are included on page 36 – 41 of Appendix 9.3.3.

Operating Expenditure

YTD Actual	\$30,442,390
YTD Revised Budget	\$29,986,647
YTD Variance	(\$455,743)
Full Year Budget	\$42,263,978

Summary Comments:

The total operating expenditure is currently 102% of the year to date Budget estimate

Major contributing variances are to be found in the following programmes:

General Purpose Funding – 7% over budget;
Governance – 3% over budget;
Law Order and Public Safety – 6% under budget;
Health – 4% under budget;
Education and Welfare – 1% under budget;
Community Amenities – 2% under budget;
Recreation and Culture – 3% over budget;
Transport – 5% under budget;
Economic Services – 24% over budget;
Other Property & Services – 52% over budget; and
General Administration (Allocated) – 244% under budget.

Note: Detailed variance comments are included on page 36 – 41 of Appendix 9.3.3.

Net Operating and Capital Excluding Rates

The net result is Operating Revenue less Operating Expenditure plus Capital Revenue, Profit/(Loss) of Disposal of Assets and less Capital Expenditure.

YTD Actual	\$16,547,016
YTD Revised Budget	\$27,115,974
Variance	(\$10,568,959)
Full Year Budget	\$23,333,918

Summary Comments:

The current favourable variance is due to timing of expenditure on capital expenditure.

Note: Detailed variance comments are included on page 36 – 41 of Appendix 9.3.3.

4. Statement of Financial Activity by Nature and Type Report

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

**5. Statement of Financial Position and
6. Statement of Changes in Equity**

The statement shows the current assets of \$29,618,638 and non-current assets of \$189,955,432 for total assets of \$219,574,070.

The current liabilities amount to \$8,566,610 and non-current liabilities of \$18,908,781 for the total liabilities of \$27,475,391.

The net asset of the City or Equity is \$192,098,679.

7. Net Current Funding Position

	Note	31 Mar 2012 YTD Actual \$
Current Assets		
Cash Unrestricted	1	5,342,694
Cash Restricted	2	20,860,800
Receivables – Rubbish and Waste	3	597,001
Receivables – Others	4	3,195,224
Inventories	5	180,275
		30,175,994
Less: Current Liabilities		
Trade and Other Payables	6	(3,152,549)
Provisions	7	(2,457,360)
Accrued Interest (included in Borrowings)	8	(134,004)
		(5,743,912)
Less: Restricted Cash Reserves		(20,860,800)
Net Current Funding Position		3,571,283

The net current asset position as at 31 March 2012 is \$24,432,083.

Note: Detailed analyses are included on page 22-23 of Appendix 9.3.3.

8. Capital Expenditure Summary

The Capital Expenditure summary details projects included in the 2011/2012 budget and reports the original budget and compares actual expenditure to date against these.

	Budget	Year to date Revised Budget	Actual to Date	%
Furniture & Equipment	\$183,000	\$199,440	\$70,451	35%
Plant & Equipment	\$1,126,500	\$1,057,950	\$276,083	26%
Land & Building	\$15,154,425	\$11,004,675	\$3,860,956	35%
Infrastructure	\$12,082,448	\$5,251,970	\$2,805,179	53%
Total	\$28,546,373	\$17,514,035	\$7,012,670	40%

Note: Detailed analyses are included on page 24-31 of Appendix 9.3.3.

9. Restricted Cash Reserves

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

The balance as at 31 March 2012 is \$20.8m. The balance as at 31 March 2011 was \$9.08m. The increase is due to \$8.06m loan received from WA Treasury for Beatty Park Redevelopment and \$5m received from State Government of WA for a new lease agreement for the nib Stadium for 25 years.

10. Sundry Debtors

Other Sundry Debtors are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts. Sundry Debtors of \$594,875 is outstanding at the end of March 2012.

Out of the total debt, \$272,403 (45.8%) relates to debts outstanding for over 60 days, which is related to Cash in Lieu Parking.

The Sundry Debtor Report identifies significant balances that are well overdue.

Finance has been following up outstanding items with debt recovery by issuing reminders when it is overdue and formal debt collection if reminders are ignored.

11. Rate Debtors

The notices for rates and charges levied for 2011/12 were issued on the 18 July 2011.

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

First Instalment	22 August 2011
Second Instalment	24 October 2011
Third Instalment	5 January 2012
Fourth Instalment	8 March 2012

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

Instalment Administration Charge (to apply to second, third, and fourth instalment)	\$8.00
Instalment Interest Rate	5.5% per annum
Late Payment Penalty Interest	11% per annum

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

Rates outstanding as at 31 March 2012 including deferred rates was \$696,793 which represents 3.04% of the outstanding collectable income compared to 3.16% at the same time last year.

12. Beatty Park Leisure Centre – Financial Position Report

As at 31 March 2012 the operating deficit for the Centre was \$1,539,116 in comparison to the year to date budgeted deficit of \$1,442,905.

The cash position showed a current cash deficit of \$1,122,216 in comparison year to date budget estimate of a cash deficit of \$1,041,910. The cash position is calculated by adding back depreciation to the operating position.

It should be noted that the Cafe and Retail shop closed on 26th October, 2011. Both outdoor and the indoor pool are now closed for the redevelopment.

In addition the Swim school has been made available to interested patrons at Aqualife at the Town of Victoria Park for the period of the redevelopment.

As a result a revised budget for Beatty Park to reflect these changes of the operations has been adopted.

13. Variance Comment Report

The comments will be for the favourable or unfavourable variance of greater than 10% of the year to date budgeted. The Council has adopted a percentage of 10% which is equal to or greater than the budget to be material. However a value of \$10,000 may be used as guidance for determining the materiality consideration of an amount rather than a percentage as a minimum value threshold.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2011-2016:

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

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

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

SUSTAINABILITY IMPLICATIONS:

Expenditure has been incurred in accordance with the adopted Budget which has been structured on financial viability and sustainability principles.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENT:

All expenditure included in the Financial Statements is incurred in accordance with the Council's adopted Annual Budget or has been authorised in advance by the Council where applicable.

9.5.2 Mindarie Regional Council (MRC) – New Establishment Agreement

Ward:	-	Date:	16 April 2012
Precinct:	-	File Ref:	ORG0087, PRO5295
Attachments:	001 – Draft Establishment Agreement; 002 – Proposed Draft Alternative Clause 12		
Tabled Items:	Nil		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council:

1. **SUPPORTS** in principle an Establishment Agreement in the same or similar terms to that dated March 2012 as shown in Attachment 001, with the inclusion of the alternative Clause 12 as shown in Attachment 002;
2. **AUTHORISES** the Mayor and the Chief Executive Officer to sign the Establishment Agreement and affix the Council’s Common Seal, in the event that the withdrawal and the terms of the withdrawal of the City of Stirling are agreed and finalised;
3. In addition to Clauses 1 and 2 above, **APPROVES** that a Deed of Variation of the Constitution Agreement be created by the Mindarie Regional Council, addressing the sections of the *Local Government Act 1960* required in order to enable the withdrawal of the City of Stirling in the event that one of the five remaining constituent municipalities does not resolve to approve the Establishment Agreement detailed in Clause 1 above;
4. **NOTES** and **SUPPORTS** the Mindarie Regional Council decision (unconfirmed) approved at its Special Meeting of Council held on Wednesday 28 March 2012, that:
 - “1. *The PricewaterhouseCoopers Stage 2 (Report in relation to the City of Stirling’s withdrawal from the MRC) dated 3 August 2011 be received.*
 2. *The City of Stirling be advised that with respect to the resolution of its Council of 13 December 2011:*
 - (a) *the offer to withdraw its requirement that any agreement must be accompanied by the City of Stirling ceasing to be a guarantor under the Deed of Guarantee with BioVision made on 21 November 2007” is acknowledged;*
 - (b) *the offer to accept a payout based on a discount of 25% on the PWC averaged valuation is not accepted.*
 3. *The City of Stirling be advised that the MRC is prepared to negotiate an agreement for its withdrawal pursuant to section 699 of the Local Government Act 1960 on the basis that the City of Stirling:*
 - (a) *be paid no more than its:*
 - (i) *paid-in capital contributions (\$840,000); and*
 - (ii) *share of the Members Revenue Equalisation Reserve i.e. unders/overs account (\$670,000);*

from current accumulated Mindarie Regional Council funds;

- (b) *not be released from its liabilities under the Resource Recovery Facility guarantee to BioVision;*
 - (c) *retain its post closure liabilities for the Tamala Park landfill, including but not limited to remediation and rehabilitation on the landfill site and other lands potentially affected, in proportion to the tonnes tipped to the total of members tonnes over the life of the landfill;*
 - (d) *retain its ownership share in the land at the Tamala Park landfill site;*
 - (e) *should the value of the land assets exceed liabilities post the closure of the Tamala Park land-fill site, then ten City of Stirling shall receive a portion of that net asset value proportional to their period as members of the Mindarie Regional Council; and*
 - (f) *the outcome of the negotiations be the subject of a separate report to Council.*
4. **Council's resolution is significantly different from that recommended by officers for the following reasons:**
- (a) *The MRC has not raised its fees to the levels used in the PricewaterhouseCoopers (PWC) computations, so the values assumed in those computations will not be achieved.*
 - (b) *The City of Stirling's interest in MRC is an unmarketable minority interest in a regional council that has little or no commercial value insofar as the interest is incapable of being sold or sold for the PWC value to a purchaser.*
 - (c) *The City of Stirling's withdrawal will create diseconomies of scale for the remaining members: the fixed costs of the operations, which are a high proportion of the total costs, will be spread across fewer local governments and, consequently, the remaining local governments will pay higher tipping fees.*
 - (d) *The City of Stirling's withdrawal will result in the substantial operating costs of the Resource Recovery Facility being spread across fewer councils, which will suffer an increased financial burden for the life of the contract.*
 - (e) *The City of Stirling has not offered any compensation to the remaining members for the increased tipping fees and RRF costs.*
 - (f) *A proposal that the remaining members of MRC intend to enter into a new Establishment Agreement under which a departing member will be paid only:*
 - (i) *its capital contributions; and*
 - (ii) *its share of the Members Revenue Equalisation Reserve (i.e. unders/overs account) suggests that it is fair and equitable that City of Stirling should withdraw on a similar basis.”; and*
5. **NOTES that any variations to these base principles of negotiation by the Mindarie Regional Council will be subject to a further report to the Council.**

COUNCIL DECISION ITEM 9.5.2

Moved Cr Pintabona, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Buckels was an apology for the meeting.)

PURPOSE OF REPORT:

To seek endorsement of a new Establishment Agreement for the Mindarie Regional Council (MRC), which will replace the current Constitutional Agreement (as amended), which was adopted in 1987 when the MRC was formed and to note and support the decision of the MRC made at its Special Meeting of Council held on 28 March 2012, concerning the withdrawal of the City of Stirling.

BACKGROUND:

Previous Reports to Council

This matter was previously reported to the Council on 20 December 2011, 22 November 2011, 19 April 2011, 24 August 2010, 10 August 2010, 22 June 2010, 8 June 2010 and 11 May 2010.

Following the application by the City of Stirling for an Interlocutory Injunction in the Supreme Court of Western Australia in June 2010, a mediated Heads of Agreement was reached and was considered by the Council at a Council Meeting on 10 August 2010 (Item 14.1).

Since this Heads of Agreement was signed and adopted by all MRC Member Councils, all parties have acted in good faith and considerable effort has been invested in progressing the withdrawal of the City of Stirling from the Mindarie Regional Council. This has included the two major components of:

- the drafting of an Establishment Agreement to set the governing parameters for the future Membership of the MRC, led by the MRC Strategic Projects Committee (MRC SPC); and
- undertaking the valuation process of the MRC to adjust the assets and liabilities of the MRC.

At present, the process of withdrawal is nearing conclusion. It is noted that a one month extension has been raised by the MRC Chief Executive Officer (MRC CEO) with both the City of Stirling's Chief Executive Office and the Minister on this issue, who have both agreed that the extension is warranted to extend it beyond 31 March 2012. Correspondence has been sent by the MRC CEO to the Minister formally requesting the extension.

The final draft Establishment Agreement for Council consideration is as **Attachment 001**.

DETAILS:

The Establishment Agreement is proposed to be presented to the Minister in place of the current Constitution Agreement to address one of the requirements of section 699 (3)(b)(i) and (ii) of the *Local Government Act 1960* to facilitate the withdrawal of the City of Stirling from the MRC.

The Establishment Agreement as attached, has been drafted by Woodhouse Legal for the MRC, and has been developed, refined and finalised by Administration representatives from all Councils via the MRC Strategic Projects Committee. It is noted that a new Establishment Agreement for the MRC has been in development since 2002, however consensus has not been achieved previously for it to have been finalised for consideration and adoption.

Since the withdrawal of the City of Stirling has been initiated, the importance of a more contemporary and detailed governance framework within the Agreement has been highlighted as necessary. Many months of detailed discussions and workshopping of the draft Agreement has occurred, in particular in relation to the following matters:

- Clause 9: Dealing with a Deficit or Surplus;
- Clause 11: Winding Up;
- Clause 12: Withdrawal of a Participant; and
- Clause 14: Participant's Obligation to Deliver Waste to the MRC, including a procedure for Exemptions.

The Agreement from a City of Vincent Administration perspective has provisions made for many elements that are supportive of a new business direction for the regional council such as:

- Delivering or facilitating a wide range of services on regional basis (see Clause 5: Regional Purposes and Clause 6: Objectives);
- Elected Member tenure is aligned to biennial ordinary elections (see Clause 8: The Council), and allows for the appointment of Deputy members;
- Dealing with a surplus or deficit is aligned annually to the Audited Financial Reports, with a process for distribution and/or collection of funds being outlined (see Clause 9); and
- Matters such as seeking an exemption, or seeking a withdrawal or winding up of the MRC are now no longer silent, with specific processes outlined based primarily on the business impact of the action against individual members and on the MRC.

Special Meeting of Council 28 March 2012 for MRC to consider the City of Stirling exit

In relation to the second component of the withdrawal process, that of the valuation of assets and liabilities of the MRC to inform the negotiation of a settlement, a Special Council Meeting of MRC was held on Wednesday 28 March 2012. At this meeting a resolution (unconfirmed) was adopted as per the following:

1. *The PricewaterhouseCoopers Stage 2 (Report in relation to the City of Stirling's withdrawal from the MRC) dated 3 August 2011 be received.*
2. *The City of Stirling be advised that with respect to the resolution of its Council of 13 December 2011:*
 - a. *the offer to withdraw its requirement that any agreement must be accompanied by the City of Stirling ceasing to be a guarantor under the Deed of Guarantee with BioVision made on 21 November 2007" is acknowledged;*
 - b. *the offer to accept a payout based on a discount of 25% on the PWC averaged valuation is not accepted.*
3. *The City of Stirling be advised that the MRC is prepared to negotiate an agreement for its withdrawal pursuant to section 699 of the Local Government Act 1960 on the basis that the City of Stirling:*
 - a. *be paid no more than its:*
 - (i) *paid-in capital contributions (\$840,000); and*
 - (ii) *share of the Members Revenue Equalisation Reserve i.e. unders/overs account (\$670,000);*

from current accumulated Mindarie Regional Council funds;

- b. *not be released from its liabilities under the Resource Recovery Facility guarantee to BioVision;*
 - c. *retain its post closure liabilities for the Tamala Park landfill, including but not limited to remediation and rehabilitation on the landfill site and other lands potentially affected, in proportion to the tonnes tipped to the total of members tonnes over the life of the landfill;*
 - d. *retain its ownership share in the land at the Tamala Park landfill site;*
 - e. *should the value of the land assets exceed liabilities post the closure of the Tamala Park land-fill site, then ten City of Stirling shall receive a portion of that net asset value proportional to their period as members of the Mindarie Regional Council; and*
 - f. *the outcome of the negotiations be the subject of a separate report to Council.*
4. *Council's resolution is significantly different from that recommended by officers for the following reasons:*
- a. *The MRC has not raised its fees to the levels used in the PricewaterhouseCoopers (PWC) computations, so the values assumed in those computations will not be achieved.*
 - b. *The City of Stirling's interest in MRC is an unmarketable minority interest in a regional council that has little or no commercial value insofar as the interest is incapable of being sold or sold for the PWC value to a purchaser.*
 - c. *The City of Stirling's withdrawal will create diseconomies of scale for the remaining members: the fixed costs of the operations, which are a high proportion of the total costs, will be spread across fewer local governments and, consequently, the remaining local governments will pay higher tipping fees.*
 - d. *The City of Stirling's withdrawal will result in the substantial operating costs of the Resource Recovery Facility being spread across fewer councils, which will suffer an increased financial burden for the life of the contract.*
 - e. *The City of Stirling has not offered any compensation to the remaining members for the increased tipping fees and RRF costs.*
 - f. *A proposal that the remaining members of MRC intend to enter into a new Establishment Agreement under which a departing member will be paid only:*
 - (i) its capital contributions; and*
 - (ii) its share of the Members Revenue Equalisation Reserve (i.e. unders/overs account) suggests that it is fair and equitable that City of Stirling should withdraw on a similar basis."*

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The procedure for a Member to exit a Regional Council is to follow the process outlined in Section 699 of the Local Government Act 1960 prescribed. It is for each Member of the Regional Council to accept or reject the procedure.

Supreme Court Action – Heads of Agreement

At the Ordinary Meeting of Council held on 10 August 2010 the Council considered this matter and noted the Heads of Agreement reached in the Supreme Court Proceedings as follows:

“That Council:

1. *agree to settle Supreme Court action CIV 1620 of 2010 commenced by the City of Stirling (**Proceedings**) on the basis that each party pay its own costs of the Proceedings and otherwise on the basis set out in the Heads of Agreement dated 3 August 2010 signed by [name of signing] and others;*
2. *consent to the proposed withdrawal of the City of Stirling from the Mindarie Regional Council subject to and conditional upon compliance with, and agreement on those matters required by, the Mindarie Regional Council Establishment Agreement (as amended) and s699(3) of the Local Government Act 1960;*
3. *during the period until 30 April 2011, negotiate in good faith with the City of Stirling, the Mindarie Regional Council and the other participants in the Mindarie Regional Council as to the adjustment of assets and liabilities of the Mindarie Regional Council between consequent upon City of Stirling withdrawing from the Mindarie Regional Council;*
4. *note that this resolution is not intended to and does not take effect unless the Mindarie Regional Council and each Participant in the Mindarie Regional Council pass the resolutions required by the Heads of Agreement on or before 12 August 2010.”*

City of Vincent Exemption from MRC

On 30 October 2007, the MRC wrote to the City (Town at the time) to advise as follows:

“This is to advise that the Mindarie Regional Council, at its Ordinary Council Meeting on 11 October 2007 resolved as follows:

That Council:

- (i) *Approve the request from the Town of Vincent for exemption from disposal of all or part of its waste at Mindarie Regional Council facilities, should the Town of Vincent identify an alternative option for disposal of its waste;*
- (ii) *Expresses disappointment at this request from the Town of Vincent at this late stage of the project.”*

Withdrawing from the MRC – Legal Matters

The matter is summarised as follows;

1. The first step for a Participant wishing to withdraw is for that Participant to give a request to the Minister and to the other Participants and to the MRC.
2. In the 12 month period following the giving of the request, the Minister can only make a recommendation to the Governor for a withdrawal Order if:
 - (a) the MRC and the Participant (which wishes to withdraw) have entered into an agreement about the adjustment of assets and liabilities (in the event that withdrawal is ordered); and
 - (b) the continuing Participants have entered into an agreement to vary the establishment agreement with respect to financial contributions and the number of regional councillors (in the event that withdrawal is ordered); and
 - (c) the two agreements are considered satisfactory by the Minister and are approved by the Minister.

3. The adjustment of assets and liabilities is a matter for agreement between the participant and the MRC. There is no "formula" for the adjustment, rather it is a matter for agreement.
4. In the event that, after the 12 month period, either or both of the required agreements is not entered into or either agreement is not considered satisfactory by the Minister, then the Minister can take one of the alternative courses of action referred to above.

RISK MANAGEMENT IMPLICATIONS:

Very High: The formal agreement to allow the City of Stirling to exit the MRC requires all six Member Councils to agree upon the adjustment of the assets and liabilities of the MRC. The matter is complex and there is little precedent, which can be used as a guide. It is doubtful that agreement will be reached and the risk of the recommencement of the Supreme Court Action remains a reality.

STRATEGIC IMPLICATIONS:

The proposal is in accordance with the following objective of the City's Strategic Plan 2011 - 2016 Key Result Area 1.1.3: "*Take action to reduce the City's environmental impacts and provide leadership on environmental matters*"; (g): "*Create, promote and facilitate more efficient management of waste*".

SUSTAINABILITY IMPLICATIONS:

Statutory Compliance

The Establishment Agreement is to address one of the requirements of section 699 (3)(b)(i) and (ii) of the *Local Government Act 1960* in relation to the withdrawal of the City of Stirling, and as per the Heads of Agreement reached as a mediated outcome of Interlocutory Injunction in the Supreme Court of Western Australia in June 2010.

FINANCIAL/BUDGET IMPLICATIONS:

The financial implications relate to the impact of the potential change in ownership of the MRC. The **valuation of the MRC** net assets have different values, depending upon the **calculation** method used.

If the City of Stirling is to withdraw from the MRC, they will be entitled to receive its proportional share of the assessed value of the Regional Council. The PWC Report (which is yet to be accepted) indicated a buyout figure of \$12.38 million. The City of Stirling originally offered a 10% discount, which reduced the buyout to \$11,140,000. The City of Stirling has now amended their discount from 10% to a discount factor of 25%. This has reduced the buyout to \$9,285,000. The MRC's decision of 28 March 2012 is significantly different to the PWC Report for the reasons detailed in the Officer Recommendation.

It is noted in the MRC decision on 28 March 2012 Items 3(a) and 4(f) provides payment calculations based on this principle.

Legal Costs to Date

The City's legal costs to date are as follows:

YEAR	COST
2010 – 2011	\$50,931
2011 – 2012	\$6,997

COMMENTS:

As the new Establishment Agreement sets out the governance and the roles of the member Councils, it will require consideration and adoption by each of the member councils of MRC.

During recent discussions surrounding the withdrawal process, the notion of a "Cooperative Model" was introduced by the Town of Cambridge as an alternative option in relation to the adjustment of assets and liabilities of the City of Stirling's interest in MRC.

An alternative Clause 12 (See Attachment 002) to the Agreement was drafted by the MRC to accommodate the adjustment of MRC's assets and liabilities based on this methodology as presented by the Town of Cambridge, however the MRC SPC did not support this alternative clause, and as such it is not reflected or included within the current Agreement presented for consideration.

However given the resolution passed at the Special MRC Meeting on Wednesday 28 March 2012 supporting a consistent withdrawal methodology for all members, it is recommended that the alternative clause be included in the agreement. The specific recommendation part indicated:

"A proposal that the remaining members of MRC intend to enter into a new Establishment Agreement under which a departing member will be paid only:

- (i) its capital contributions; and*
- (ii) its share of the Members Revenue Equalisation Reserve (i.e. unders/overs account) suggests that it is fair and equitable that City of Stirling should withdraw on a similar basis."*

The City's Administration is supportive of the adoption of the attached Draft Establishment Agreement, with the alternative Clause 12 inserted. If the Council is not supportive of this new Agreement, then an alternative recommendation is required to be adopted whereby seeking approval for a Deed of Variation of the current Constitution Agreement to be created, addressing the requirements of the sections of the Local Government Act 1960 to enable the withdrawal of the City of Stirling.

Approval of the Officer Recommendation is therefore requested.

9.5.3 Resolution of Misconduct Complaints at the Local Level – Consultation Paper

Ward:	-	Date:	16 April 2012
Precinct:	-	File Ref:	ADM0050
Attachments:	001 – WALGA Consultation Paper – Resolution of Misconduct Complaints at the Local Level – March 2012 002 – City of Vincent Code of Conduct Provisions 003 – City of Vincent Complaints Management Procedure		
Tabled Items:	-		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council:

1. **RECEIVES** the Report of the Minister for Local Government’s ‘*Resolution of Misconduct Complaints at the Local Level*’ Consultation Paper aimed at dealing with low-level misconduct at the local level as shown in Appendix 9.5.3;
2. **SUPPORTS** the general intent of the Minister for Local Government’s ‘*Resolution of Misconduct Complaints at the Local Level*’ Consultation Paper aimed at dealing with low-level misconduct at the local level as shown in Appendix 9.5.3, subject to:
 - 2.1 further consultation being carried out with local governments concerning the proposed Uniform Code of Conduct for Elected Members and the proposed Peer Review Panel;
 - 2.2 all low level complaints being considered and determined by the proposed Peer Review Panel (and not the Mayor or President);
 - 2.3 the use of teleconferencing for Peer Review Panel Meetings not being supported;
 - 2.4 the Peer Review Panel being responsible for considering and determining vexatious complaints;
 - 2.5 the Department of Local Government being requested to provide further information concerning:
 - 2.5.1 Clear definitions of the types of complaints proposed to be assessed;
 - 2.5.2 Development of a simple complaint handling procedure for assessment of complaints, which may include, but not be limited to:
 - (a) How allegations are received and assessed;
 - (b) How to prepare, plan and undertake any investigation required to clarify allegations;
 - (c) Documentation of allegations and recording of any investigation and findings;
 - (d) Dealing with conflicts of interest;
 - 2.5.3 Ensuring all persons involved in investigations are aware of the principles of natural justice and are required to adhere to these principles;

2.5.4 Timeframes for all actions associated with complaints to ensure there is timeliness in assessing and concluding investigations;

2.5.5 Confidentiality requirements, including the making of public statements that may jeopardise the process or be detrimental to the local government; and

3. ADVISES the Minister for Local Government and the Western Australian Local Government Association (WALGA) of the Council's decision.

COUNCIL DECISION ITEM 9.5.3

Moved Cr Pintabona, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Buckels was an apology for the meeting.)

PURPOSE OF REPORT:

To consider the Consultation Paper '*Resolution of Misconduct Complaints at the Local Level*', released for local government comment by the Minister for Local Government, and endorse a response from the City of Vincent.

BACKGROUND:

The Local Government (Official Conduct) Amendment Act 2007 led to changes to Part 5 of the Local Government Act 1995 and introduction of the Local Government (Rules of Conduct) Regulations 2007. The amendments introduced mechanisms for dealing with allegations of serious, recurrent and minor breaches of the Conduct Rules.

The Local Government (Official Conduct) Amendment Act 2007 also allowed for the establishment of a state-wide Standards Panel to deal with complaints of minor breaches in contravention of the then newly introduced Conduct Rules. The Panel was empowered to apply penalties comprising public censure, public apology, or an order to undertake training.

In addition to the establishment of a Standards Panel, the amendments allowed for complaints about serious breaches to be made to the Department of Local Government for possible referral to the State Administrative Tribunal (SAT) for determination.

In addition to the penalties described above, the SAT can apply stronger penalties for a serious or recurrent breach of up to six months suspension or up to five years disqualification from holding office as a member of a Council.

A review of the operation of the Local Government Standards Panel, and its supporting legislation, charged with the task of assessing minor breach allegations under the Rules of Conduct Regulations, commenced in late 2010.

The Minister has considered the Report of the Review Committee and has identified that there is an opportunity to implement a more effective process for resolving complaints against Elected Members involving low-level misconduct. Specifically, data contained in the report highlighted that:

- the number of complaints submitted to the Panel has grown steadily since its commencement and the cost of dealing with those complaints has also grown;
- the total number of complaints made were attributable to approximately one quarter of all local governments;

- over 75 per cent of allegations made to the Panel resulted in findings of no breach in the 2010/11 financial year;
- the period of time in many instances between receiving an allegation and making a determination was unacceptably lengthy; and
- under current legislation, the Standards Panel is required to deal with every allegation made.

Consequently, the Minister has directed the Department to examine the implementation of a locally based solution for dealing with misconduct complaints of a low-level nature. This solution would be designed to complement and streamline the operations of the Standards Panel.

The aim of the proposed model is to put in place processes to allow complaints of low-level misconduct to be dealt with at the local level – in the first instance by the Mayor or President and, if unresolved, by a Peer Review Panel. The Minister suggests that this will empower local governments to deal with issues of low-level misconduct, which he considers are best dealt with locally.

The Minister proposes that changes to the current disciplinary framework are intended to:

- empower local governments to better manage the risk of misconduct;
- establish a more pro-active complaints management culture; and
- streamline and simplify the process of dealing with complaints that allege low-level misconduct or that are trivial or vexatious.

DETAILS:

The Minister for Local Government has released the *'Resolution of Misconduct Complaints at the Local Level'* Consultation Paper dated March 2012. This Paper outlines proposals for dealing with low-level misconduct at the local level, in support of the existing Local Government (Rules of Conduct) Regulations 2007.

The aim of the proposed model is to put in place processes to allow complaints of low-level misconduct to be dealt with at the local level – in the first instance by the Mayor or President and, if unresolved, by a Peer Review Panel. The Minister suggests that this will empower local governments to deal with issues of low-level misconduct which are best dealt with locally.

The Minister anticipates that the proposed changes will lead to significant improvements in the timeliness and responsiveness of decision-makers in addressing complaints against Elected Members. In turn, this is expected to lead to wider benefits in the form of improved governance for a strong and sustainable local government sector.

An integral feature of the proposed model is to amend the Local Government Act 1995 to empower the Standards Panel to refer a low-level breach of the Rules of Conduct for assessment by the relevant Mayor or President. The Consultation Paper proposes that this will enable complaints of a low-level nature to be dealt with without being subjected to the more formal processes of assessment undertaken by the Standards Panel. This would then ensure that the Standards Panel can deal with complaints of a minor breach of the Rules of Conduct in a more timely and efficient manner. Where an allegation is against the Mayor or President, the Deputy Mayor or Deputy President will assess the complaint unless they are the complainants. In this instance, the matter will be dealt with by another Elected Member appointed by the Council.

The key components of the proposed model include:

- the development of a uniform Code of Conduct for Elected Members that is applicable to all local governments;
- the introduction of a framework for handling complaints at the local level. Specifically, such complaints would include:
 - complaints relating to breaches of the Uniform Code of Conduct;

- o complaints relating to breaches of the Rules of Conduct which are considered by the Standards Panel to be low-level and better dealt with at the local level; and
- o improved processes for dealing with trivial or vexatious complaints which would allow the Standards Panel to reject such complaints.

There are a number of proposals detailed in the Consultation Paper, as follows:

Uniform Code of Conduct for Elected Members

An area of improvement identified in the Review is in the nature of low-level misconduct. It is proposed a Uniform Code of Conduct for Elected Members be introduced and that any allegations of breaches of this Code be dealt with at the local level by the Mayor or President.

WALGA advise that it is anticipated the Uniform Code of Conduct will reflect the existing general principles to guide the behaviour of Elected Members, defined in Regulation 3 (1) of the Rules of Conduct Regulations:

- “(1) *General principles to guide the behaviour of Council members include that a person in his or her capacity as a council member should:*
- (a) *act with reasonable care and diligence; and*
 - (b) *act with honesty and integrity; and*
 - (c) *act lawfully; and*
 - (d) *avoid damage to the reputation of the local government; and*
 - (e) *be open and accountable to the public; and*
 - (f) *base decisions on relevant and factually correct information; and*
 - (g) *treat others with respect and fairness; and*
 - (h) *not be impaired by mind affecting substances.”*

The general principles do not constitute a rule of conduct and therefore are not currently enforceable under the Standards Panel procedure, although given their broad range, may capture behaviour that is regulated under other legislation. In response to the call for submissions on the Rules of Conduct from the Department at the time of establishing them, local governments suggested that the principles should be reworded to ensure enforceability or that Guidelines be developed to assist local governments.

The Minister proposes that a Uniform Code of Conduct for Elected Members be developed that will encompass the Rules of Conduct.

The Consultation Paper suggests that the introduction of a mandatory Uniform Code of Conduct for Elected Members would support a holistic approach to managing the risk of misconduct in the local government sector.

Whilst the City would generally support a Uniform Code of Conduct for Elected Members it will be necessary for sufficient objective criteria to be developed to assist local governments meet any obligations proposed by the Minister's model. This would not only assist complainants but those required to assess whether a breach has occurred. It is noted that a framework will be introduced to assist in handling complaints, however, it will be necessary to have a comprehensive framework to assist in determining the types of complaints that are to be dealt with by the Mayor or President, the Peer Assessment Panel, and the Standards Panel.

Chief Executive Officer's Comments:

It should be noted that section 5.103 of the Local Government Act 1995 provides that a local government is required to prepare or adopt a Code of Conduct to be observed by Elected Members, Committee Members and employees. It is recommended that the Minister for Local Government commit to ensuring that the local government sector will be adequately consulted with in the development of a proposed Uniform Code of Conduct for Elected Members and any implications under section 5.103 of the Act.

Referral of Low-Level Complaints to the Mayor or President

The Standards Panel Review Committee recommends the Mayor or President be empowered to assess allegations of a breach of the Uniform Code of Conduct. If the allegation is upheld, the Mayor or President will have access to a range of actions including:

- mediation;
- training;
- a ruling the allegation is frivolous or vexatious; or
- referral to a Peer Review Panel. The Mayor or President will not be involved if they are a party to an allegation, and the complaint will then being dealt with by the Deputy Mayor or Deputy President; should they too be a party, another Elected Member will be appointed by the Council to assess the complaint.

Mayors and Presidents have a significant leadership role in the pursuit and demonstration of good governance. However, it is considered that the proposal to refer low-level complaints to the Mayor or President not be supported, particularly given that the definition of what might constitute a "low-level" complaint is not provided within the Consultation Paper. This is a significant aspect of the proposal, and as such the implications for Mayors and Presidents and local governments in general is unknown. Until the definition of low-level conduct is provided by the Minister, allowing the implications to be further considered, the proposal should not be supported;

Chief Executive Officer's Comments:

There are a number of issues relating to the proposed procedure for dealing with "low-level" complaints, which include, but is not limited to:

- *Ensuring the principles of "natural justice" and procedural fairness are adhered to.*
- *Avoiding human bias and prejudice.*
- *Avoiding objections that the complaints process is not adhered to.*
- *Ensuring the process results in the encouragement of a constructive resolution.*

Furthermore, a significant issue is that some Mayors and Presidents (and all other Elected Members required to be involved in the process) will have different levels of skills and experience in objective assessment in any self-regulation process.

Effective support would need to be provided from the Department as it is likely that there will be some Mayors and Presidents that do not wish to be responsible for dealing with low level complaints involving their colleagues, as this may cause relationship problems.

Peer Review Panel

The second element of the Consultation Paper is the proposal to form a Peer Review Panel. It is proposed that this Panel be formed on an "as-needs" basis if the Mayor or President is not satisfied a satisfactory resolution to a complaint can be reached by the parties, or if the complainant/respondent is similarly dissatisfied with the outcome of the process undertaken by the Mayor or President. The Peer Review Panel will be formed from an approved pool of suitably qualified persons with experience in local government. It is proposed the sitting fees for a Peer Review Panel will be met by the local government. (It should be noted that sitting fees for the Standards Panel are currently met by the local government).

It is considered that the proposal for meetings of the Peer Review Panels, in most instances, to be undertaken by teleconference, not be supported. It is considered essential to any complaints assessment process that meetings, and any interviews with the complainant and/or respondent be conducted, in the first instance, "face-to-face", and if necessary, thereafter by teleconference. It is suggested that other meetings of the Panels, such as preliminary discussions, and findings be permitted to be undertaken by teleconference.

It is recommended that the Department give consideration to the establishment of Panels based on geographic areas therefore the requirement for teleconferencing would be reduced.

Chief Executive Officer's Comments:

As the Council maybe aware, since September 2005 the City has operated its own Peer Review Panel to deal with Code of Conduct complaints against Elected Members and Senior Employees.

The City's Code of Conduct Peer Review Panel has operated without complaint and has dealt with 1-2 complaints per year (with the exception of 2001/2002) – see details in this report.

The City's Code of Conduct Peer Review Panel and Complaints Management Procedure is shown in Appendix 002 and 003 respectively.

The Minister's proposal is different to the City's Code of Conduct Peer Review Panel as it is proposed to give power to the Mayor or President to deal with low level complaints.

The proposed Peer Review Panel is supported subject to:

- 1. all low level complaints being considered by the Panel (and not the Mayor or President);*
- 2. Proposed Peer Review Panels being setup in geographical areas – similar to the WALGA Zone System or the Development Assessment Panel Groupings.*
- 3. Teleconference meetings not be supported, unless in special circumstances e.g. exceptional travel distances are involved.*

Handling Vexatious Complaints

The Standards Panel Review also identified that some people make vexatious or frivolous complaints for reasons other than a genuine pursuit of resolution. In some circumstances, individuals have repeatedly lodged complaints which lack substance. The Report by the Standards Panel Review Committee (June 2011) provides that only about 10 percent of complaints are of a vexatious nature.

It is proposed the Standards Panel and the Mayor or President will be empowered to dismiss any complaint deemed to be vexatious or frivolous. It is further proposed that there will be no right of review by the State Administrative Tribunal or the Peer Review Panel of any complaint deemed to be vexatious or frivolous by the Standards Panel or the Mayor or President.

Chief Executive Officer's Comments:

The City receives a number of vexatious and/or frivolous complaints each year, however, these are in the minority. They usually relate to disputes between neighbours. As such, this matter would not significantly change the City's operations for dealing with complaints, however, it would be beneficial to ensure resources are more effectively used.

It is recommended that this provision be supported, subject to:

- The Minister clearly defining what constitutes a vexatious or frivolous complaint to ensure parties required are able to make decisions as to whether an allegation can be treated as vexatious or frivolous.*
- There be a right of review by the Peer Review Panel of any complaint deemed to be vexatious or frivolous by the Mayor or President. This will avoid any perceptions of bias/prejudice.*

Other Matters

It is recommended that the Department be requested to give consideration to the following matters in drafting a framework for the resolution of misconduct complaints at the local level:

- Clear definitions of the types of complaints proposed to be assessed.
- Development of a simple complaint handling procedure for assessment of complaints, which might include, but not be limited to:
 - How allegations are received and assessed;
 - How to prepare, plan and undertake any investigation required to clarify allegations;
 - Documentation of allegations and recording of any investigation and findings;
 - Dealing with conflicts of interest.
- Ensuring all persons involved in investigations are aware of the principles of natural justice and are required to adhere to these principles.
- Timeframes for all actions associated with complaints to ensure there is timeliness in assessing and concluding investigations.
- Confidentiality requirements, including the making of public statements that may jeopardise the process or harm the local government.

City of Vincent Code of Conduct 1996 – 2012 – Statistics

Adoption of the Code of Conduct

The Council adopted a Code of Conduct in 1996 and regularly reviewed it every 2 years, as it was a requirement of the Act at the time.

City of Vincent Peer Review Panel

The City of Vincent's Peer Review Panel comprises of the following:

- (a) Mayor as Chairperson (Deputy Mayor when the complaint is against the Mayor);
- (b) Chief Executive Officer (Appointed Complaints Officer); and
- (c) two Councillors nominated by the Council Member against whom the complaint is made.

The City's Complaints Management Procedure prescribes details concerning:

1. timeframes for dealing with the complaint;
2. confidentiality; and
3. action to be taken.

Complaints/Allegations

Since the adoption of the City's Code of Conduct in September 1996, there have been 19 complaints lodged against Council Members for breaches of the Code of Conduct. The complaints have involved 10 Council Members, whilst noting that since 1995 there have been 4 Mayors and 30 Councillors elected during this period.

Number of Complaints Per Year

No complaints were received for: 1996/1997, 1997/1998, 2004/2005 and 2007/2008.

One complaint was received in each year for: 1998/1999, 1999/2000, 2002/2003, 2003/2004, 2005/2006, 2008/2009, 2009/2010, 2010/2011 and 2011/2012.

Two complaints were received for: 2000/2001 and 2006/2007.

Six complaints were received for: 2001/2002.

Breakdown of Complaints

A breakdown of complaints has revealed the following:

1. one Councillor had five complaints, of which four were substantiated;
2. one Councillor had four complaints, of which three were substantiated;
3. one Councillor had two complaints, of which both were substantiated;
4. one Councillor had two complaints, of which one was substantiated; and
5. the remaining complaints each involved only one Council Member.

Summary of Minor Breach Complaints 1996 – 30 March 2012

Minor Breach Complaints 1996 – 30 March 2012									
	Breach of Meeting Procedures Local Law (Standing Orders)	General Principles Governing Elected Member Behaviour	Improper Use of Information	Misuse of Local Government Resources	Non-Disclosure of Interest Affecting Impartiality	Non Disclosure of Proximity or Financial Interest	Relations with Local Government Employees	Securing Personal Advantage or Disadvantaging Others	Total
No Breach	0	5	0	0	0	2	0	2	9
Personal Apology	0	3	2	0	0	0	0	0	5
Training	0	0	0	0	1	0	0	0	1
Public Censure	0	0	0	0		0	0	0	0
No Jurisdiction	0	0	0	0	0	0	0	0	0
Censure and Public Apology	2	1	0	0	0	0	0	0	3
Total	2	10	2	0	1	2	0	2	19

Outcome of Complaints

Of the 19 complaints, nine were substantiated. Of the 19 complaints, only three (3) were considered by the Chief Executive Officer to be serious enough to be reported to the Council.

Censure by Council

Complaints relating to two Councillors resulted in the Council censuring both Councillors and requesting a public apology.

Local Government (Rules of Conduct) Regulations 2007

It is pleasing to note that no complaints have been lodged with the Department of Local Government for alleged breaches of the Local Government (Rules of Conduct) Regulations 2007.

CONSULTATION/ADVERTISING:

The closing date for submissions is Friday 11 May 2012.

LEGAL/POLICY:

Local Government Act 1995.

RISK MANAGEMENT IMPLICATIONS:

Low: If no submission is made, there are no legal or financial implications to the City.

STRATEGIC IMPLICATIONS:

In accordance with the City's Strategic Plan 2011-2016 Key Result Areas:

"4. Leadership Governance and Management:

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

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The consultation paper proposes a model similar to what currently exists at the City of Vincent for dealing with Code of Conduct matters. However, one significant difference relates to the proposal that the Mayor/President to be given the authority to deal with low-level complaints and vexatious/frivolous complaints. The City's Code of Conduct Peer Review Panel has worked satisfactorily since it was formed. The investigation of complaints is time consuming, as it is required to be thorough, requires the Review Panel to meet and for the matter to be fully documented. Notwithstanding, the intent of the proposed model is supported subject to the various comments listed for each matter, as it allows for Local Governments to deal with minor complaint matters at a local level.

9.5.5 Information Bulletin

Ward:	-	Date:	16 April 2012
Precinct:	-	File Ref:	-
Attachments:	001 – Information Bulletin		
Tabled Items:	Nil		
Reporting Officer:	A Radici, Executive Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Information Bulletin dated 24 April 2012, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.5.5

Moved Cr Pintabona, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Buckels was an apology for the meeting.)

DETAILS:

The items included in the Information Bulletin dated 24 April 2012 are as follows:

ITEM	DESCRIPTION
IB01	Department of Local Government Circular No. 07-2012 regarding Local Government Amendment Act 2012 – Stage 1
IB02	Card of Congratulations from Mr John Hyde MLA, Member for Perth, to the City’s Environmental Health Officers and Health Services on their win in the ‘Heart Foundation Healthy Community Award – 2011 State Winner’.
IB03	Minutes of the Safer Vincent Crime Prevention Partnership (SVCPP) Meeting held on 1 February 2012
IB04	Minutes of the Hyde Park Lakes Restoration Working Group Meeting held on 26 March 2012
IB05	Minutes of the Mindarie Regional Council Special Meeting held on 28 March 2012
IB06	Minutes of the Tamala Park Regional Council Ordinary Meeting held on 12 April 2012

9.1.1 No. 492 (Lots; 143-144; D/P: 2630/1) Charles Street, North Perth – Proposed Change of Use from Residential to Unlisted Use (Motor Vehicle Repair)

Ward:	North	Date:	16 April 2012
Precinct:	North Perth; P8	File Ref:	PRO1071; 5.2012.38.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicant’s Justification		
Tabled Items:	Nil		
Reporting Officer:	S Radosevich, Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Planning 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, **RECOMMENDS SUPPORT** to the Western Australian Planning Commission, of the application submitted by Dynamic Planning and Developments on behalf of the owners, CG Kapinkoff and V Tomsic for Change of Use from Residential to Unlisted Use (Motor Vehicle Repair) at No. 492 (Lots; 143-144; D/P: 2630/1) Charles Street, North Perth, as shown on amended plans stamp-dated 12 April 2012, subject to the following conditions:

1. all 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 Charles Street;
2. the doors, windows and the adjacent office and reception floor areas to Charles Street shall maintain an active and interactive relationship with this street;
3. the motor vehicle repair shall be limited to a maximum of two (2) working bays. Any increase in the number of working bays or change of use for the subject land shall require a separate Planning Approval to be applied for and obtained from the City;
4. the hours of operation of the motor vehicle repair centre shall be 7.30am to 5.30pm Monday to Friday and 8.00am to 1.00pm Saturday;
5. all signage that does not comply with the City's Policy 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; and
6. **PRIOR TO THE SUBMISSION OF A BUILDING LICENCE**, the following shall be submitted to and approved by the City:

6.1 Amalgamation of Lots

The subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the City, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the City’s solicitors or other solicitors agreed upon by the City, undertaking to amalgamate the subject land into one lot within six (6) months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);

6.2 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 approved 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; and

6.3 Refuse Management

A Refuse and Recycling Management Plan shall be submitted and approved by the City prior to commencement of any works. The Plan shall include details of refuse bin location, number of rubbish and recycling receptacles, vehicle access and manoeuvring.

Revised plans and details shall be submitted demonstrating a bin compound being provided in accordance with the City's Health Services Specifications:

Commercial:

One (1) mobile garbage bin per unit; and

One (1) paper recycle bin per unit, or per 200 square metres of floor space.

COUNCIL DECISION ITEM 9.1.1

Moved Cr Maier, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (7-1)

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

Against: Cr Maier

(Cr Buckels was an apology for the meeting.)

PURPOSE OF REPORT:

This proposal requires referral to the Council given that the proposal relates to an unlisted use. As the subject site is located within Planning Control Area No. 100, the Western Australian Planning Commission is the determining body, with Council providing a recommendation to the Western Australian Planning Commission.

BACKGROUND:

The subject site is listed on the City's Non-Conforming Use Register as a vehicles sales premise. The site has not been used as a vehicle sales premise for approximately twenty one (21) months.

At the Ordinary Meeting of Council held on 20 December 2011, the Council resolved to endorse the Draft Local Planning Strategy and the Draft Town Planning Scheme No. 2, to send to the Western Australian Planning Commission for them to give consent to advertise. The Draft Town Planning Scheme No. 2 proposes to rezone the properties at Nos. 492-506 Charles Street, North Perth, from a residential zoning, to a commercial zoning.

History:

Date	Comment
June 1971	The City of Perth refused an application for a drive-in fast food outlet.
20 August 1973	The City of Perth Council approved an application for the change of use from wood yard to car sales yard.
3 September 1973	The City of Perth issued a Building Licence for a brick car sales office.
16 June 1975	The City of Perth Council approved an application for a warehouse.
27 July 2010	The Council acknowledged a vehicle sales premise as a non-conforming use at No. 492 Charles Street.
12 October 2010	An amendment to the Non-Conforming Use Register, which included No. 492 Charles Street, was advertised and subsequently adopted by the Council.
6 December 2011	The Council at its Ordinary Meeting resolved to: <ol style="list-style-type: none"> 1. Defer the request from Tuscom Subdivision Consultants Pty Ltd to spot rezone the City's Town Planning Scheme No. 1 from Residential R60 to Special Use – Service Station at No. 492 (Lots; 143 and 144; D/P: 2630) Charles Street, North Perth; and 2. Advises the Applicant that the Council will consider the rezoning of No. 492 (Lots 143 and 144) Charles Street and/or the adjoining properties, as part of the current review of the Town Planning Scheme.

Previous Reports to Council:

Nil.

DETAILS:

The application proposes a change of use from residential to motor vehicle repair centre. The subject site was previously used as a vehicles sale premise; however, this use stopped operating approximately twenty one (21) months ago, therefore the land use has reverted back to residential in accordance with Town Planning Scheme No. 1. The proposed motor vehicle repair centre utilises the existing building on-site, with internal walls being removed and additional roller door proposed.

The proposed motor vehicle repair centre is an unlisted use as the proposal to undertake motor vehicle repairs, including major vehicle repairs, does not fall within the definitions outlined in Schedule 1 "Scheme Interpretations" of the City's Town Planning Scheme No. 1.

The original plans located three (3) car parking spaces to the rear of the site, with access from the right-of-way, and six (6) car parking spaces within the 3.66 metre road widening area of Planning Control Area No. 100. Amended plans dated 12 April 2012, have reconfigured the parking arrangement, with all parking being located outside of the road widening area. The plans now have a universal disabled bay located to the front of the site, with three (3) bays located off the right-of-way. Due to the nature of the proposal, both Working Bays 1 and 2 have been included in the parking calculation, which is in keeping with the assessment of car parking for uses of this nature whereby patrons vehicles are worked on and not parked.

Landowner:	CG Kapinkoff & V Tomsic
Applicant:	Dynamic Planning and Developments
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
Existing Land Use:	Vacant Building
Use Class:	Unlisted Use (Motor Vehicle Repair)
Use Classification:	"SA"
Lot Area:	920 square metres
Right of Way:	Eastern side, 5 metres wide, sealed, Council owned

Planning Control Area No. 100

The subject property falls within Planning Control Area No. 100. The control area ensures no development occurs on land, within the control area, which might prejudice the future widening of Charles Street, should it be required for Primary Regional Roads in the Metropolitan Region Scheme.

The City has been advised by the Western Australian Planning Commission that any development within this area requires the approval from the Western Australian Planning Commission, with the City providing a recommendation.

Amended plans dated 12 April 2012 demonstrate that no development is proposed within the 3.66 metre road widening area. As the development does not encroach into the road widening area, with the on-site parking provided complying with the City's Parking and Access Policy No. 3.7.1, the application is recommended for approval by the Western Australian Planning Commission.

ASSESSMENT:

Town Planning Scheme/R Codes/Residential Design Element's Initial Assessment:

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Density/Plot Ratio	N/A		
Streetscape	N/A		
Front Fence	N/A		
Front Setback	✓		
Building Setbacks	✓		
Boundary Wall	✓		
Building Height	✓		
Building Storeys	✓		
Open Space	N/A		
Bicycles	N/A		
Access & Parking	✓		
Privacy	N/A		
Solar Access	N/A		
Site Works	N/A		
Essential Facilities	N/A		

Town Planning Scheme/R Codes/Residential Design Element's Detailed Assessment:

Not applicable.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Comments Period:	6 March 2012 to 26 March 2012
Comments Received:	Community consultation was undertaken in relation to the proposed unlisted use (motor vehicle repair); no comments were received.

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

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

Council has endorsed the Draft Local Planning Strategy and the Draft Town Planning Scheme No. 2. The Draft Town Planning Scheme No. 2 proposes to rezone the properties at Nos. 492-506 Charles Street, North Perth, from a residential zoning to a commercial zoning with the proposed motor vehicle repair land use being in keeping with the City's strategic vision for the locality.

RISK MANAGEMENT IMPLICATIONS:

Should the Council refuse the application for development approval, the applicant has the right to have the decision reviewed in accordance with Part 14 of the *Planning and Development Act*.

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.*

1.1.2 *Enhance and maintain the character and heritage of the City."*

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Encourage the incorporation of sustainable design principles and features in existing and new development within the City as standard practice."

The following tables outline the applicable sustainability issues for this proposal:

ENVIRONMENTAL	
Issue	Comment
The proposal uses an existing building for the proposed unlisted use (motor vehicle repair). The adaptive use of this existing space has a lower environmental impact compared to constructing a new building for this purpose.	

SOCIAL	
Issue	Comment
The proposal provides for access to a wider range of services to the local community.	

ECONOMIC	
Issue	Comment
The proposed land use will provide employment opportunities.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS & CONCLUSION:

In accordance with Clause 16(4) of the City of Vincent Town Planning Scheme No. 1; "*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 than in conformity with the provisions of the Scheme*".

In light of the above clause, and the fact that No. 492 Charles Street has been vacant for more than six (6) months, the subject site is required to be removed from the Non-Conforming Use Register and all new development is to be in accordance with the current zoning, which is Residential R60. The City's Non-Conforming Use Register is currently being reviewed, with No. 492 Charles Street being identified as a site which is required to be removed from the register.

It is considered that the proposed motor vehicle repair land use is an appropriate use for the subject site. As the Draft Town Planning Scheme No. 2 proposes to rezone the properties at Nos. 492-506 Charles Street, North Perth, from a residential zoning, to a commercial zoning; the proposal is in keeping with the City's strategic vision for the locality.

In view of the above, it is considered that the proposed change of use from residential to unlisted use (motor vehicle repair) is supportable. Accordingly, it is recommended the application be approved subject to standard and appropriate conditions. In addition, it is recommended that the Council endorse the removal of the Non-Conforming Use for Vehicle Sales Premise from the City's Non-Conforming Use Register.

9.1.2 Further Report – No. 20/1 (Lot 500; D/P: 47392) Dunedin Street, Mount Hawthorn – Proposed Change of Use from Residential to Unlisted Use (Short Term Accommodation) (Retrospective Application)

Ward:	North	Date:	16 April 2012
Precinct:	Mount Hawthorn P1	File Ref:	PRO5629; 5.2011.629.1
Attachments:	001 – Property Development Report & Development Application Plans 002 – Email from Council of Owners 003 – Further justification on key concerns raised		
Tabled Items:	Nil		
Reporting Officer:	S De Piazzzi, Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1, REFUSES the application submitted by T Parker on behalf of T Parker & H Erickson for the proposed Change of Use from Residential to Unlisted Use (Short Term Accommodation) (Retrospective Application), at No. 20/1 (Lot 500; D/P: 47392) Dunedin Street, Mount Hawthorn, and as shown on plans stamped 21 December 2011, 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 non-compliance with the City's Policy No. 3.4.5 relating to Short Term Accommodation, with regard to:
 - 1.2.1 the applicant has not provided evidence that the strata body approves the proposal, and that appropriate by-laws will be entered into the strata management statement;
 - 1.3 the single unit Short Term Accommodation would set a negative precedent for other residential unit owners within residential unit complexes to apply for Short Term Accommodation and this in turn would impact the City's ability to safeguard further strata residents within the City from similar proposals in line with the Town Planning Scheme No. 1 (6)(3)(b);
 - 1.4 the use would result in a transient population accessing the complex on a regular basis, which would have a cumulative negative impact on the amenity of the remaining long term residents and surrounding community; and
 - 1.5 consideration of objections received from owners/occupants directly within the strata complex as per the Policy 4.1.5 relating to Community Consultation; and
2. REQUIRES the Applicant:
 - 2.1 within twenty-eight (28) days of the issue date of the 'REFUSAL TO COMMENCE DEVELOPMENT', to pay the retrospective fee of \$556 to the City; and

- 2.2 to cease immediately the unauthorised use of the property for Short Term Accommodation. Failure to comply may result in the City commencing enforcement proceedings in accordance with the City's Prosecution and Enforcement Policy.

ADVISORY NOTE:

Failure to comply with Clause 2 above may result in the City commencing enforcement proceedings in accordance with the City's Prosecution and Enforcement Policy.

Moved Cr Maier, Seconded Cr Harley

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Cr Maier, Seconded Cr Topelberg

That subclause 1.4 be deleted and the remaining clause renumbered.

Debate ensued.

AMENDMENT NO 1 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was an apology for the meeting.)

Debate ensued.

AMENDMENT NO 2

Moved Cr Maier, Seconded Cr Harley

That subclause 1.3 be amended to read as follows:

- "1.3 the single unit Short Term Accommodation would set a negative precedent for other residential unit owners within residential unit complexes to apply for Short Term Accommodation without first obtaining approval from the Strata Body and this in turn would impact the City's ability to safeguard further strata residents within the City from similar proposals in line with the Town Planning Scheme No. 1 (6)(3)(b);"

AMENDMENT NO 2 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was an apology for the meeting.)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was an apology for the meeting.)

COUNCIL DECISION ITEM 9.1.2

That the Council;

1. in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1, REFUSES the application submitted by T Parker on behalf of T Parker & H Erickson for the proposed Change of Use from Residential to Unlisted Use (Short Term Accommodation) (Retrospective Application), at No. 20/1 (Lot 500; D/P: 47392) Dunedin Street, Mount Hawthorn, and as shown on plans stamped 21 December 2011, 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 non-compliance with the City's Policy No. 3.4.5 relating to Short Term Accommodation, with regard to:
 - 1.2.1 the applicant has not provided evidence that the strata body approves the proposal, and that appropriate by-laws will be entered into the strata management statement;
 - 1.3 the single unit Short Term Accommodation would set a negative precedent for other residential unit owners within residential unit complexes to apply for Short Term Accommodation without first obtaining approval from the Strata Body and this in turn would impact the City's ability to safeguard further strata residents within the City from similar proposals in line with the Town Planning Scheme No. 1 (6)(3)(b); and
 - 1.4 consideration of objections received from owners/occupants directly within the strata complex as per the Policy 4.1.5 relating to Community Consultation; and
2. REQUIRES the Applicant:
 - 2.1 within twenty-eight (28) days of the issue date of the 'REFUSAL TO COMMENCE DEVELOPMENT', to pay the retrospective fee of \$556 to the City; and
 - 2.2 to cease immediately the unauthorised use of the property for Short Term Accommodation. Failure to comply may result in the City commencing enforcement proceedings in accordance with the City's Prosecution and Enforcement Policy.

ADVISORY NOTE:

Failure to comply with Clause 2 above may result in the City commencing enforcement proceedings in accordance with the City's Prosecution and Enforcement Policy.

PURPOSE OF REPORT:

The proposed 'SA' use has received a total of nine (9) comments, of which all were objections. As a result of this, the application is required to be referred to Council for determination.

BACKGROUND:

History:

Date	Comment
28 February 2012	Council resolved that the application be DEFERRED for further investigation and clarification of the Policy.

Previous Reports to Council:

This matter was previously reported to the Council 28 February 2012.

The Minutes of Item 9.1.6 from the Ordinary Meeting of Council held on 28 February 2012 relating to this report is available on the City's website at the following link:

http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes.

FURTHER REPORT:

The Council at its Ordinary Meeting held on 28 February 2012 resolved as follows:

"That the item be DEFERRED for further investigation and clarification of the Policy."

In light of the Council decision, the applicant has provided the following additional information:

- The email from the Council of Owners (as shown in Appendix 9.1.2); and
- Further justification of the key concerns relating to the proposal (as shown in Appendix 9.1.2).

The email presented by the applicant from the Council of Owners does not give any indication of approval by the Council of Owners. This is in addition to some confusion over exactly what is being proposed. The email therefore, is not considered evidence of support from the strata body, as required by Policy No. 3.4.5 relating to Short Term Accommodation.

The further justification provided emphasises that it is only proposed to have corporate clients staying at the accommodation and if any issues arise, tenants can be immediately evicted. It is also noted that, should it be necessary, the applicant stated that he was willing to have approval conditions to allow only corporate clients to use the accommodation, as well as being subject to renewal after twelve (12) months as a trial period.

The applicant also organised a meeting with the Council of Owners through the strata manager for 26 March 2012 to discuss any concerns and clarify any confusion. There were no attendees to the meeting from the Council of Owners, and therefore no mediation could take place.

DETAILS:

Landowners:	T Parker & H Erickson
Applicant:	T Parker
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R 60
Existing Land Use:	Residential Dwelling
Use Class:	Unlisted Use (Short Term Accommodation)
Use Classification:	"SA"
Lot Area:	Unit 20: 114 square metres (Total lot area: 3,275 square metres)
Right of Way:	Not applicable

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Consultation Period:	20 January 2012 to 10 February 2012.
Comments Received:	Refer to OMC Report 28 February 2012.

Summary of Comments Received:	Officers Technical Comment:
	Refer to OMC Report 28 February 2012.

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- Town Planning Scheme No. 1, Policy No. 3.4.5 relating to Short Term Accommodation.

COMMENTS & CONCLUSION:

The City's Policy No. 3.4.5 relating to Short Term Accommodation states that:

"The following matters will be considered as part of the assessment of Short Term Accommodation applications...if located on a strata titled development, has the applicant provided evidence that the Strata body approves the proposal, and that appropriate by-laws will be entered into the strata management statement acknowledging the land use activity and including the provision for notification of the land use activity for tenants and/or purchasers of properties within the strata scheme plan."

As occupants within the strata complex live within close quarters, and therefore risk a higher impact from changes to nearby units, it is important that any changes to the operation of the complex are supported by the occupants. While the applicant has shown effort to mediate with the Council of Owners unfortunately no approval of the development was able to be obtained as per the above requirement.

It is a responsibility of the City to protect and enhance the social, physical and cultural environment to all residents as outlined in the Town Planning Scheme No. 1 (6)(3)(b). By approving an application for Short Term Accommodation to a residential strata complex against the numerous objections from occupants living within the complex it would set a precedent for future proposals which may also be strongly objected upon, and impact on the City's ability to protect the amenity of its residents within strata complexes.

Further to the above concern, if a precedent is set for allowing Short Term Accommodation within a residential strata complex, the introduction of additional similar accommodation could lead to a cumulative impact on the remaining long term residents.

It was noted in the previous agenda report that a total of nine (9) written objections were received from owners/occupants within the strata complex which were considered as per the City's Policy 4.1.5 relating to Community Consultation. To date no evidence has been provided to establish any type of support from the residents within the complex.

Therefore notwithstanding the further information provided, given the applicant was not able to show support from the Council of Owners regarding the proposed short term accommodation, or any changes to the Strata bylaws which otherwise do not reflect the Short Term Use, the Officer Recommendation remains unchanged.

The Minutes of Item 9.1.6 from the Ordinary Meeting of Council held on 28 February 2012, relating to this Report is available on the City's website at the following link: http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes.

The Chief Executive Officer advised that Mayor Hon. Alannah MacTiernan and Cr Dudley Maier had declared a financial interest in Item 9.1.3. As previously approved by the Council, Mayor MacTiernan and Cr Maier remained in the Chamber for the consideration and voting on this matter however, Mayor MacTiernan vacated the Chair and Acting Presiding Member/Deputy Mayor, Cr McGrath assumed the Chair at 7.00pm.

9.1.3 Amendment No. 92 to Planning and Building Policies – Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage and Adjacent Properties; Policy No. 3.6.2 Relating to Heritage Management – Assessment; Policy No. 3.6.4 Relating to Heritage Management – Interpretative Signage; and Policy No. 3.6.5 Relating to Heritage Management – Amendments to the Municipal Heritage Inventory (MHI)

Ward:	Both	Date:	16 April 2012
Precinct:	All	File Ref:	PLA0238
Attachments:	<p>001 – Draft Amended Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage and Adjacent Properties</p> <p>002 – Draft Amended Policy No. 3.6.2 relating to Heritage Management – Assessment</p> <p>003 – Draft Amended Policy No. 3.6.4 relating to Heritage Management – Interpretive Signage</p> <p>004 – Draft Amended Policy No. 3.6.5 relating to Heritage Management – Amendments to the Municipal Heritage Inventory (MHI)</p> <p>005 – Heritage Plaques and Interpretation Program Places of Interest Nomination Form</p> <p>006 – Heritage Plaques Program and Interpretation Places of Interest Cost Contribution Form</p>		
Tabled Items:	Nil		
Reporting Officer:	T Young, Manager Strategic Planning, Sustainability and Heritage Services		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **AUTHORISES** the Chief Executive Officer to advertise the following Draft Amended Policies relating to Heritage Management, as shown in Appendices 9.1.3A, 9.1.3B, 9.1.3C and 9.1.3D, ~~9.1.3E and 9.1.3F~~ respectively, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 (TPS No. 1) and the City’s Policy No. 4.1.5 relating to Community Consultation:

- 1.1 **Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage and Adjacent Properties, as shown in Appendix 9.1.3A, subject to the following amendments:**

- (a) the definition of Heritage Area and clauses 1, 3 and 6 (i) and (ii) of the Policy Statement of Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage and Adjacent Properties, as shown in Appendix 9.1.3A, be amended to read as follows:

“Heritage Area

~~An identified area with special qualities and are quite rare within the locality which its~~ **An area comprising individual components collectively forming a streetscape, townscape or cultural environment with significant heritage characteristics, which may include architectural style, town planning or urban design excellence, landscape qualities or strong historic associations. Development control for properties within a Heritage Area will be outlined in dedicated Design Guidelines endorsed by the Council.”**

- “1) In accordance with the City’s Town Planning Scheme No’s planning approval for development of places on the City’s Municipal Heritage Inventory (The Heritage List) can be required in situations, which may not otherwise require approval. Table 1 below provides a framework to determine when approval is required in accordance with the assigned Management Category;”
- “3) The procedure in Figure 1 below is to be followed in the event that planning approval is required for the development of a place listed on the City of Vincent Municipal Heritage Inventory (The Heritage List).”
- “6. i) the solar collector is not visible from the street;
and or
- ii) if the solar collector is located on the main frontal roof plane it is fitted flush to the roof; is not raised on a frame and does not project beyond the edge of the roof;”
- (b) Clauses 4 A.2.2 and 4 A.3.2 of Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage and Adjacent Properties, be amended to read as follows:
- “A.2.2 An upper storey is sited and massed behind the principal façade (s) so that it is not visible from the street, particularly in intact or consistent streetscapes.
- “A.3.2 Partial demolition of a building on the ~~Town City of Vincent~~ City’s Municipal Heritage Inventory will generally be supported provided that:”
- (c) The following amendments be made to Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage:
- A. Table 1, dot point 2 in relation to Management Category B – Conservation Recommended be amended to read as follows:
- “Alteration of, or any addition to, a heritage place for works ~~only~~ that are visible to the street;”
- B. That Figure 1 of Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage and Adjacent Properties, be amended to remove reference that differentiates the steps taken with respect to Management Category A and Management Category B.

- C. That a note be included below "Table 1 – Planning Requirements" that reads as follows;

"NB: The Management Category and/or Heritage Area assigned to a property or group of properties is in accordance with the City's Policy No. 3.6.2 relating to Heritage Management – Assessment."

- 1.2 Policy No. 3.6.2 relating to Heritage Management – Assessment, as shown in Appendix 9.1.3B, subject to Clause 6 (i), (ii) and (iii) of Policy No. 3.6.2 relating to Heritage Management – Assessment, as shown in Appendix 9.1.3B, be amended to read as follows:

- "i) A Conservation Essential

This category applies to places with the highest possible heritage significance within the ~~Town~~ City of Vincent. Places that are on the State Register of Heritage Places will always fall into this category. There are also places that meet this category that are of very high significance to the ~~Town~~ City of Vincent but would not necessarily be suitable for inclusion on the State Register. As detailed in the table in clause ~~4) 5)~~ of this Policy places in Management Category A are of 'considerable' or 'exceptional' significance;"

- "ii) B Conservation Recommended

This category applies to places of clearly established cultural heritage significance to the Town of Vincent. As detailed in the table in ~~section (4)~~ clause (5) of this Policy places in Management Category B are of 'some' 'moderate' significance;"

- "iii) Heritage Area

~~An identified area with special qualities and are quite rare within the locality which its~~ **An area comprising individual components collectively forming a streetscape, townscape or cultural environment with significant heritage characteristics, which may include architectural style, town planning or urban design excellence, landscape qualities or strong historic associations. Development control for properties within a Heritage Area will be outlined in dedicated Design Guidelines endorsed by the Council.**

- 1.3 Policy No. 3.6.4 relating to Heritage Management – Interpretive Signage, as shown in Appendix 9.1.3C; and

- 1.4 Policy No. 3.6.5 relating to Heritage Management – Amendments to the Municipal Heritage Inventory (MHI), as shown in Appendix 9.1.3D, subject to the following amendments:

- (a) Clauses 5 and 5 (iv) (c) of Policy No. 3.6.5 relating to Heritage Management – Amendments to the Municipal Heritage Inventory (MHI), as shown in Appendix 9.1.3D, be amended to read as follows:

"4-5) State Planning Policy No. 3.5 – Historic Heritage Conservation states that the 'demolition of a local heritage places should be avoided wherever possible, although there will be circumstances where demolition is justified. The onus rests with the applicant to provide clear justification for it'. Based on this premise, Tthe City may consider a place for removal from the Municipal Heritage Inventory as a result of enquiry through the Demolition Planning Application process, in which case the following procedure is to apply:"

- “(c) the inability to ~~reasonable~~ reasonably comply with the National Construction Codes Series e.g. ramps, lifts, width of corridors, height of ceilings, stairwells etc; or”
- (b) Clause 8 of the Heritage Plaques and Interpretation Program Cost Contribution Form, as shown in Appendix 9.1.3F, be amended to read as follows:
- “8. A refund will only be given if requested in writing from the applicant/owner and an order for a plaque has not been raised by the City.”
2. After the expiry period for submissions:
- 2.1 REVIEWS the Draft Amended Policies relating to Heritage Management – No. 3.6.1, No. 3.6.2, No. 3.6.4 and No. 3.6.5 having regard to any submissions; and
- 2.2 DETERMINES the Draft Amended Policies relating to Heritage Management - No. 3.6.1, No. 3.6.2, No. 3.6.4 and No. 3.6.5 having regard to any submissions with or without amendments, to or not to proceed with the amended Policies;
3. NOTES the Heritage Plaques Program and Interpretation Nomination Form, as shown in Appendix 9.1.3E, and Heritage Plaques and Interpretation Program Cost Contribution Form, as shown in Appendix 9.1.3F, which are to be read in conjunction with the Draft Amended Policy No. 3.6.4 relating to Heritage Management – Interpretive Signage, and can be amended by the Chief Executive Officer from time to time; and
4. AUTHORISES the Chief Executive Officer ~~to consider~~ amending the current requirements of the City’s Heritage Assistance Fund to differentiate the funds apportioned to properties identified as Management Category A – Conservation Essential, Management Category B – Conservation Recommended and any identified Heritage Areas, and report back to the Council following the advertising of the abovementioned Policies.

Note: The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.

Moved Cr Topelberg, Seconded Cr Pintabona

That the corrected recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Council Member MacTiernan, Seconded Cr Harley

That subclause 1.1 be amended to read as follows:

- 1.1 Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage and Adjacent Properties, as shown in Appendix 9.1.3A, subject to the following amendments:
- (a) the definition of Heritage Area and clauses 1, 3 and 6 (i) and (ii) of the Policy Statement of Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage and Adjacent Properties, as shown in Appendix 9.1.3A, be amended to read as follows:
- “Heritage Area...
- “6. i) ~~the solar collector is not visible from the street; or~~
- ii) if the solar collector is located on the main frontal roof plane it is fitted flush to the roof; is not raised on a frame and does not project beyond the edge of the roof;”

Debate ensued.

AMENDMENT NO 1 PUT AND LOST (3-5)

For: Mayor Hon. MacTiernan, Cr Carey, Cr Harley
Against: Deputy Mayor, Presiding Member Cr McGrath, Cr Maier, Cr Pintabona,
Cr Topelberg, Cr Wilcox

(Cr Buckels was an apology for the Meeting.)

Debate ensued.

AMENDMENT NO 2

Moved Cr McGrath, Seconded Cr Topelberg

That subclause 1.1 be amended to read as follows:

“1.1 Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage and Adjacent Properties, as shown in Appendix 9.1.3A, subject to the following amendments:

- (b) the Table 1 – Planning Requirements, Management Category A – Conservation Essential (first bullet point) be amended to read as follows:
- “Demolition of, or movement of ~~the whole or~~ part of a heritage place;” ”

Debate ensued.

AMENDMENT NO 2 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was an apology for the Meeting.)

Debate ensued.

The Chief Executive Officer advised that as Cr McGrath is the Acting Presiding Member, he is not able to Move or Second amendments from the Chair as this would be contrary to Standing Orders. Therefore, he suggested that Amendment No 2 be reconsidered.

RECONSIDERATION OF AMENDMENT NO 2

Moved Cr Topelberg, Seconded Cr Harley

That subclause 1.1 be amended to read as follows:

“1.1 Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage and Adjacent Properties, as shown in Appendix 9.1.3A, subject to the following amendments:

- (d) the Table 1 – Planning Requirements, Management Category A – Conservation Essential (first bullet point) be amended to read as follows:
- “Demolition of, or movement of ~~the whole or~~ part of a heritage place;” ”

Debate ensued.

AMENDMENT NO 2 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was an apology for the Meeting.)

Debate ensued.

AMENDMENT NO 3

Moved Cr Pintabona, Seconded Cr Harley

That subclause 1.1 be amended to read as follows:

“1.1 Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage and Adjacent Properties, as shown in Appendix 9.1.3A, subject to the following amendments:

(e) the Table 1 – Planning Requirements, Management Category B – Conservation Recommended (first bullet point) be amended to read as follows:

- “Demolition of, or movement of the whole or part of a heritage place, subject to clause (5) (iv) of Policy No. 3.6.5 relating to Heritage Management;” ”**

AMENDMENT NO 3 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was an apology for the Meeting.)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was an apology for the Meeting.)

Mayor MacTiernan assumed the Chair at 7.19pm.

COUNCIL DECISION ITEM 9.1.3

That the Council;

1. **AUTHORISES** the Chief Executive Officer to advertise the following Draft Amended Policies relating to Heritage Management, as shown in Appendices 9.1.3A, 9.1.3B, 9.1.3C and 9.1.3D respectively, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 (TPS No. 1) and the City’s Policy No. 4.1.5 relating to Community Consultation:

1.1 Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage and Adjacent Properties, as shown in Appendix 9.1.3A, subject to the following amendments:

(a) the definition of Heritage Area and clauses 1, 3 and 6 (i) and (ii) of the Policy Statement of Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage and Adjacent Properties, as shown in Appendix 9.1.3A, be amended to read as follows:

“Heritage Area

An identified area with special qualities and are quite rare within the locality which its An area comprising individual components collectively forming a streetscape, townscape or cultural environment with significant heritage characteristics, which may include architectural style, town planning or urban design excellence, landscape qualities or strong historic associations. Development control for properties within a Heritage Area will be outlined in dedicated Design Guidelines endorsed by the Council.”

- “1) In accordance with the City’s Town Planning Scheme No. 1 planning approval for development of places on the City’s Municipal Heritage Inventory (The Heritage List) can be required in situations, which may not otherwise require approval. Table 1 below provides a framework to determine when approval is required in accordance with the assigned Management Category;”
- “3) The procedure in Figure 1 below is to be followed in the event that planning approval is required for the development of a place listed on the City of Vincent Municipal Heritage Inventory (The Heritage List).”
- “6. i) the solar collector is not visible from the street;
and or
- ii) if the solar collector is located on the main frontal roof plane it is fitted flush to the roof; is not raised on a frame and does not project beyond the edge of the roof;”
- (b) Clauses 4 A.2.2 and 4 A.3.2 of Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage and Adjacent Properties, be amended to read as follows:
- “A.2.2 An upper storey is sited and massed behind the principal façade (s) so that it is not visible from the street, particularly in intact or consistent streetscapes.
- A.3.2 Partial demolition of a building on the ~~Town City of Vincent~~ City’s Municipal Heritage Inventory will generally be supported provided that:”
- (c) The following amendments be made to Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage:
- “A. Table 1, dot point 2 in relation to Management Category B – Conservation Recommended be amended to read as follows:
- “Alteration of, or any addition to, a heritage place for works ~~only~~ that are visible to the street;”
- B. That Figure 1 of Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage and Adjacent Properties, be amended to remove reference that differentiates the steps taken with respect to Management Category A and Management Category B.
- C. That a note be included below “Table 1 – Planning Requirements” that reads as follows;
- “NB: The Management Category and/or Heritage Area assigned to a property or group of properties is in accordance with the City’s Policy No. 3.6.2 relating to Heritage Management – Assessment.”

- (b) the Table 1 – Planning Requirements, Management Category A – Conservation Essential (first bullet point) be amended to read as follows:
- “Demolition of, or movement of the whole or part of a heritage place;”
- 1.2 Policy No. 3.6.2 relating to Heritage Management – Assessment, as shown in Appendix 9.1.3B, subject to Clause 6 (i), (ii) and (iii) of Policy No. 3.6.2 relating to Heritage Management – Assessment, as shown in Appendix 9.1.3B, be amended to read as follows:
- “i) A Conservation Essential
- This category applies to places with the highest possible heritage significance within the ~~Town~~ City of Vincent. Places that are on the State Register of Heritage Places will always fall into this category. There are also places that meet this category that are of very high significance to the ~~Town~~ City of Vincent but would not necessarily be suitable for inclusion on the State Register. As detailed in the table in clause 4) 5) of this Policy places in Management Category A are of 'considerable' or 'exceptional' significance;”
- “ii) B Conservation Recommended
- This category applies to places of clearly established cultural heritage significance to the Town of Vincent. As detailed in the table in ~~section (4)~~ clause (5) of this Policy places in Management Category B are of 'some' 'moderate' significance;”
- “iii) Heritage Area
- ~~An identified area with special qualities and are quite rare within the locality which its~~ An area comprising individual components collectively forming a streetscape, townscape or cultural environment with significant heritage characteristics, which may include architectural style, town planning or urban design excellence, landscape qualities or strong historic associations. Development control for properties within a Heritage Area will be outlined in dedicated Design Guidelines endorsed by the Council.”
- 1.3 Policy No. 3.6.4 relating to Heritage Management – Interpretive Signage, as shown in Appendix 9.1.3C; and
- 1.4 Policy No. 3.6.5 relating to Heritage Management – Amendments to the Municipal Heritage Inventory (MHI), as shown in Appendix 9.1.3D, subject to the following amendments:
- (a) Clauses 5 and 5 (iv) (c) of Policy No. 3.6.5 relating to Heritage Management – Amendments to the Municipal Heritage Inventory (MHI), as shown in Appendix 9.1.3D, be amended to read as follows:
- “~~4-5)~~ State Planning Policy No. 3.5 – Historic Heritage Conservation states that the 'demolition of a local heritage places should be avoided wherever possible, although there will be circumstances where demolition is justified. The onus rests with the applicant to provide clear justification for it'. Based on this premise, ~~the~~ City may consider a place for removal from the Municipal Heritage Inventory as a result of enquiry through the Demolition Planning Application process, in which case the following procedure is to apply:”

- “(c) the inability to ~~reasonable~~ reasonably comply with the National Construction Codes Series e.g. ramps, lifts, width of corridors, height of ceilings, stairwells etc; or”
- (b) Clause 8 of the Heritage Plaques and Interpretation Program Cost Contribution Form, as shown in Appendix 9.1.3F, be amended to read as follows:
- “8. A refund will only be given if requested in writing from the applicant/owner and an order for a plaque has not been raised by the City.”
- (e) the Table 1 – Planning Requirements, Management Category B – Conservation Recommended (first bullet point) be amended to read as follows:
- “Demolition of, or movement of the whole of part ~~of~~ or a heritage place, subject to clause (5) (iv) of Policy No. 3.6.5 relating to Heritage Management;”
2. After the expiry period for submissions:
- 2.1 REVIEWS the Draft Amended Policies relating to Heritage Management – No. 3.6.1, No. 3.6.2, No. 3.6.4 and No. 3.6.5 having regard to any submissions; and
- 2.2 DETERMINES the Draft Amended Policies relating to Heritage Management - No. 3.6.1, No. 3.6.2, No. 3.6.4 and No. 3.6.5 having regard to any submissions with or without amendments, to or not to proceed with the amended Policies;
3. NOTES the Heritage Plaques Program and Interpretation Nomination Form, as shown in Appendix 9.1.3E, and Heritage Plaques and Interpretation Program Cost Contribution Form, as shown in Appendix 9.1.3F, which are to be read in conjunction with the Draft Amended Policy No. 3.6.4 relating to Heritage Management – Interpretive Signage, and can be amended by the Chief Executive Officer from time to time; and
4. AUTHORISES the Chief Executive Officer ~~to consider~~ amending the current requirements of the City’s Heritage Assistance Fund to differentiate the funds apportioned to properties identified as Management Category A – Conservation Essential, Management Category B – Conservation Recommended and any identified Heritage Areas, and report back to the Council following the advertising of the abovementioned Policies.

PURPOSE OF REPORT:

The purpose of this report is to present draft amended policies relating to heritage for consideration by the Council, and to seek the Council’s approval to advertise the Draft Amended Policies as follows:

- Draft Amended Policy No. 3.6.4, relating to Heritage Management – Interpretive Signage, the Draft Amendment Policy No. 3.6.5 relating to Heritage Management – Amendments to the Municipal Heritage Inventory (MHI);
- Draft Amended Policy No. 3.6.2 relating to Heritage Management – Assessment; and
- Draft Amended Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage and Adjacent Properties.

BACKGROUND:

Following discussion at the City's Local History and Heritage Advisory Group, and the Council supporting the demolition of the heritage listed property at No. 590 Newcastle Street, West Perth, at its Ordinary Meeting on 20 December 2011, a review of the City's Policies No. 3.6.4, relating to Heritage Management – Interpretative Signage and No. 3.6.5 relating to Heritage Management – Amendments to the Municipal Heritage Inventory (MHI) has been undertaken. The amended Policies were presented to the Council at its Ordinary Meeting on 28 February 2012 and deferred to a Council Member Forum on 20 March 2012. At the Forum, discussion ensued on the amendments to the two subject Policies, and in particular the Management Categories assigned to places on the City's Municipal Heritage Inventory. This has resulted in the Policy No. 3.6.2 relating to Heritage Management – Assessment and the Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage and Adjacent Properties, now forming part of this review.

History:

Date	Comment
21 December 2005	The Council adopted Policy No. 3.6.4, relating to Heritage Management – Interpretative Signage; Policy No. 3.6.5, relating to Heritage Management – Amendments to the Municipal Heritage Inventory (MHI); and Policy No. 3.6.2, relating to Heritage Management – Assessment.
27 June 2006	The Council adopted the Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage and Adjacent Properties.
22 July 2008	The Council adopted amended versions of Policy No. No. 3.6.4, relating to Heritage Management – Interpretative Signage; Policy No. 3.6.5, relating to Heritage Management – Amendments to the Municipal Heritage Inventory (MHI); and Policy No. 3.6.2, relating to Heritage Management – Assessment.
13 July 2010	The Council adopted the amended version of Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage and Adjacent Properties.
6 October 2011	The concept of Heritage Plaques was discussed at the City's Local History and Heritage Advisory Group, where it was agreed that the necessary administrative framework was to be put in place to promote and enable a dedicated Heritage Plaques and Interpretation Program for Places of Interest in the City.
20 December 2011	The Council approved the demolition of No. 590 Newcastle Street, West Perth, which was listed on the City's Municipal Heritage Inventory as a Management Category B – Conservation Recommended.
20 March 2012	The City's Officers provided an overview at the Council Member Forum on the City's Municipal Heritage Inventory and more specifically the City's Policies relating to Heritage Management.

Previous Reports to Council:

28 February 2012 The Council deferred the advertising of the City's Policy No. 3.6.4 relating to Heritage Management – Interpretive Signage and the City's Policy No. 3.6.5 relating to Heritage Management – Amendments to the Municipal Heritage Inventory (MHI) to be considered at the Council Member Forum on 20 March 2012.

Information relating to the proposed key amendments to Policy No. 3.6.4, relating to Heritage Management – Interpretative Signage, Policy No. 3.6.5 relating to Heritage Management – Amendments to the Municipal Heritage Inventory (MHI) can be viewed from the Minutes of Item 9.1.9 of the Ordinary Meeting of Council held on 28 February 2012, at the following link:
<http://www.vincent.wa.gov.au/files/03f0eefe-800f-4726-b1bc-9fff00d18e94/20120228.pdf>

DETAILS:

Following the Council Member Forum on 20 March 2012, some additional changes have been proposed for the abovementioned Policies, together with amendments to Policy No. 3.6.2 relating to Heritage Management – Assessment and Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage and Adjacent Properties. A summary of these amendments is detailed below:

Draft Amended Policy No. 3.6.4 relating to Heritage Management – Interpretive Signage

Additional amendments have been made to the Policy to improve readability and ensure consistency between the Policy and the associated Nomination Form for the Heritage Plaques and Interpretation Program.

Policy No. 3.6.5 relating to Heritage Management – Amendments to the Municipal Heritage Inventory (MHI)

A new Clause 1 (v) be included in the Policy to read as follows:

“(v) Demolition of a place listed on the City’s Municipal Heritage Inventory, known under the City’s Town Planning Scheme No. 1 as ‘The Heritage List’, should be avoided wherever possible. The Council will only consider a proposal for the full demolition of property on the City’s Municipal Heritage Inventory, for places listed as Management Category B, where the Applicant has demonstrated that the place cannot be practically retained, even in part, to achieve the City’s desired outcome for the site.”

Clause 5 (iv) be amended to read as follows:

“(iv) If the heritage value of the property listed on Management Category B, is solely historic and/or social significance and the owner/applicant can demonstrate that it cannot practicably be retained in entirety or in part to because of:

- (a) the location of building on the site; or*
- (b) the limited Vehicular Access to the site and non-compliance with Australian Standards; or*
- (c) the inability to reasonably comply with National Construction Codes Series e.g. ramps, lift-s, width of corridors, height of ceilings, stairwells etc; or*
- (d) the inability of the existing building structure and/or materials to be incorporated into the new development; or*
- (e) the inability of the existing building to support additional height and bulk in relation to the intention of the locality as prescribed in the relevant planning policy; and*

the City of Vincent’s Officers can prepare a recommendation to support the demolition of the heritage listed property and apply conditions in accordance with the City’s Policy No. 3.6.4 relating to Interpretive Signage for Council consideration, to ensure that the heritage value associated with the property proposed to be demolished is recognized through a plaque or similar interpretive signage or art work.”

Officer Comment

Clause 23 (1) of the City’s Town Planning Scheme No. 1 states that *“the Council shall establish and maintain a Heritage List of places considered by the Council to be of heritage significance and worthy of conservation.”* The interpretation of this clause assumes that places on the City’s Municipal Heritage Inventory, which for the purpose of Clause 23 (2) of the City’s Town Planning Scheme No. 1 means ‘The Heritage List’, are to be retained and conserved.

Notwithstanding this, the State Planning Policy No. 3.5 – Historic Heritage Conservation, states that the “*demolition of a local heritage place should be avoided wherever possible, although there will be circumstances where demolition is justified. The onus rests with the applicant to provide clear justification for it*”.

On balance, it seems reasonable that the above clauses are inserted into the City’s Policy No. 3.6.5 relating to Heritage Management – Amendments to the Municipal Heritage Inventory (MHI) to provide a clearer framework to manage circumstances where demolition is justified in certain circumstances for places only that are classified as Management Category B – Conservation Recommended.

Policy No. 3.6.2 relating to Heritage Management – Assessment

In response to discussion at the Council Member Forum on 20 March 2012, further investigation has been made with respect to the Management Categories assigned to places on the City’s Municipal Heritage Inventory, particularly through feedback received from the State Heritage Office. A discussion paper released by the State Heritage Office reveals the inherent issues and inconsistencies in local government’s various approaches to assigning Management Categories or ‘grading systems’ for local heritage lists, and provides recommendations on how this can be addressed.

Taking into consideration the City’s current practices, the information received from the State Heritage Office, together with the State Heritage Office’s publication *Criteria for the Assessment of Local Heritage Places and Areas – A Practical Guide to Identifying, Grading and Documenting Places and Areas in Local Government Inventories*, the following amendments to the Policy are proposed:

Amending the Table in Clause 4 of the Policy

It is proposed that the existing table in Clause 4 of the current Policy be amended to relate specifically to the heritage significance of the place only and whether a property meets the threshold for entry onto the City’s Municipal Heritage Inventory (Heritage List) or Heritage Area, and the consequent Management Category assigned.

A table is also proposed to be included in Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage and Adjacent Properties to provide information specifically on the different requirements for places on Management Category A and places on Management Category B. This is to ensure that the Policy separates the process of:

- Assessing the value and significance of a heritage place and/or heritage area with respect to aesthetic, historic, scientific and social value; and
- Providing a framework for the management of a place on the Heritage List or a place within a Heritage Area with respect to its assigned Management Category and/or dedicated Design Guidelines.

The proposed new table is outlined below. The amendments to the existing table are shown in strike-through and underline in the amended Policy attached to this report.

Table 1 – Gradings of Significance for Heritage Places

Level of Significance	Description	Further Action	Management Category
Exceptional	Essential to the heritage of the area. Rare or outstanding example.	Inclusion on MHI (Heritage List). Consider for nomination for State Register of Heritage Places, if not already included.	Management Category A – Conservation Essential. State Register of Heritage Places.

Level of Significance	Description	Further Action	Management Category
Considerable	Very important to the heritage of the locality. High degree of integrity/authenticity.	Inclusion on MHI (Heritage List).	Management Category A – Conservation Essential.
Moderate	Contributes to the heritage of the locality. Has some altered or modified elements, not necessarily detracting from the overall significance of the place.	Consider for inclusion on the MHI (Heritage List) if owners consents to inclusion.	Management Category B – Conservation Recommended.
Some	Makes some contribution to the heritage of the locality, usually in the combination with similar places.	Below the threshold for entry onto the MHI (Heritage List). Where part of a group, can be assessed for inclusion in a Heritage Area. Photographically record prior to major demolition or redevelopment. Recognise and interpret the site if possible.	Management Category – Not Applicable. Heritage Area – only if identified.
Little	Makes little contribution to the heritage of the locality.	Photographically record prior to major redevelopment or demolition.	Management Category – Not Applicable.
Place of Interest	A Historic Site which may not retain physical evidence above ground, but is associated with an event or former place that is of particular significance for the local community.	Usually not listed on the MHI (Heritage List). Assess for interpretation and consideration for Heritage Plaques and Interpretation Program.	Management Category – Not Applicable. Place of Interest.

Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage and Adjacent Properties

Creating a new Table 1 in the Policy

It is proposed that a new table be included in this Policy which relates to the requirements of the different Management Categories. The proposed table is outlined below and is intended to provide greater clarity in the requirements as they relate to the assigned Management Categories and/or Heritage Area. The amendments to the existing table and the consequential changes to the body of the Policy are shown in strike-through and underline in the amended Policy attached to this report.

Table 1 – Planning Requirements

Management Category	Description	Planning Requirements
<p>Management Category A – Conservation Essential</p>	<p>Listed on the State Register of Heritage Places and/or has the highest level of local significance.</p>	<p>The following proposed development requires planning approval from the City of Vincent and is to be carried out in accordance with that approval:</p> <ul style="list-style-type: none"> • Demolition of, or movement of the whole or part of a heritage place; • Alteration of, or any addition to, a heritage place; • Erection of a structure on, or subdivision of, land in which a heritage place is located; • Works (excluding repairs or routine maintenance) to the interior of a heritage place; and • Disturbance or excavation of a place or Aboriginal heritage significance or an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed. <p>The following proposed development does not require planning approval from the City:</p> <ul style="list-style-type: none"> • Repairs or routine maintenance that demonstrate replacing material with like for like that do not change the appearance of a heritage place, such as general repainting, re-decoration, re-roofing and repair of existing roof coverings. <p>Full demolition will not be supported.</p> <p>A Heritage Impact Statement is to be submitted with the Development Application, if works are not detailed in a Conservation Plan.</p>
<p>Management Category B – Conservation Recommended</p>	<p>Lower level of heritage significance – some works to property permitted within planning approval.</p>	<p>The following proposed development requires planning approval from the City of Vincent and is to be carried out in accordance with that approval:</p> <ul style="list-style-type: none"> • Demolition of, or movement of the whole or part of a heritage place, subject to clause (5) (iv) of Policy No. 3.6.5 relating to Heritage Management; • Alteration of, or any addition to, a heritage place for works only that are visible to the street;

Management Category	Description	Planning Requirements
		<ul style="list-style-type: none"> • Erection of a structure on, or subdivision of, land in which a heritage place is located; and • Disturbance or excavation of a place or Aboriginal heritage significance or an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed. <p>The following proposed development does not require planning approval from the City:</p> <ul style="list-style-type: none"> • Repairs or routine maintenance and minor works, such as general repainting, re-decoration, re-roofing and repair of existing roof coverings; and • All works to the interior of a heritage place. <p>A Heritage Impact Statement is to be prepared by the City's Officers on receipt of a Development Application for major works of substantial redevelopment.</p>
Heritage Area	Significant to streetscape – most works to property permitted, unless visible from the street.	<ul style="list-style-type: none"> • Works not visible from significant streetscape do not require planning approval if otherwise complaint; • Major redevelopment visible from the streetscape will require an assessment of impact on streetscape; and • New development is to comply with approved Design Guidelines.

Heritage Areas

There are currently no Heritage Areas that have been identified within the City of Vincent. Provisions to create these areas are however provided in the City's Town Planning Scheme No. 1 and also in the proposed Town Planning Scheme No. 2. Heritage Areas are defined as areas which demonstrate a unified or cohesive physical form in the public realm with an identified aesthetic, historic or social theme associated with a particular period or period of development. Development within any Heritage Area is guided by dedicated Design Guidelines that are adopted pursuant to the City's Town Planning Scheme as a Local Planning Policy.

A possible inclusion for a Heritage Area is Lacey Street, Perth in which current Design Guidelines exist for all properties in this intact streetscape. These Guidelines have been adopted as a Local Planning Policy pursuant to the Scheme, and recent development in this streetscape has adhered to the Guidelines. The inclusion of Lacey Street as a 'Heritage Area' is currently being further investigated by the City's Officers.

Heritage Assistance Fund

The Heritage Assistance Fund has been operating successfully in the City of Vincent since 2006. Currently all properties, regardless of their assigned Management Category, are eligible for a contribution of fifty (50) percent of the proposed works, to a total of \$5,000. As a way to further distinguish between Management Categories, the City’s Administration Forms could be amended to introduce a sliding scale. For instance, places identified as Management Category A – Conservation Essential, could get up to seventy (70) percent contribution; capped at \$7,000, places identified as Management Category B – Conservation Recommended, could get up to fifty (50) percent contribution; capped at \$5,000, and properties within Heritage Areas could get up to thirty (30) per cent contribution; capped at \$3,000.

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Type:	<ul style="list-style-type: none"> • Advertisement in local newspaper; • Notice on the City’s website; • Copies displayed at City of Vincent Administration and Civic Building and Library and Local History Centre; and • Written notification to owner(s) and occupier(s) of adjacent affected properties as determined by the City of Vincent and to the Western Australian Planning Commission and the State Heritage Office, and other appropriate government agencies as determined by the City of Vincent. 		
Comments Period:	28 days		

LEGAL/POLICY:

- Town Planning Scheme No. 1 and associated Policies; and
- Heritage Act 1990.

RISK MANAGEMENT IMPLICATIONS:

Medium: Proving a sound approach to heritage management is important to ensure transparency in the planning process and greater certainty for applicants and land owners.

STRATEGIC IMPLICATIONS:

The City’s Strategic Plan 2011-2016 - Objectives 1.1.1 and 1.1.2 state:

“Natural and Built Environment

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.”*

The City’s Heritage Strategic Plan 2007-2012 Key Result Area One – Community and Heritage states:

“Educating, Promoting and Celebrating Vincent’s Heritage”.

SUSTAINABILITY IMPLICATIONS:

ENVIRONMENTAL	
Issue	Comment
The amendments to the City’s Policies relating to Heritage Management serve to promote the City’s commitment to environmental sustainability outcomes being achieved through the adaptive re-use of the City’s existing building stock and the reduction in the waste of building material associated with full demolition and redevelopment.	

SOCIAL	
Issue	Comment
The amendments to the City's Heritage Policies serve to promote and celebrate the City's heritage and sense of place, particularly through the proposed Heritage Plaques and Interpretation Program.	

ECONOMIC	
Issue	Comment
The amendments to the City's Heritage Policies assist in the conservation and retention of the City's heritage places, which contribute to the economic vibrancy of the City's Town Centres and recognised valued character of the City's residential streets.	

FINANCIAL/BUDGET IMPLICATIONS:

Expenditure for advertising of the Policies will be incurred under the following budgeted item:

Town Planning Scheme Amendments and Policies

Budget Amount: \$40,000
Spent to Date: \$34,304
Balance: \$ 5,696

Expenditure to implement the Heritage Plaques Program will be incurred under the following budgeted item:

Heritage Plaques

Budget Amount: \$10,000
Spent to Date: \$ 395
Balance: \$ 9,605

COMMENTS:

It is considered that the proposed amendments to the subject Policies will achieve the following key outcomes:

- Provide greater clarification between the planning requirements for places on Management Category A – Conservation Essential and Management Category B – Conservation Recommended;
- Provide greater clarification for what constitutes entry onto the City's Municipal Heritage Inventory (Heritage List) as a Management Category A – Conservation Essential or a Management Category B – Conservation Recommended, in terms of cultural heritage significance;
- Provide a framework to enable the situation to support the demolition of a heritage listed property identified as Management Category B – Conservation Recommended, against set criteria;
- Provide a framework to recognise historic sites, which retain no physical evidence above ground to be identified in the urban landscape;
- Enable a procedure for the consideration for Heritage Areas, being identified in the City of Vincent; and
- Ensure that all the City's Policies relating to Heritage Management are appropriately cross-referenced.

In light of the above justification, it is recommended that the Council progresses the Draft Amended Policies in accordance with the Officer Recommendation and proceed with the implementation of the proposed Heritage Plaques and Interpretation Program – Places of Interest.

9.1.5 Approval to Advertise the Draft North Perth Master Plan

Ward:	Both	Date:	16 April 2012
Precinct:	North Perth Centre (P9); Smith's Lake (P6); Norfolk (P10)	File Ref:	PLA0229
Attachments:	001 – Draft North Perth Master Plan		
Tabled Items:	Nil		
Reporting Officer:	R Marie, Planning Officer (Strategic)		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

- AUTHORISES** the Chief Executive Officer to advertise the Draft North Perth Master Plan, as shown in Appendix 9.1.5 for public comment for a period of twenty-eight (28) days inviting written submissions from the public in accordance with City's Policy No. 4.1.5 relating to Community Consultation; and
- NOTIFIES** all of the people who participated in the community workshops held in August and September 2011 and the surrounding land and business owners and occupiers, of the consultation.

Moved Cr Topelberg, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Cr Wilcox departed the Chamber at 7.21pm.

Debate ensued.

Cr Wilcox returned to the Chamber at 7.24pm.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr McGrath

That clause 1 be amended to read as follows:

- "1. **AUTHORISES** the Chief Executive Officer to:
- advertise the Draft North Perth Master Plan, as shown in Appendix 9.1.5 for public comment for a period of twenty-eight (28) days inviting written submissions from the public in accordance with City's Policy No. 4.1.5 relating to Community Consultation; and
 - hold a community Open Day to be conducted during the advertising period, outlining the key recommendations of the Draft Masterplan; and

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was an apology for the meeting.)

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was an apology for the meeting.)

COUNCIL DECISION ITEM 9.1.5

That the Council;

1. **AUTHORISES the Chief Executive Officer to:**
 - (a) **advertise the Draft North Perth Master Plan, as shown in Appendix 9.1.5 for public comment for a period of twenty-eight (28) days inviting written submissions from the public in accordance with City's Policy No. 4.1.5 relating to Community Consultation; and**
 - (b) **hold a community Open Day to be conducted during the advertising period, outlining the key recommendations of the Draft Masterplan; and**
2. **NOTIFIES all of the people who participated in the community workshops held in August and September 2011 and the surrounding land and business owners and occupiers, of the consultation.**

PURPOSE OF REPORT:

The purpose of this report is for the Council to approve of the advertising the Draft North Perth Master Plan, as prepared by Hames Sharley.

BACKGROUND:

The Council at its Ordinary Meeting held on 14 February 2012 considered a Notice of Motion to hold the North Perth Master Plan in abeyance until either the Western Australian Planning Commission (WAPC) consents to advertise the City of Vincent Town Planning Scheme No. 2 or until 30 April 2012, whichever is earlier. To date, the City has not been given any formal indication from the WAPC of when the Draft Scheme is likely to be advertised; however, it is not envisaged to be prior to 30 April 2012. Therefore the advertising of the North Perth Master Plan can be considered now, in accordance with the Council's previous decision, as follows:

"That the Council;

1. *HOLDS in abeyance the City of Vincent:*
 - 1.1 *Town Planning Scheme Amendment No. 29 until either the Western Australian Planning Commission consents to advertise the City of Vincent Town Planning Scheme No. 2 or until 30 April 2012, whichever is the sooner; and*
 - 1.2 *Draft North Perth Masterplan until either the Western Australian Planning Commission consents to advertise the City of Vincent Town Planning Scheme No. 2 or until 30 April 2012, whichever is the sooner;*
2. *REQUESTS the Western Australian Planning Commission to approve of an extension of the 42 day time frame as stated in clause 25AA(6) of the Town Planning Regulations 1967 until either the Western Australian Planning Commission consents to advertise the City of Vincent Town Planning Scheme No. 2 or until 30 April 2012, whichever is the sooner; and*
3. *AUTHORISES the Mayor and Chief Executive Officer reapproach the Western Australian Planning Commission about the splitting of Glendalough and Claisebrook in the Town Planning Scheme Amendment No. 29 with a view to allowing Glendalough to proceed."*

History:

Date	Comment
19 April 2011	Council approved Project Brief for the preparation of a North Perth Master Plan and authorised the Chief Executive Officer to call for quotations.
15 June 2011	The City's Executive Management Team approved consultants Hames Sharley to undertake the preparation of the North Perth Master Plan.
17 August 2011	The City hosted a preliminary workshop, facilitated by Hames Sharley, with the business and land owners within the North Perth Town Centre to gain an understanding of the issues, constraints and opportunities that exist in North Perth.
28 September 2011	The City hosted a preliminary workshop, facilitated by Hames Sharley, with the residents surrounding the North Perth Town Centre to gain an understanding of the issues, constraints and opportunities that exist in North Perth.
13 December 2011	Consultant Hames Sharley presented the North Perth Master Plan to a Council Member Forum to outline the key outcomes of the consultation and the recommendations of the Master Plan.
14 February 2012	The Council considered a Notice of Motion to hold in abeyance the Draft North Perth Master Plan until either the Western Australian Planning Commission consents to advertise the City of Vincent Town Planning Scheme No. 2 or until 30 April 2012, whichever is earlier.

Previous Reports to Council:

This matter was previously reported to the Council on both the 19 April 2011 and 14 February 2012.

The Minutes of Item 9.1.5 from the Ordinary Meeting of Council held on 19 April 2011 relating to this report is available on the City's website at the following link:

http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes/Minutes_2011.

The Minutes of Item 10.1 from the Ordinary Meeting of Council held on 14 February 2012 relating to this report is available on the City's website at the following link:

http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes.

DETAILS:**Purpose of Master Plan**

The North Perth Master Plan has been prepared in accordance with the City's Project Brief and taken into consideration the outcomes of the two (2) community workshops. The purpose of the Master Plan was to provide an overarching strategic framework to assist in the future development and revitalisation of the North Perth Town Centre. The Master Plan is not considered to be a statutory planning tool; but rather a strategic document that provides the context for future development.

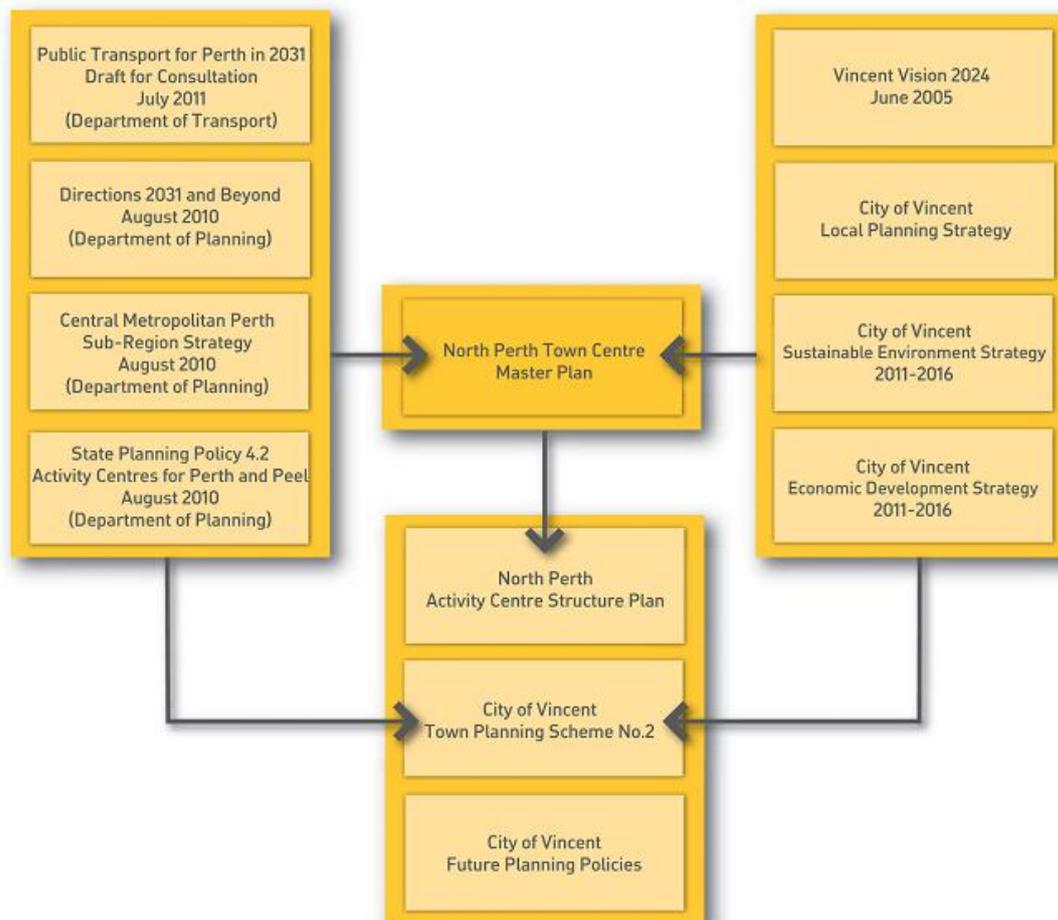
By definition, a Master Plan incorporates all elements that influence the physical and non-physical (social and cultural) development of an area, such as infrastructure, movement, land uses, character, built form, open space and activity. A Master Plan provides a holistic vision of the future development of a place, taking into consideration the State and local planning framework that exists.

Role of Master Plan in the Planning Framework

The Draft Town Planning Scheme No. 2, which was endorsed by the Council at its Ordinary Meeting held on 20 December 2011, has been forwarded to the Western Australian Planning Commission (WAPC) for consent to advertise. The Master Plan is not considered to affect the progress of the Draft Town Planning Scheme No. 2, as it is not a statutory document and does not require formal endorsement from the WAPC, unlike a Local Planning Strategy or a Town Planning Scheme.

The Master Plan is not used to assess development applications; however, it does provide the overarching vision for the North Perth Town Centre and will allow developers to propose developments that reflect the vision. The built form (heights, setbacks and building envelopes) depicted in the Draft Master Plan are not a statutory requirement. Whilst the Town Planning Scheme No. 1 or No. 2 are generally consistent with the North Perth Master Plan and are largely consistent with the heights and land uses prescribed in the Precinct Policy for North Perth which has been prepared as part of Town Planning Scheme No. 2, should it be appropriate, some of the built form recommendations that are not directly referenced in the Town Planning Scheme No. 2 Precinct Policy for North Perth could be incorporated where it is deemed necessary. North Perth has been identified as a district centre in *State Planning Policy 4.2 Activity Centres for Perth and Peel*, and whilst a structure plan could be developed if necessary, it is not a requirement of the State Planning Policy.

The Master Plan provides the following flow chart to outline how the Master Plan fits with the State and local planning framework:



Key Components of the Master Plan

The Master Plan focuses on the commercial area at the intersection of Angove and Fitzgerald Streets and the surrounding residential area within a 400 metre radius of the Town Centre. The three (3) key areas investigated by the consultants, Hames Sharley, related to activity, movement and character. This investigation and analysis was then consolidated into the North Perth Town Centre Indicative Development Plan, which provides the following recommendations to realise the revitalization of the Town Centre:

1. Define Town Centre entry with landmark innovative mixed-use building;
2. Redevelop Council owned View Street Lots 14, 15 & 16 to provide improved community facilities and mixed-use development;
3. Underground parking to minimise visual impact of cars in around Centre;
4. Short stay on street parking to service convenience retail;
5. Fitzgerald Street and Angove Street become landscaped boulevards;
6. Improve View Street connections from heritage precinct to Fitzgerald Street incorporating park around St Hilda's Anglican Church;
7. Close vehicle access to Forrest Street to enable a community meeting place and facilitate use for weekend farmer's markets or similar to improve weekend trade and activity;
8. Redevelop North Perth Plaza and create a landscaped Town Square;
9. Use a streetscape palette that addresses the centre's historical and unique character;
10. Improve the pedestrian network linking existing and proposed public spaces;
11. Improve and increase use of existing heritage buildings;
12. Improve pedestrian connections across Fitzgerald Street incorporating a uniquely designed light rail station and platform; and
13. Reconfigure the Rosemount Hotel beer garden to address and activate Angove Street.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
Consultation Type:	<ul style="list-style-type: none"> • Advertisement in local newspaper; • Notice on the City's website; • Copies displayed at City of Vincent Administration and Civic Building and Library and Local History Centre; and • Written notification to owner(s) and occupier(s) of adjacent affected properties as determined by the City of Vincent and to the Western Australian Planning Commission and other appropriate government agencies as determined by the City of Vincent. 		
Comments Period:	28 days		

Following advertising the submissions will be reviewed with the Masterplan and presented to Council for final consideration.

LEGAL/POLICY:

- City of Vincent Town Planning Scheme No. 1 and associated Policies; and
- City of Vincent Consultation Policy 4.1.5.

RISK MANAGEMENT IMPLICATIONS:

The Masterplan provides a coordinated approach to the long term vision and planning of the North Perth Area. This strategic document will inform statutory documents including policies ensuring a coordinated approach that aligns with the overall vision for the area.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 - Objectives 1.1.1 and 1.1.5 state;

"Natural and Built Environment

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

1.1.5 *Take action to improve transport and parking in the City and mitigate the effects of traffic."*

SUSTAINABILITY IMPLICATIONS:

The City's Sustainable Environment Strategy 2011-2016 states the following key objectives:

Air Emissions

"1. *Contribute to a cleaner local and regional air environment by promoting alternative modes of transport than car use to residents and employees within the City."*

Greening Vincent

"6. *Re-establish, conserve and enhance floral and faunal biodiversity, native vegetation, green spaces and green linkages within the City."*

Reduce, Re-Use, Recycle

"7. *Reduce the use of resources and production of waste within the City in partnership with business, residents and visitors, including through the re-use and recycling of materials."*

The following tables outline the applicable sustainability issues for this Masterplan:

ENVIRONMENTAL	
Issue	Comment
The Masterplan supports the use of public transport to reduce air emissions from private cars and aims to increase green spaces and tree plantings throughout the centre. Adaptive reuse of existing buildings is promoted and water sensitive urban design principles are strongly encouraged in future developments.	

SOCIAL	
Issue	Comment
The Masterplan aims to build a sense of community through the provision of public spaces, encouraging local food and service providers and creating a more interactive, vibrant centre.	

ECONOMIC	
Issue	Comment
The Masterplan responds to the City's Economic Development Strategy 2011-2016 through continual dialogue with the community and business owners. It promotes a coordinated rebranding of the centre as a different place with the introduction of light rail. The Masterplan also promotes a diverse range of uses in the centre to support the community.	

FINANCIAL/BUDGET IMPLICATIONS:

Expenditure for this matter will be incurred under the following budgeted item:

Budget Amount:	\$30,000
Spent to Date:	\$28,850
Balance:	\$2,500

COMMENTS & CONCLUSION:

In the long term, the Masterplan is considered to provide a holistic overview of what is currently happening in the North Perth Town Centre and establishes a framework for the future development and revitalisation of the area.

Once completed, the Masterplan may inform amendments to Local Planning Policies by providing specific development provisions such as heights and setbacks. It is anticipated that the Masterplan will assist developers with redevelopment plans by providing a holistic overview of what is happening in North Perth and a context for the City's long term vision for the area.

In light of the above, it is recommended that the Council adopt the Officer Recommendation to advertise the Draft Masterplan.

The Presiding Member, Mayor Hon. Alannah MacTiernan advised that Item 9.3.4 was brought forward as there was a member of the public in the Public Gallery awaiting the discussion of this Item.

9.3.4 No. 20 (Lot 100) Brentham Street, Leederville – Consideration of Deferred Item – Proposed Extension of Lease area for Aranmore Catholic Primary School

Ward:	North Ward	Date:	16 April 2012
Precinct:	Leederville (3)	File Ref:	PRO1459
Attachments:	001 - Map of Proposed Extension of Lease area 002 – Aerial Photo of Proposed Extension of Lease area		
Tabled Items:			
Reporting Officer:	M Rootsey, Director Corporate Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council APPROVES the extension of the leased area of the premises located at No. 20 (Lot 100) Brentham Street, Leederville, being granted to Aranmore Catholic Primary School as per Appendix 9.3.2A, subject to final satisfactory negotiations being carried out by the Chief Executive Officer.

COUNCIL DECISION ITEM 9.3.4

Moved Cr Topelberg, Seconded Cr McGrath

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Wilcox

That the Officer Recommendation be amended to read as follows:

“That the Council APPROVES the extension of the leased area of the premises located at No. 20 (Lot 100) Brentham Street, Leederville, being granted to Aranmore Catholic Primary School as per Appendix 9.3.2A, for the amount of \$1,000 per annum plus CPI to be paid at the commencement of each financial year, subject to final satisfactory negotiations being carried out by the Chief Executive Officer.”

Debate ensued.

AMENDMENT PUT AND LOST (3-5)

For: Mayor Hon. MacTiernan, Cr Maier, Cr Wilcox

Against: Cr Carey, Cr Harley, Cr McGrath, Cr Pintabona, Cr Topelberg

(Cr Buckels was an apology for the meeting.)

Debate ensued.

MOTION PUT AND CARRIED ON THE CASTING VOTE OF THE PRESIDING MEMBER (5-4)

For: Presiding Member, Mayor MacTiernan (two votes – deliberative and casting vote), Cr McGrath, Cr Pintabona, Cr Wilcox

Against: Cr Carey, Cr Harley, Cr Maier, Cr Topelberg

(Cr Buckels was an apology for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with details regarding Aranmore Catholic Primary School lease and their request for an extension of the leased area.

BACKGROUND:

At the Ordinary Meeting of Council held 10 April 2012 the Council resolved:

“That the item be DEFERRED to the Ordinary Meeting of Council to be held on 24 April 2012 for further consideration.”

Further Information

No further information has been provided or raised by Council Members, since the Council Meeting held on 10 April 2012. Accordingly, the Officer Recommendation for approval remains the same.

Aranmore Catholic Primary School has held a lease over a small area of reserve adjacent to No. 20 Brentham Street, Leederville for a period of eleven (11) years, consisting of two (2) five (5) year terms and a current ten (10) year term taking the lease through until 30 June 2020. The current leased area is leased to the school for a peppercorn rent of \$1.00 per annum.

The new requested area is primarily used for a pre-primary playground.

DETAILS:

The current school building programme involves an additional kindergarten classroom being built in order that the school meets the extra hours for kindergarten in 2013.

The School has worked with designer Bernhard Kaiser, who came highly recommended by Kidsafe WA. He has designed a beautiful natural play environment for the children, which will enhance the early childhood programme, fit in with the Federal Governments National Quality Standards and also fit in nicely with the surrounding park location of the school. The area is in desperate need of upgrading as it is in extremely poor condition and a safety hazard in some areas.

To be able to accommodate this building and natural play environment the school is requesting an extension of the existing 320m² area of the reserve leased to the school to include a further 135m² as shown in Appendix 9.3.2A.

CONSULTATION/ADVERTISING:

Not Applicable.

LEGAL/POLICY:

Policy No. 1.2.1 – Terms of Lease.

RISK MANAGEMENT IMPLICATIONS:

Low: This request for the extension of the lease is a minimal risk for the City as it is for the extension of the area already in use by the school.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2011-2016 – Key Result Area One:

"1.1.6 Enhance and maintain the City's infrastructure to provide a safe, healthy, sustainable and functional environment

(a) implement adopted annual infrastructure upgrade programs, including streetscape enhancements, footpaths, rights of way, car parking and roads."

SUSTAINABILITY IMPLICATIONS:

Not Applicable

FINANCIAL/BUDGET IMPLICATIONS:

The City currently has a lease with Aranmore Catholic Primary School with a peppercorn rent of \$1.00 per annum.

COMMENTS:

The additional area will provide the Aranmore Catholic Primary School with the space to accommodate the new natural environmental play area and the additional kindergarten classroom.

The extension of the lease area is recommended for support.

The Presiding Member, Mayor Hon. Alannah MacTiernan advised that as there were no longer any members of the public in the Public Gallery, the remaining Items would be considered in numerical order.

9.1.4 Amendment No. 93 to Planning and Building Policy Manual – Rescission of Appendices

Ward:	Both Wards	Date:	16 April 2012
Precinct:	All Precincts	File Ref:	PLA0219
Attachments:	001 – Appendix Nos. 1, 2, 4, 5, 7 and 10 002 – Appendices Review		
Tabled Items:	Nil		
Reporting Officer:	D Mrdja, Senior Strategic Planning and Heritage Officer		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council **AUTHORISES** the Chief Executive Officer to advertise the proposed rescission of the following Appendices of the Planning and Building Policy Manual, as shown in Appendix 9.1.4, for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City’s Policy No. 4.1.5 relating to Community Consultation:

1. Appendix No. 1 – Precinct Area Maps;
2. Appendix No. 2 – Mount Hawthorn Village Renovation and Design Guidelines;
3. Appendix No. 4 – The Village North Perth (Lots 43-45 Kadina Street) Residential Site Design Guidelines;
4. Appendix No. 5 – The Village North Perth (Lots 901-910 Kadina Street) Residential Site Design Guidelines;
5. Appendix No. 7 – Design Guidelines for the ‘Old Bottleyard’; and
6. Appendix No. 10 – Glossary of Terminology.

Moved Cr Maier, Seconded Cr McGrath

That the recommendation be adopted.

Debate ensued.

Cr Carey departed the Chamber at 7.41pm.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr McGrath

That the Officer Recommendation be amended to read as follows:

“That the Council **AUTHORISES** the Chief Executive Officer to advertise the proposed rescission of the following Appendices of the Planning and Building Policy Manual, as shown in Appendix 9.1.5, for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City’s Policy No. 4.1.5 relating to Community Consultation:

- 1.1 Appendix No. 1 – Precinct Area Maps;

- 1.2 **Appendix No. 2 – Mount Hawthorn Village Renovation and Design Guidelines;**
- 1.3 **Appendix No. 4 – The Village North Perth (Lots 43-45 Kadina Street) Residential Site Design Guidelines;**
- 1.4 **Appendix No. 5 – The Village North Perth (Lots 901-910 Kadina Street) Residential Site Design Guidelines;**
- ~~1.5 – Appendix No. 7 – Design Guidelines for the ‘Old Bottleyard’; and~~
- ~~1.5 6- Appendix No. 10 – Glossary of Terminology; and~~
- 1.6 further review Appendix No. 7 to investigate whether the guidelines can be modified to achieve a desired outcome.”**

Debate ensued.

Cr Carey returned to the Chamber at 7.42pm.

Debate ensued.

The Presiding Member, Mayor Hon. Alannah MacTiernan suggested that the amendment changed as follows to include a new clause 2:

“2. DEFERS the rescission of Appendix No. 7 – Design Guidelines for the ‘Old Bottleyard’, and for this to be and considered at an Ordinary Meeting of Council to be held in June 2012.”

The Mover, Cr Maier and the Seconder, Cr McGrath agreed.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was an apology for the meeting.)

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was an apology for the meeting.)

ADDITIONAL INFORMATION

The Design Guidelines were created as when the City owned the land, the original intention was to sell all the seventeen (17) lots individually. Due to the cost of the subdividing the land into seventeen (17) separate green title lots, the Council resolved to sell the land as whole. Since this time, the only application that has submitted is for the same subdivision layout. As stated in the report, it is considered that a developed of much higher density would be preferable for this land, give the dwelling targets stated in *Directions 2031*.

The City's Officers do not agree with amending the document to indicate what should be developed at the site. Given the large size of the site, a design concept should be left up to the developer and architect. If Scheme Amendment No. 32 is gazetted, the developer will have to prepare the guidelines to the satisfaction of the Council.

Financial Implications

The account for Town Planning Scheme Amendments and Policies has \$40,000 allocated to it for the 2011/2012 financial year. To date, the City has spent \$34,304 and therefore the account has a balance of \$5,696. The costs associated with the subject Planning and Building Policy Amendment will generally be in house, however the cost of the newspaper advertising is approximately \$700. In light of this, the expenditure associated with the Policy Amendment is within the balance of the budgeted item.

COUNCIL DECISION ITEM 9.1.4

That the Council:

1. **AUTHORISES the Chief Executive Officer to advertise the proposed rescission of the following Appendices of the Planning and Building Policy Manual, as shown in Appendix 9.1.5, for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City's Policy No. 4.1.5 relating to Community Consultation:**
 - 1.1 **Appendix No. 1 – Precinct Area Maps;**
 - 1.2 **Appendix No. 2 – Mount Hawthorn Village Renovation and Design Guidelines;**
 - 1.3 **Appendix No. 4 – The Village North Perth (Lots 43-45 Kadina Street) Residential Site Design Guidelines;**
 - 1.4 **Appendix No. 5 – The Village North Perth (Lots 901-910 Kadina Street) Residential Site Design Guidelines; and**
 - 1.5 **Appendix No. 10 – Glossary of Terminology; and**
2. **DEFERS the rescission of Appendix No. 7 – Design Guidelines for the 'Old Bottleyard', and for this to be and considered at an Ordinary Meeting of Council to be held in June 2012.**

PURPOSE OF REPORT:

To inform the Council of the review of the City's Planning and Building Policy Manual and to enable the Council to consider the rescission of the abovementioned appendices and to authorise the Chief Executive Officer (CEO) to advertise the rescission of these appendices in accordance with clause 47 of the Town Planning Scheme No. 1 (TPS No. 1).

The report does not identify all of the policies that are or may require review; rather it is the first stage of a review of the existing Planning and Building Policy Manual.

BACKGROUND:

The City of Vincent Draft Town Planning Scheme No. 2 (TPS No. 2) and Local Planning Strategy (LPS) was endorsed by the Council at the Ordinary Meeting held on 20 December 2011. These documents, along with the draft Precinct Policies were sent to the Department of Planning on 23 December 2011 in order for them to give the City consent to advertise the TPS No. 2 and LPS. As a part of the scheme review process, the City's Officers are also reviewing the Planning and Building Policy Manual. The City's Officers have reviewed the Appendices of the Planning and Building Policy Manual and propose that Appendix Nos. 1, 2, 4, 5, 7 and 10 be rescinded.

History:

Appendices 1, 2, 4, 5 and 10

Date	Comment
27 March 2001	<p>The Council at its Ordinary Meeting adopted the Planning and Building Policy Manual, which included the following appendices that are subject to this amendment:</p> <ul style="list-style-type: none">• Appendix No. 1 – Precinct Area Maps;• Appendix No. 2 – Mount Hawthorn Village Renovation and Design Guidelines;• Appendix No. 4 – The Village North Perth (Lots 43-45 Kadina Street) Residential Site Design Guidelines;• Appendix No. 5 – The Village North Perth (Lots 901-910 Kadina Street) Residential Site Design Guidelines; and• Appendix No. 10 – Glossary of Terminology.

Appendix No. 7 – Design Guidelines for the ‘Old Bottleyard’

Date	Comment
8 March 1999	The Council at its Ordinary Meeting resolved to adopt Design Guidelines for the ‘Old Bottleyard’ site. These Design Guidelines were developed in response to a subdivision application submitted by the City for three (3) residential lots at approximately 2,500 square metres in size with a pedestrian access way that ran from the corner of Palmerston Street and Stuart Street to Robertson Park.
3 May 1999	The WAPC approved the subdivision of No. 73 Palmerston Street, Perth into three (3) residential lots. This subdivision approval did not proceed.
11 November 1999	The City commissioned Van Der Meer Consulting to review development and subdivision options for the ‘Old Bottleyard’ site. This report proposed nine (9) different subdivision options.
8 February 2000	The Council at its Ordinary Meeting resolved to adopt subdivision Design Option A from the Van Der Meer report.
15 February 2000	The Council at its Ordinary Meeting resolved to amend the Design Guidelines to be consistent with subdivision Design Option A.
12 June 2001	The City of Vincent submitted an application to subdivide the subject lot into two (2) lots as per subdivision Design Option A. This subdivision created two (2) lots, one being 5,737 square metres and being set aside for public open space and the other 4,004 square metres and proposed to be subdivided into seventeen (17) other lots, with a land area of approximately 190 square metres each.
23 October 2001	The Western Australian Planning Commission approved the subdivision of No. 73 Palmerston Street, Perth, in accordance with Design Option A.
11 January 2002	The City wrote to the WAPC requesting that the subdivision be staged and the two (2) ‘super lots’ be created, prior to the creation of the seventeen (17) lots.
31 May 2002	The WAPC approved the amended subdivision into two (2) ‘super lots’.
31 March 2003	The City of Vincent sold No. 75 (Lot 88) Palmerston Street, Perth.
17 January 2006	An application was submitted to the WAPC for the subdivision of No. 75 Palmerston Street into seventeen (17) green title lots. This subdivision layout was consistent with the approval issued by the WAPC on 23 October 2001.
10 May 2006	The WAPC approved the subdivision into seventeen (17) green title lots. This subdivision approval did not proceed and expired on 10 May 2009.

Previous Reports to Council:

There have been no previous reports to the Council relating to the rescission of Appendix Nos. 1, 2, 4, 5, 7 and 10.

DETAILS:

The City’s Officers propose that Appendix Nos. 1, 2, 4, 5, 7 and 10 be rescinded as it is considered that they are no longer relevant to Town Planning Scheme No. 1 and the aims of the policies are not consistent with the objectives of the Draft Local Planning Strategy and Town Planning Scheme No. 2.

Appendix No. 1 – Precinct Area Maps

This appendix was adopted as a part of the original Planning and Building Policy Manual adopted by the Council at its Ordinary Meeting held on 27 March 2001. This appendix was developed to create a map of the entire City of Vincent Municipality showing the precinct divisions. This map is produced in the Town Planning Scheme maps.

The text in the appendix states the following:

“Not reproduced in the Town of Vincent Policy Manual. Refer to the Town Planning Scheme Maps.”

This appendix as a standalone policy is not necessary as it is within the TPS No. 1 and is therefore proposed to be rescinded.

Appendix No. 2 – Mount Hawthorn Village Renovation and Design Guidelines

The Mount Hawthorn Village Renovation and Design Guidelines were also adopted as a part of the original Planning and Building Policy Manual and were inherited from the City of Perth. These Guidelines are outdated and are inconsistent with the Mount Hawthorn Centre Precinct Policy No. 3.1.2 in terms of bulk and scale and the size of the area. There are no definitive development requirements in the policy only a list of elements to encourage certain building design. Everything covered in this policy is covered in the District Centre section of the Mount Hawthorn Precinct Policy and is therefore no longer relevant to development in this area.

Appendix No. 4 – The Village North Perth (Lots 43-45 Kadina Street) Residential Site Design Guidelines

These Design Guidelines were developed in response to the demolition of the ‘Brownes Dairy Site’ which was previously located on the street block bounded by Charles Street, Kadina Street, Tay Place and Albert Street, North Perth. Due to further subdivision, these lots are now known as Nos. 23, 25A, 25B, 27A and 27B Kadina Street, North Perth. A site inspection conducted on 22 March 2012, indicates that lots have been built on Nos. 23, 25A and 25B and the two dwellings at Nos. 27 and 27A Kadina Street are under construction.

Development Requirements in Policy:

Policy Design Guidelines	Residential Design Elements Policy/ R Codes	Comments
Front setback = 2 metres	Average of five (5) properties either side of the development.	Given all the lots fronting Kadina Street between Charles Street and Tay Place have been developed with a 2 metre setback, the average will be 2 metres; therefore this requirement is covered in the existing RDE's.
Development within 7 metres of the rear boundary is to be a maximum height of 6 metres (two storeys).	Three storeys over the entire site in the R80 zone.	These Design Guidelines were developed on the premise that the lots abutting the subject lots were also single residential lots. However since the time of the adoption of the Design Guidelines, all the lots at the rear were amalgamated and a three storey multiple dwelling development was constructed and a right of way from Tay Place was also introduced. Given there is only car parking located at the rear of the lots, there will be no undue impact on the rear properties if the subject lots propose further development that is greater than 6 metres, within 7 metres of their rear boundary. In light of this, this clause is no longer relevant.
Outdoor living area is to be a minimum of 40 square metres.	16 square metres for a grouped dwelling at R80 zone.	The requirement set out in the R Codes (16 square metres) cannot be varied in a local planning policy without the approval of the WAPC. Given the subdivision has been built out, and the unlikelihood of the WAPC granting approval for a policy variation from 16 square metres to 40 square metres, this clause is considered no longer applicable.

Policy Design Guidelines	Residential Design Elements Policy/ R Codes	Comments
Front fences are to be eighty (80) percent visually permeable above 1.2 metres.	Front fences are to be fifty (50) percent visually permeable above 1.2 metres.	This is a minor difference to the requirements in the RDE's from fifty (50) percent to eighty (80) percent transparency above 1.2 metres and is not considered to warrant a policy for this minor change given the subdivision has already been approved and built out.

It is noted that there are other requirements listed in the Design Guidelines, however these are either consistent with the current R Codes or the RDE's or are encouraged or preferential requirements.

Appendix No. 5 – The Village North Perth (Lots 901-910 Kadina Street) Residential Site Design Guidelines

Similar to Appendix No. 4, these Design Guidelines were also developed in response the subdivision of the 'Brownes Dairy Site'. These lots are known as Nos. 3-21 Kadina Street, North Perth. A site inspection conducted on 22 March 2012, indicates that all the lots are built out with residential dwellings.

This policy is virtually identical to Appendix No. 4 and therefore the same comments apply to this Appendix and it is no longer considered relevant.

Appendix No. 7 – Design Guidelines for the 'Old Bottleyard'

These Design Guidelines were developed as a result of a Council resolution to create Design Guidelines in response to a subdivision that was submitted to the WAPC, by the City on 8 May 1998. The subdivision was subsequently amended and approved by the WAPC on 23 October 2001. This subdivision was for the creation of seventeen (17) lots on approximately forty (40) percent of the original lot size. This subdivision approval expired and was re-submitted and approved on 10 May 2006 and expired on 10 May 2009, however the Design Guidelines for the seventeen (17) lots subdivision are still in place.

Furthermore, since this time, a Scheme Amendment to TPS No. 1 has been gazetted to allow multiple dwellings at this site where previously multiple dwellings were not permitted. Due to changing times and the requirement by *Directions 2031* for the City to provide an additional 5,000 dwellings by 2031, it is considered preferable that a higher density development be developed at this site, rather than a development with seventeen (17) green title lots. In addition to this, the Council is also considering a report to initiate Scheme Amendment No. 32 which, amongst other clauses, proposes a new clause that requires applicants/owners to develop a set of Design Guidelines for developments on lots over 3,000 square metres, consistent with the draft TPS No. 2. Given the 'Old Bottleyard' site at No. 75 Palmerston Street, is 3,999 square metres in size, any development of this lot will require the Council to adopt Design Guidelines for the development, prior to the submission of a planning or subdivision application.

Given the current Guidelines no longer align with the Council's vision for housing diversity and the proposed scheme amendment for applicants of large lots to develop Design Guidelines, the current policy is no longer required.

Appendix No. 10 – Glossary of Terminology

The Glossary of Terminology was adopted as a part of the original Planning and Building Policy Manual on 27 March 2001. A review of this glossary indicates that all of these terms are either listed in the R Codes, in the definitions Schedule of the Town Planning Scheme No. 1 or are no longer relevant to the City's Local Planning Policies.

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Type:	<ul style="list-style-type: none"> • Advertisement in the Guardian Newspaper; • City of Vincent website; • Letters to affected landowners, WAPC, State and Local Government Agencies and Precinct Groups; and • Notice at the City of Vincent Administration Centre and Library. 		
Comments Period:	4 weeks		

After the expiry of the period for submissions, the City's Officers will review all the submissions received in relation to the rescission of Appendix Nos. 1, 2, 4, 5, 7 and 10 and report back to Council with a determination to proceed or not to proceed with the rescission.

LEGAL/POLICY:

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1 and associated Policies; and
- Residential Design Codes of Western Australia.

RISK MANAGEMENT IMPLICATIONS:

The development requirements and content listed in existing Appendix Nos. 1, 2, 4, 5, 7 and 10 in some areas conflict with other City of Vincent Policies and the current aims and objectives of *Directions 2031* and the City's Draft Local Planning Strategy. Furthermore, as stated above, there are several residential development requirements listed in these Appendices that cannot be varied in a Local Planning Policy, without the approval of the WAPC. This inconsistency is a risk to the City and Council when assessing and determining applications for Planning Approval.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

1.1 *Improve and Maintain the Environment and Infrastructure*

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

SUSTAINABILITY IMPLICATIONS:

This report related to the proposed rescission of existing policies that are either no longer relevant and/or do not meet the long term outcomes of this City.

FINANCIAL/BUDGET IMPLICATIONS:

Expenditure for this matter will be incurred under the following budgeted item:

Budget Amount: \$40,000
Spent to Date: \$34,304
Balance: \$ 5,696

The expenditure associated with the subject Planning and Building Policy Amendment is within the balance of the budgeted item.

COMMENTS & CONCLUSION:

Planning and Building Policy Manual Review

As a part of the Town Planning Scheme Review all Planning and Building Policies are being reviewed in order to ensure consistency with the provisions of the Draft Town Planning Scheme No. 2. The aims of the review are to:

- Provide clear and concise requirements;
- Simplify existing policies;
- Remove duplication and inconsistencies;
- Align polices to TPS No. 2 and LPS; and
- Align policies to Directions 2031 and other State Planning Policies.

A timeframe for the review is proposed as follows:

Policy Section	Status and Comments	Timeframe
Introduction	This will be reviewed and amended with the gazettal of TPS 2.	Awaiting Gazettal of TPS No. 2
Precincts	The draft Precinct Policies for Mount Hawthorn, Leederville, North Perth, Mount Lawley/Highgate and Perth were endorsed by Council on 20 December 2011. The existing Precinct Policies will be rescinded with the gazettal of TPS No. 2 and the adoption of these draft Precinct Policies.	Awaiting Gazettal of TPS No. 2
Residential Design Elements	The City's Officers have commenced a review of the Residential Design Elements Policy; however, it is proposed that this be held in abeyance until the gazettal of the amended R Codes. The WAPC has advised this will be after July 2012.	Review: July – November 2012
Residential Development	The City's Officers are currently reviewing these policies. The amended Ancillary Accommodation Policy was presented to Council on 11 October 2011 and referred to the WAPC for approval as the policy is seeking variations to the R Codes. The Department of Planning has advised that this consideration is likely to be presented to a Statutory Planning Committee meeting in March or April 2012.	Aged and Dependant Persons Policy & Short Term Accommodation Policy: June 2012 Amended Ancillary Accommodation Policy: WAPC decision April 2012
Development and Design	The City's Officers have completed the review of the Telecommunications Policy and the Signs and Advertising Policy, Minor Nature Development Policy, Sustainable Design Policy, Percentage for Public Art Policy and Application for Condition to Amalgamate Land on Planning Approvals were all reviewed/adopted in 2011. Furthermore, five (5) of these policies were rescinded. It is anticipated that a review of the Development and Design Policies, similar to the subject item, will be presented to Council in July/August 2012.	Development and Design Policies Review: Council - July/August 2012
Heritage	An item is being considered by the Council relating to the review of Heritage Policy Nos. 1, 2, 4 and 5. The City's Officers will continue to review the remaining Policies and will presented to Council prior the gazettal of TPS No. 2.	April 24 Council Meeting

Policy Section	Status and Comments	Timeframe
Parking and Access	The City's Officers have prepared a draft amended Parking and Access Policy and presented this to a Council Member Forum as well as obtained comments from Council Members and Planning Staff. The comments are currently being collated and it is likely that this policy amendment will be presented to Council in June 2011.	Council - June 2012

Appendices

The City's Officers have reviewed the twenty two (22) appendices that are currently adopted in the Planning and Building Manual. Of these twenty two (22) appendices it is proposed that six (6) be rescinded as they are no longer relevant or consistent with the original intent of the guidelines.

In regards to the other sixteen (16) Appendices, a table of the review is shown in Appendix 9.1.4.

It is anticipated that the City's Officers will be presenting the remaining Design Guidelines that require further review to the Council in June 2012.

Rescission of Appendices

In light of the above, it is proposed that the Council initiate the process to the rescind Appendix Nos. 1, 2, 4, 5, 7 and 9 and advertise the rescission of these appendices for a period of four (4) weeks in accordance with clause 47 of the City of Vincent Town Planning Scheme No. 1. Once the advertising is completed, the City's Officers will consider all submissions and prepare a final report to Council on the determination of the appendices listed.

9.1.6 Scheme Amendment No. 32 to the City of Vincent Town Planning Scheme No. 1

Ward:	North	Date:	16 April 2012
Precinct:	COS 16	File Ref:	PLA0239; PLA0224
Attachments:	001 – Scheme Amendment No. 32 Report		
Tabled Items:	Nil		
Reporting Officer:	O May, Planning Officer (Strategic)		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council:

1. Pursuant to section 75 of the Planning and Development Act 2005, **RESOLVES TO INITIATE** Scheme Amendment No. 32 to the City's Town Planning Scheme No. 1 to:
 - 1.1 include the area bounded by Scarborough Beach Road, Brady Street, Powis Street and the Mitchell Freeway, ceded from the City of Stirling to the City of Vincent as part of the Local Government boundary changes in July 2007, and to incorporate Metropolitan Region Scheme Amendment 1181/57 into the City's Town Planning Scheme No. 1, by incorporating the area into Scheme Map 1 – Mount Hawthorn Precinct and Scheme Map 15 - Banks Precinct respectively;
 - 1.2 amending clause 8 of the City's Town Planning Scheme No. 1, by adding clause (g) as follows;

“(g) City of Stirling District Planning Scheme No. 2, 13 December 1985”;
 - 1.3 include provisions relating to Development Contribution for Infrastructure by incorporating an additional Part 7 – Development Contribution Area, in the City's Town Planning Scheme No. 1; and
 - 1.4 include two (2) additional Schedules to the City's Town Planning Scheme No. 1 – Schedule 6 relating to the certification of a Structure Plan and Schedule 7 relating to Development (Structure Plan) Areas;
2. **ENDORSES** the Scheme Amendment No. 32 Report, as shown in Appendix 9.1.6;
3. **FORWARDS** the City's decision to the Western Australian Planning Commission for their implementation;
4. **REFERS** the Scheme Amendment No. 32 to the City's Town Planning Scheme No. 1, to the Environmental Protection Authority to seek approval prior to advertising; and
5. **APPROVES** the advertising of Scheme Amendment No. 32 the City's Town Planning Scheme No. 1 for a period of forty-two (42) days, in accordance with regulation 25 of the Town Planning Regulations 1967 and the City's Consultation Policy.

Moved Cr Maier, Seconded Cr Pintabona

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

“That a new subclause 1.5 be inserted, clause 2 be amended and a new clause be inserted as follows:

“1.5 include provisions relating to Design Guidelines by incorporating an additional Part 7 – Special Control Area, in the City’s Town Planning Scheme No. 1; and”

“2. ENDORSES the Scheme Amendment No. 32 Report as shown in Appendix 9.1.6, subject to:

2.1 the proposed clause 56 (1) relating to the Preparation of Design Guidelines being amended to read as follows:

“(1) For sites with a combined area of 3,000 square metres or greater, the Council can require the preparation of dedicated Design Guidelines to be submitted and approved by the Council, prior to the lodging of a development application or subdivision application.”; and

2.2 the heading Part 7 – Development Contribution Area be amended to read Part 7 – Special Control Areas;”

“6. IMPROVES the explanation of the reasons for the changes proposed in the Scheme Amendment.”

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.1.6

That the Council:

1. Pursuant to section 75 of the Planning and Development Act 2005, RESOLVES TO INITIATE Scheme Amendment No. 32 to the City’s Town Planning Scheme No. 1 to:

1.1 include the area bounded by Scarborough Beach Road, Brady Street, Powis Street and the Mitchell Freeway, ceded from the City of Stirling to the City of Vincent as part of the Local Government boundary changes in July 2007, and to incorporate Metropolitan Region Scheme Amendment 1181/57 into the City’s Town Planning Scheme No. 1, by incorporating the area into Scheme Map 1 – Mount Hawthorn Precinct and Scheme Map 15 - Banks Precinct respectively;

1.2 amending clause 8 of the City’s Town Planning Scheme No. 1, by adding clause (g) as follows;

“(g) City of Stirling District Planning Scheme No. 2, 13 December 1985”;

1.3 include provisions relating to Development Contribution for Infrastructure by incorporating an additional Part 7 – Development Contribution Area, in the City’s Town Planning Scheme No. 1;

- 1.4 include two (2) additional Schedules to the City's Town Planning Scheme No. 1 – Schedule 6 relating to the certification of a Structure Plan and Schedule 7 relating to Development (Structure Plan) Areas; and
- 1.5 include provisions relating to Design Guidelines by incorporating an additional Part 7 – Special Control Area, in the City's Town Planning Scheme No. 1;
2. **ENDORSES** the Scheme Amendment No. 32 Report as shown in Appendix 9.1.6, subject to:
 - 2.1 the proposed clause 56 (1) relating to the Preparation of Design Guidelines being amended to read as follows:

“(1) For sites with a combined area of 3,000 square metres or greater, the Council can require the preparation of dedicated Design Guidelines to be submitted and approved by the Council, prior to the lodging of a development application or subdivision application.”; and
 - 2.2 the heading Part 7 – Development Contribution Area be amended to read Part 7 – Special Control Areas;
3. **FORWARDS** the City's decision to the Western Australian Planning Commission for their implementation;
4. **REFERS** the Scheme Amendment No. 32 to the City's Town Planning Scheme No. 1, to the Environmental Protection Authority to seek approval prior to advertising;
5. **APPROVES** the advertising of Scheme Amendment No. 32 the City's Town Planning Scheme No. 1 for a period of forty-two (42) days, in accordance with regulation 25 of the Town Planning Regulations 1967 and the City's Consultation Policy; and
6. **IMPROVES** the explanation of the reasons for the changes proposed in the Scheme Amendment.

PURPOSE OF REPORT:

The purpose of this report is to initiate an amendment to the City's Town Planning Scheme No. 1 by:

- Including the area ceded from the City of Stirling to the City of Vincent, as part of the boundary changes in July 2007, into the City's Town Planning Scheme No. 1;
- Including provision relating to Development Contribution for Infrastructure to the City's Town Planning Scheme No. 1;
- Including the area ceded from the City of Stirling to the City of Vincent, as part of the boundary changes in July 2007, into the City's Town Planning Scheme No. 1;
- Amending clause 8 of the City of Vincent Town Planning Scheme No. 1, relating to 'Repeals', by adding clause (g), relating to repealing the City of Stirling District Planning Scheme No. 2;
- Including Schedule 6 to the City's Town Planning Scheme No. 1, relating to the certification of a Structure Plan; and
- Including Schedule 7 to the City's Town Planning Scheme No. 1, relating to Development (Structure Plan) Areas.

BACKGROUND:

Date	Comment
1 July 2007	The area bounded by Scarborough Beach Road, Brady Street, Powis Street and the Mitchell Freeway was transferred to the City of Vincent from the City of Stirling as part of a local government boundary change.
25 May 2010	Metropolitan Region Scheme Amendment (1181/57) was gazetted for lots along East Parade to be reclassified from 'Primary regional Road Reserve' to 'Urban'.
27 July 2010	The Council at its Ordinary Meeting, resolved to initiate a Scheme Amendment No. 29 to include the areas ceded from the City of Perth and City of Stirling as part of the 2007 local government boundary change, into the City's Town Planning Scheme No. 1.
1 February 2011	The Department of Planning advised that West Perth, bounded by Loftus Street, Newcastle Street, Charles Street and the Graham Farmer Freeway, ceded from the City of Perth, should be included as a separate Amendment, given the potential delays the proposed Metropolitan Region Scheme Amendment affecting the area could cause.
22 March 2011	Scheme Amendment No. 30, relating to including the West Perth area into the City of Vincent's Town Planning Scheme No. 1, was initiated.
19 December 2011	The City received a letter from the Western Australian Planning Commission, providing consent to advertise Scheme Amendment No. 29, subject to a number of modifications.
10 February 2012	Scheme Amendment No. 30 to the City's Town Planning Scheme No. 1 was gazetted.
14 February 2012	A Notice of Motion was considered at the Ordinary Meeting of the Council, in part relating to holding Scheme Amendment No. 29 in abeyance until either the Western Australian Planning Commission consents to advertise the City of Vincent Town Planning Scheme No. 2 or until 30 April 2012, whichever is sooner.
20 February 2012	The City sent a letter to the Western Australian Planning Commission advising of the Notice of Motion considered and resolved at the Ordinary Meeting of the Council held on 14 February 2012, and requesting an extension to the advertising of Scheme Amendment No. 29.
28 February 2012	The City's Officers met with the Department of Planning in relation to the City's letter, dated 20 February 2012, and were advised that Scheme Amendment No. 29 cannot be held in abeyance. Rather, the City has the option of either terminating the Scheme Amendment, or undertaking the modifications to the Scheme Amendment. It was also noted that the City could initiate a new amendment for the Glendalough area only and advertise this without consent from the Western Australian Planning Commission.
16 March 2012	The City received a letter from the Western Australian Planning Commission, advising that Scheme Amendment No. 29 cannot be held in abeyance. Rather, the City has the option of either terminating the Scheme Amendment, or undertaking the modifications to the Scheme Amendment (in line with their letter dated 19 December 2011).

Previous Reports to Council:

This matter was previously reported to the Council as Scheme Amendment No. 29 on 10 April 2012, and Council resolved as follows:

"...advise the Western Australian Planning Commission to not proceed with Scheme Amendment No. 29 to the City's Town Planning Scheme No. 1 pursuant to regulation 25AA 6 (b) of the Town Planning Regulations 1967, for the following reasons:

- 2.1 the Minister for Planning has refused the Council's requested to extend the statutory forty two (42) days to undertake the modifications to the amendment prior to advertising in a letter dated 16 March 2012;*
- 2.2 the advertising of Scheme Amendment No. 29 of the City's Town Planning Scheme No. 1 may prejudice the determination of the Minister for Planning on State Administration Matter No. DR 255 of 2011 and State Administration Matter No. DR 264 of 2011;*
- 2.3 to allow for the undertaking of the Community Visioning Workshop for the portion of the area in Scheme Amendment No. 29 bounded by Lord Street, Summers Street and the Graham Farmer Freeway scheduled for 14 April 2012; and*
- 2.4 to allow for the preparation of a Structure Plan for the area bounded by Lord Street, Summers Street and the Graham Farmer Freeway to be completed, prior to the Council endorsing the statutory planning framework and associated policy provisions to guide development within this area; and*
- 2.5 to allow for a separate Scheme Amendment No. 32 to the City's Town Planning Scheme No. 1 to be presented to the Council at its Ordinary Meeting on 24 April 2012, to advertise as a minor amendment for the area ceded to the City of Vincent from the City of Stirling in July 2007."*

The Minutes of Item 9.1.2 from the Ordinary Meeting of Council held on 10 April 2012 relating to this report is available on the City's website at the following link:

http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes.

DETAILS:

As outlined above, the Council at its Ordinary Meeting held on 10 April 2012, resolved to allow for a separate Scheme Amendment No. 32 to the City's Town Planning Scheme No. 1. Scheme Amendment No. 32 would advertise as an amendment for the area ceded to the City of Vincent from the City of Stirling in July 2007 and incorporate Metropolitan Region Scheme Amendment (1181/57) into the City's Town Planning Scheme No. 1.

In light of this, the City has identified the need to also include *Part 7*, as shown in Appendix 9.1.6, to the City's Town Planning Scheme No. 1 to allow for guided strategic development and the potential to implement Development Contribution Controls, Design Guidelines and Structure Plans to the area in close proximity to the Glendalough Train Station and across the City of Vincent area.

The City's Town Planning Scheme No. 1 requires amending in relation to the following areas:

East Parade (Metropolitan Region Scheme Amendment 1181/57)

A Metropolitan Region Scheme amendment (1181/57) has been undertaken by the WAPC, relating to, among other things, transferring portions of various lots abutting the southern side of East Parade and Guilford Road from 'Primary Regional Road Reservation' to 'Urban'.

Under the City's Town Planning Scheme No. 1, the transferred portions of the various lots will reflect the current zoning and will be zoned R20 or R60, depending on the zoning of abutting lots.

Mount Hawthorn (former Glendalough)

As part of the Local Government boundary changes in 2007, the City of Vincent acquired a portion of Glendalough from the City of Stirling. This area, generally bounded by Scarborough Beach Road, Brady Street, Powis Street and the Mitchell Freeway, has been closely evaluated as part of the Department of Planning's Scarborough Beach Road Activity Corridor Project, and the City has undertaken extensive consultation with the land owners and occupiers in the area.

The use of the City of Stirling Scheme for this area has resulted in confusion for the City's planning staff and for applicants, particularly for the owner of the lots within the Mixed Residential Cell who are anticipating significant development in the near future. Therefore, by initiating this Scheme Amendment, this will remove the restrictive provisions on development in the area, especially for the owners of the properties in the Mixed Residential Cell who are subject to the provisions imposed by the City of Stirling District Planning Scheme Amendment No. 432.

Other than the lots within the Mixed Residential Cell, which are predominantly vacant, the remaining land in the area is mainly characterised by single and grouped dwelling type development, currently zoned Residential R50.

An increased zoning of Residential R60 has been proposed for the greater part of this area, with the following exceptions:

- the Toyota site and the Mixed Residential Cell, which have been proposed to be zoned as R-AC2;
- the majority of the lots abutting the northern side of Gibney Street, which have been proposed to be zoned as R80; and
- those lots flanked by the Mitchell Freeway and Jugan Street (excluding the Toyota site which is zoned R-AC2), which have been proposed to be zoned as R100.

The rationale for these zonings is outlined in the City's Draft Local Planning Strategy and the State Planning Strategy *Directions 2031*, and is a result of best practice planning outcomes identified for the area by the Scarborough Beach Road Activity Corridor Working Group, of which the City officially became part of in February 2009. The rationale collated from these sources that support the proposed zonings include:

- To provide the opportunity for an increase in housing choice and population density within walking distance of the Glendalough Train Station, in line with Transit Oriented Development principles, as outlined in the City's Draft Local Planning Strategy;
- According to *Directions 2031*, the region will have a population of at least 2.2 million people by 2031, which represents over half a million new residents to be housed. As such, *Directions 2031* has identified the connected city model as the preferred medium-density future growth scenario, which, among other things, is characterised by "*planning and developing key public transport corridors, urban corridors and transit oriented developments to accommodate increased housing needs*"; and
- One of the five (5) key themes of *Directions 2031* relates to Perth being an 'accessible' City. One of the strategies to achieve this is to "*plan and develop transit oriented developments to accommodate a mixed use and medium-rise high density housing development.*"

Following the completion of Scheme Amendment No. 32, the City's Officers will need to amend Policy No. 3.1.1 relating to the Mount Hawthorn Precinct – Scheme Map 1 to include the area bounded by Scarborough Beach Road, Brady Street, Powis Street and the Mitchell Freeway. This will ensure development provision and Design Guidelines are in place for the Mount Hawthorn (former Glendalough) area.

Development Contributions for Infrastructure

The provisions for development contributions within a local government context are outlined in the State Planning Policy 3.6 relating to *Development Contributions for Infrastructure*. The Policy outlines the principles and considerations that apply to development contributions for the provision of infrastructure in new and established areas, and specifies the Model Scheme Text provisions for development contributions. In addition, it sets out the principles underlying development contributions, and the form, content and process for the preparation of a Development Contribution Plan under a Local Planning Scheme.

In May 2009, the City received legal advice in relation to development contributions. The City was advised that given the Town Planning Scheme No. 1 does not provide for the imposition of development contributions, the City cannot enforce a Development Contribution Plan on an area.

In this regard, the City has liaised with the Department of Planning on how to best approach incorporating development contribution provisions into the Town Planning Scheme No. 1 and proposed Town Planning Scheme No. 2. The Department of Planning had advised the City that standard Model Scheme Text provisions can be included into the Town Planning Scheme No. 1 and proposed Town Planning Scheme No. 2, in accordance with the State Planning Policy 3.6, prior to these provisions being applied specifically to any Development Contribution Area.

Therefore, in order for the City to be able to enforce a Development Contribution Plan on an area, general provisions relating to developer contribution are being proposed in the City's Town Planning Scheme No. 1 as part of this Scheme Amendment No. 32, in accordance with the Model Scheme Text as outlined in State Planning Policy 3.6.

Design Guidelines

The City is proposing to include Design Guidelines to the City's Town Planning Scheme No. 1. The City recognises that there are some large sites that can accommodate greater development, and for those sites that are significantly larger, the City believes that these require 'special attention' and therefore sites over 3,000 square metres must submit dedicated Design Guidelines.

This provision describes all the information which is required for the submission of Design Guidelines as well as the process for the adoption and implementation of these Guidelines. Council can permit variations to the requirements listed in the Residential Design Codes on the condition that the dedicated Design Guidelines are consistent with Local Planning Strategy and do not adversely impact the amenity to the surrounding area. It is noted that an adopted set of Design Guidelines will override the relevant Precinct Policy and they will expire four years from the date of adoption

Structure Plans

The provision of Structure Plans proposed to the City's Town Planning Scheme No. 1 reflects the WAPC Draft Structure Plan Preparation Guidelines. These Guidelines have been prepared to standardise the format and content of Structure Plans in local government.

In light of this, the City has acknowledged the WAPC Structure Plan Guidelines with respect to the hierarchy of Structure Plan Types. District Structure Plan is defined as an area greater than 300 hectares, for this reason, given the City's Scheme Maps being less than 300 hectares, the City Officers have chosen to not include this form of Structure Plan in the Scheme and only include those relevant to the City; Local Structure Plan and Activity Centre Structure Plan.

The City's current TPS No. 1 does not have Structure Plan provisions and it is therefore proposed to introduce general provisions relating to Structure Plans to guide its preparation, implementation and adoption process of Structure Plans within the City. The provision of Local Structure Plans will coordinate the provision of planning for infrastructure and facilities and involve those areas generally under 300 hectares. An Activity Centre Structure Plans are to be prepared in line with State Planning Policy 4.2 – Activity Centre for Perth and Peel.

In this regard, the City has proposed Schedule 6 – Certification of Structure Plan, to reflect the Council's and Commission's certification of an adopted Structure Plan. In addition, the City has proposed Schedule 7 – Development (Structure Plan) Areas, to identify the Structure Plans adopted in the City's Town Planning Scheme No. 1.

Proposed Way Forward

In light of the above, it is recommended Scheme Amendment No. 32 be initiated to address the issue of the boundary change for Mount Hawthorn (former Glendalough), as well as to address the Metropolitan Region Scheme Amendment 1181/57.

CONSULTATION/ADVERTISING:

In relation to Scheme Amendment No. 32, the City will carry out consultation with all affected landowners within the subject areas for a period of forty two (42) days, in line with the *Town Planning Regulations 1967*.

LEGAL/POLICY:

- City of Vincent Town Planning Scheme No. 1 and associated Policies;
- City of Stirling District Planning Scheme No. 2;
- City of Stirling District Planning Scheme Amendment 423 (Schedule 14);
- Planning and Development Act 2005; and
- Town Planning Regulations 1967.

RISK MANAGEMENT IMPLICATIONS:

Medium: The Amendment requires the City to use amend its Town Planning Scheme No.1 to allow for Structure Plans, Design Guidelines and Development Contribution Control. This would allow for Structure Plans be developed for the areas of Claisebrook, following the community visioning workshop and Leederville and for dedicated Design Guidelines be prepared for sites over 3,000 square meters.

The Mount Hawthorn (former Glendalough) area although ceded to the City of Vincent still applies the City of Stirling District Scheme No. 2. This scheme is no longer in effect in the City of Stirling and the City has been using this outdated scheme since 2007. It is time that an up to date Scheme, that can be administered and endorsed by the City for this area, and associated Policy provisions, including Policy No. 3.1.1, relating to the Mount Hawthorn Precinct - Scheme Map 1 and dedicated Design Guidelines for the 'Mixed Residential Cell'.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 - Objectives 1 and 4 state:

"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.*
 - 1.1.4 *Take action to improve transport and parking in the City and mitigate the effects of traffic.*
 - 1.1.5 *Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment.*

Leadership, Governance and Management

- 4.1 *Provide good strategic decision-making, governance, leadership and professional management.*
 - 4.1.4 *Plan effectively for the future.*
 - 4.1.5 *Focus on stakeholder needs, values, engagement and involvement."*

SUSTAINABILITY IMPLICATIONS:

ENVIRONMENTAL	
Issue	Comment
	The amendment will allow for future planning and developing of a Transit Orientated Development. This will accommodate higher density housing development around the Glendalough Train Station and provide the opportunity for an increase in housing choice and population density within walking distance of the train station.

SOCIAL	
Issue	Comment
	The amendment will facilitate the City's intention to accommodate the increased housing needs identified in the State Planning Strategy, <i>Directions 2031</i> .

ECONOMIC	
Issue	Comment
	The amendment will help achieve best practice planning outcomes within all areas of the City of Vincent. Through amending the City's Town Planning Scheme No. 1, the City has highlighted opportunities for economic growth and vibrancy through employment opportunities and mixed use development.

FINANCIAL/BUDGET IMPLICATIONS:

Expenditure under this matter will be incurred under the following budgeted item:

'Town Planning Scheme Amendments and Policies'

Budget Amount: \$40,000
Spent to Date: \$34,304
Balance: \$5,696

COMMENTS:

In light of the above, it is recommended that the Council resolves to terminate Scheme Amendment No. 29 to the City's Town Planning Scheme No. 1, and instead, to initiate Scheme Amendment No. 32 to the City's Town Planning Scheme No. 1.

9.2.1 Possible Provision of Additional 'On Road' Parking – North Perth District Centre – Progress Report No. 2

Ward:	North	Date:	16 April 2012
Precinct:	Smith's Lake (6), North Perth Centre (9) & Norfolk (10)	File Ref:	PKG0001 & PLA0084
Attachments:	001 – Proposed Parking Plans		
Tabled Items:	-		
Reporting Officers:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** the implementation of the following additional 'on road' parking bays all with a 3P time restriction '8.00am to 5.30pm Monday to Friday and 8.00am to 12 noon Saturday' and each location to have one '15 minute' parking bay 'at all times', subject to funding being allocated in the 2012/2013 budget;

Street	Section	Type	Side	Existing	Proposed	NET gain	Estimated Cost
Wasley St Plan No 2935-CP-01	Fitzgerald to ROW	90 deg	Both	6	17	11	\$30,000
Forrest St Plan No 2936-CP-01	Fitzgerald to ROW	90 deg	Both	8	19	11	\$45,000
Woodville St Plan No 2933-CP-01D	Angove to Menzies	varies	both	6	17	11	\$55,000
Total additional number of 'on road' parking bays						33	\$130,000

2. subject to Clause 1 above being approved, **LISTS** for consideration in the 2012/2013 draft budget;
 - 2.1 a total amount of \$130,000 for the implementation of the parking as outlined in 'Clause 1' and notes that \$58,000 will be funded from the cash in lieu for parking allocation for North Perth; and
 - 2.2 an amount of \$35,000 for proposed traffic management at Woodville/Menzies Street as outlined in Plan No 2933-CP-01D; and
3. **REFERS** the proposed traffic management treatment as outlined in Plan No. 2933-CP-01D to the City's Integrated Transport Advisory Group.

Moved Cr McGrath, Seconded Cr Topelberg

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

"That clause 1 be amended, clause 2 be deleted and replaced with a new clause 2, a new clause 3 be inserted and the remaining clause renumbered as follows:

That the Council;

1. **APPROVES** the implementation of the following additional 'on road' parking bays all with a 3P time restriction '8.00am to 5.30pm Monday to Friday and 8.00am to 12 noon Saturday' and each location to have one '15 minute' parking bay 'at all times', ~~subject to funding being allocated in the 2012/2013 budget;~~

Street	Section	Type	Side	Existing	Proposed	NET gain	Estimated Cost
Wasley St Plan No 2935-CP-01	Fitzgerald to ROW	90 deg	Both	6	17	11	\$30,000

Street	Section	Type	Side	Existing	Proposed	NET gain	Estimated Cost
Forrest St Plan No 2936-CP-01	Fitzgerald to ROW	90-deg	Both	8	19	11	\$45,000
Woodville St Plan No 2933-CP-01D	Angove to Menzies	varies	both	6	17	11	\$55,000
Total additional number of 'on road' parking bays						33 22	\$130,000 \$85,000

~~2. subject to Clause 1 above being approved, LISTS for consideration in the 2012/2013 draft budget;~~

~~2.1 a total amount of \$130,000 for the implementation of the parking as outlined in 'Clause 1' and notes that \$58,000 will be funded from the cash in lieu for parking allocation for North Perth; and~~

~~2.2 an amount of \$35,000 for proposed traffic management at Woodville/Menzies Street as outlined in Plan No 2933-CP-01D; and~~

~~2. FUNDS the works as outlined in clause 1 estimated to cost \$85,000, from the 'Cash in Lieu for Parking' for North Perth (\$58,000) and the 'Funded City Centre and parking benefit Districts Upgrade and Promotion Reserve' (\$27,000);~~

~~3. DEFERS the implementation of the Forrest Street parking proposal, as shown on attached Plan No. 2936-CP-01 until early 2013, and subject to further consultation being undertaken, also consider at that time embayed parallel parking in Woodville Street outside Casson Homes, subject to the works being funded from the 'Funded City Centre and parking benefit Districts Upgrade and Promotion Reserve'; and~~

~~3.4. REFERS the proposed traffic management treatment as outlined in Plan No. 2933-CP-01D to the City's Integrated Transport Advisory Group."~~

Debate ensued.

AMENDMENT NO 1

Moved Cr Topelberg, Seconded Cr Harley

That clauses 2 and 3 be amended to read as follows:

"2. FUNDS the works as outlined in clause 1 estimated to cost \$85,000, from the 'Cash in Lieu for Parking' for North Perth (\$58,000) and a funding source to be determined and the 'Funded City Centre and parking benefit Districts Upgrade and Promotion Reserve' (\$27,000);

3. DEFERS the implementation of the Forrest Street parking proposal, as shown on attached Plan No. 2936-CP-01 until early 2013, and subject to further consultation being undertaken, also consider at that time embayed parallel parking in Woodville Street outside Casson House Homes, subject to the works being funded from the 'Funded City Centre and parking benefit Districts Upgrade and Promotion Reserve'; and"

Debate ensued.

AMENDMENT NO 1 PUT AND LOST (2-6)

For: Cr Maier, Cr Topelberg

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

(Cr Buckels was an apology for the Meeting.)

Debate ensued.

Cr Carey departed the Chamber at 8.10pm.

Debate ensued.

Cr Carey returned to the Chamber at 8.11pm.

Debate ensued.

AMENDMENT NO 2

Moved Cr Topelberg, Seconded Cr Carey

That clause 1 be amended to read as follows:

“1. APPROVES:

1.1 ~~the implementation of the following additional ‘on road’ parking bays; all with a 3P time restriction ‘8.00am to 5.30pm Monday to Friday and 8.00am to 12 noon Saturday’ and each location to have one ‘15 minute’ parking bay ‘at all times’;~~

Street	Section	Type	Side	Existing	Proposed	NET gain	Estimated Cost
Wasley St Plan No 2935-CP-01	Fitzgerald to ROW	90 deg	Both	6	17	11	\$30,000
Woodville St Plan No 2933-CP-01D	Angove to Menzies	varies	both	6	17	11	\$55,000
Total additional number of ‘on road’ parking bays						22	\$85,000

1.2 ~~the “proposed” parking bays on Wasley Street as shown in Plan No. 2935-CP-01 to have a 3P time restriction ‘8.00am to 5.30pm Monday to Friday and 8.00am to 12 noon Saturday’ and each location to have with one ‘15 minute’ parking bay ‘at all times’;~~

1.3 ~~the “existing” eleven (11) perpendicular parking bays on the east side of Woodville Street south of Angove Street to have a 3P time restriction ‘8.00am to 5.30pm Monday to Friday and 8.00am to 12 noon Saturday’ and each location to have with one ‘15 minute’ parking bay ‘at all times’;~~ **and**

1.4 ~~the “proposed” parking bays on the Eastern side of Woodville Street as shown in Plan No. 2933-CP-01 to have a 3P time restriction ‘8.00am to 5.30pm Monday to Friday and 8.00am to 12 noon Saturday’ with one ‘15 minute’ parking bay ‘at all times’ and~~

1.5 ~~the “proposed” parking bays on the Western side of Woodville Street as shown in Plan No. 2933-CP-01 to have no time restriction~~

AMENDMENT NO 2 PUT AND CARRIED 7-1

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

Against: Cr Maier

(Cr Buckels was an apology for the Meeting.)

Debate ensued.

AMENDMENT NO 3

Moved Cr Maier, Seconded Cr Topelberg

That clause 3 be amended to read as follows:

- “3. DEFERS the implementation of the Forrest Street parking proposal, as shown on attached Plan No. 2936-CP-01 until early 2013, and subject to further consultation being undertaken, also consider at that time embayed parallel parking in Woodville Street outside Casson Homes, subject to the works being funded from the ‘Funded City Centre and parking benefit Districts Upgrade and Promotion Reserve’ and there being sufficient funds that can be attributed to have come from the North Perth area; and”

The Presiding Member, Mayor Hon. Alannah MacTiernan suggested changing the amendment to reword it as follows:

- “3. DEFERS the implementation of the Forrest Street parking proposal, as shown on attached Plan No. 2936-CP-01 until early 2013, and subject to further consultation being undertaken, also consider at that time embayed parallel parking in Woodville Street outside Casson Homes House, subject to the works being funded from parking revenues collected from the North Perth Precinct the ‘Funded City Centre and parking benefit Districts Upgrade and Promotion Reserve’; and”

The Mover, Cr Maier and the Seconder, Cr Topelberg agreed.

AMENDMENT NO 3 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was an apology for the Meeting.)

Debate ensued.

AMENDMENT NO 4

Moved Cr McGrath, Seconded Cr Pintabona

That new clause 5 be inserted as follows:

- “5. DIRECTS that from henceforth that the revenues in the ‘Funded City Centre and parking benefit Districts Upgrade and Promotion Reserve’ be accounted for by Precinct.”

Debate ensued.

Cr Topelberg suggested changing the amendment to reword it as follows:

- “5. DIRECTS that effective from 1 July 2012 ~~henceforth~~ that the revenues in the ‘Funded City Centre and parking benefit Districts Upgrade and Promotion Reserve’ be accounted for by Precinct.”

The Mover, Cr McGrath and the Seconder, Cr Pintabona agreed.

AMENDMENT NO 4 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was an apology for the Meeting.)

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.2.1

That the Council;

1. APPROVES:

- 1.1 the implementation of the following additional ‘on road’ parking bays:

Street	Section	Type	Side	Existing	Proposed	NET gain	Estimated Cost
Wasley St Plan No 2935-CP-01	Fitzgerald to ROW	90 deg	Both	6	17	11	\$30,000
Woodville St Plan No 2933-CP-01D	Angove to Menzies	varies	both	6	17	11	\$55,000
Total additional number of 'on road' parking bays						22	\$85,000

- 1.2 the "proposed" parking bays **on Wasley Street** as shown in Plan No. 2935-CP-01 to have a 3P time restriction '8.00am to 5.30pm Monday to Friday and 8.00am to 12 noon Saturday' with one '15 minute' parking bay 'at all times';
- 1.3 the "existing" eleven (11) perpendicular parking bays on the east side of Woodville Street south of Angove Street to have a 3P time restriction '8.00am to 5.30pm Monday to Friday and 8.00am to 12 noon Saturday' **with one '15 minute' parking bay 'at all times';"and**
- 1.4 **the "proposed" parking bays on the Eastern side of Woodville Street as shown in Plan No. 2933-CP-01 to have a 3P time restriction '8.00am to 5.30pm Monday to Friday and 8.00am to 12 noon Saturday' with one '15 minute' parking bay 'at all times' and**
- 1.5 **the "proposed" parking bays on the Western side of Woodville Street as shown in Plan No. 2933-CP-01 to have no time restriction;**
2. **FUNDS** the works as outlined in clause 1 estimated to cost \$85,000, from the 'Cash in Lieu for Parking' for North Perth (\$58,000) and the 'Funded City Centre and parking benefit Districts Upgrade and Promotion Reserve' (\$27,000);
3. **DEFERS** the implementation of the Forrest Street parking proposal, as shown on attached Plan No. 2936-CP-01 until early 2013, and subject to further consultation being undertaken, also consider at that time embayed parallel parking in Woodville Street outside Casson House, subject to the works being funded from parking revenues collected from the North Perth Precinct;
4. **REFERS** the proposed traffic management treatment as outlined in Plan No. 2933-CP-01D to the City's Integrated Transport Advisory Group; and
5. **DIRECTS** that effective from 1 July 2012 that the revenues in the 'Funded City Centre and parking benefit Districts Upgrade and Promotion Reserve' be accounted for by Precinct.

PURPOSE OF REPORT:

The purpose of this report is to provide information of the outcomes of the recent consultation regarding the proposal to provide additional on road parking bays in the North Perth District Centre.

BACKGROUND:

Ordinary Meeting of Council – 14 February 2012:

The Council made the following decision:

"That the Council;

1. *NOTES that:*
 - 1.1 *the cost of implementing an additional 42 bays, as shown on Attachment 9.2.6 would be approximately \$160,000; and*
 - 1.2 *there are currently no specific funds allocated in the 2011/2012 Budget for the construction of any additional parking;*

2. *REQUESTS the Chief Executive Officer to:*

- 2.1 *prepare concept plans;*
- 2.2 *provide indicative cost estimates and an appropriate Staging Plan;*
- 2.3 *identify possible funding sources for the implementation of the proposed on road parking additions/modifications, as detailed in the Table below;*
- 2.4 *undertake community consultation for a period of fourteen (14) days, including holding a public meeting/forum; and*

Street	Section	Type	Side	Existing	Proposed	NET gain	Estimated Cost
<i>Woodville St Plan L</i>	<i>ROW to View</i>	<i>90 deg</i>	<i>East</i>	<i>14</i>	<i>24</i>	<i>10</i>	<i>\$50,000</i>
<i>Wasley St Plan M</i>	<i>Fitzgerald to ROW</i>	<i>90 deg</i>	<i>Both</i>	<i>6</i>	<i>18</i>	<i>12</i>	<i>\$25,000</i>
<i>Forrest St Plan N</i>	<i>Fitzgerald to ROW</i>	<i>90 deg</i>	<i>Both</i>	<i>8</i>	<i>19</i>	<i>11</i>	<i>\$40,000</i>
<i>Woodville St Plan O</i>	<i>Angove to Menzies</i>	<i>90 deg</i>	<i>both</i>	<i>6</i>	<i>15</i>	<i>9</i>	<i>\$45,000</i>
<i>Total possible additional number of 'on road' parking bays</i>						<i>42</i>	<i>\$160,000</i>

- 2.5 *commence community consultation on the introduction of 3 hour parking on:*
 - 2.5.1 *Glebe Street between Alma Road and View Street;*
 - 2.5.2 *View Street between Glebe and Leake Streets; and*
 - 2.5.3 *Woodville Street between View and Menzies Streets;*

3. *RECEIVES a further report in March/early April 2012, at the conclusion of the consultation period and once the public meeting/forum has been held."*

DETAILS:

Public Forum – 8 March 2012:

This was held at the North Perth Town all and was attended by 28 persons.

An overview of the proposal was presented and the attendees expressed their views on a number of issues including:

- Traffic management required in Woodville/Menzies to deter rat runners.
- Concerns regarding traffic safety etc of proposed angle bays in Wasley Street
- Time restrictions in Forrest Street should be revisited as they create a hazard when two vehicles are parked on either side of the street.
- Not in favour of additional angle parking on the east side of Woodville Street between Angove and View Street.
- Not in favour of any changes to Glebe Street.
- A comprehensive traffic management plans for the area should be prepared.
- More enforcement.
- Need for loading zone in Angove Street.
- The future of the speed cushions in Fitzgerald Street.

Officer Comments:

Suggestions relevant to the proposal, have wherever possible, been incorporated into the proposal/s. The other unrelated matters raised will be further investigated.

Community Consultation – 2 March 2012 to 16 March 2012:

A total of 491 consultation packs were distributed to business and residents in the affected areas.

Part A: Possible provision of additional 'on road' parking:

In Favour of the Proposal: (28)

- 21 x respondents in favour of the proposal with no further comment.
- Proposal to combine the City's carpark and the Rosemount Hotel carpark.
- 2 x Is it possible to put more parking in Menzies Street.
- In favour of the additional parking only (as long as no verge trees are disturbed).
- 2 x In favour however traffic calming measures should be taken to stop the short cuts being taken between Angove and Menzies Streets via Woodville Street, in order to reduce risk of accidents.
- Own a number of properties in Angove/Woodville. In favour of Woodville (north) angle parking subject to suggested modifications as shown on sketch plan.

Officer Comments:

An issue raised at the public forum was the rat run Angove into Menzies. One way to address this is to ban the right turn from Woodville into Menzies. Plan 2933-CP-01C has been prepared outlining this proposal. In addition parking in Woodville (north or Angove) has been modified to reflect comments received. There is no scope to increase the on road parking in Menzies Street.

Against the Proposal: (7)

- 5 x against the proposal with no further comment.
- We oppose parking in Woodville Street for the following reasons:
 - danger of people reversing into fast flowing traffic
 - parking for commercial purposes on residential streets is unfair for the residents
 - increase in undesirable behaviour (loiters, trespassers, rubbish and alcohol containers)
 - bitumen car park do not create a village like atmosphere
 - loss of evacuation point, street trees and green verge is welcoming to seniors,
- Strongly object to the increased parking bays in Wasley Street. I believe the extra bays will increase the amount of noise, congestion and vandalism.

Officer Comments:

It was evident at the public meeting that there was objection to parking in Woodville Street, south of Angove Street. It is considered that this proposal be placed on hold for the time being.

It is considered that the proposed parking in Wasley Street should proceed. This type of parking which will be restricted to the commercial portion of the street, has been very successful in side street off Beaufort Street and the comments made regarding noise, congestion and vandalism cannot be supported.

Other Comments: (5)

- In favour of the proposal, however would like to see Forrest Street closed at the Fitzgerald Street end just after Wasley Street.
- 1 x ticked 'other' however had no comment regarding the on-road parking (only the timed restrictions).
- Installation of bike racks also.

- Side road parking – safety is a priority though as people go through Woodville/Menzies. The speed humps in Fitzgerald Street and ticket machines are working to reduce traffic issues can the speed humps in Angove be reassessed. Reassess traffic light changes Angove/Fitzgerald. Amend some of the corners in the area to slow the turning of traffic. Try mixed time restrictions on Angove in cafe area 15 or 30mins?? Slow traffic to 40-50 kph.
- I suggest taking your parking proposals a step further and look at the implementation of newly designated 40kph retail, cafe & parking precinct with new dedicated pedestrian crossings controlled by lights similar to the existing one in Fitzgerald Street opposite Coles.

Officer Comments:

Closing off Forrest Street is not supported. Additional bike racks will be installed. The other issues raised are beyond the scope of the proposal and would need to be further investigated.

Part B: Introduction of Timed Parking Restrictions:

In Favour of the Proposal: (26)

- 23 x in favour of the proposal with no further comment.
- Proposal to combine the City's carpark and the Rosemount Hotel carpark.
- We would also like to see some form of resident permit for Menzies Street and surrounds.
- I strongly agree to the proposal of Woodville and Angove Street with time restrictions. I would strongly suggest an island at the intersection.

Officer Comments:

The issue regarding combining the City's car park with the Rosemount Hotel carpark is beyond the scope of the proposal and would need to be further investigated. An island as suggested was previously considered several years ago, (during the Angove Street streetscape upgrade proposal) and not supported by the majority of respondents at the time. Other traffic measures are being proposed.

Against the Proposal: (11)

- 4 x against the proposal with no further comment.
- As a business owner I ask that consideration be given as to where owners/staff can park for longer than 3 hours.
- I don't feel all aspects been considered, such items as traffic from Wasley Street carpark, impact on Coles and Chemist users/staff, senior citizens from St Michaels, delays to traffic caused by right hand turn a pedestrian crossing.
- By introducing a restriction in Glebe Street, you are taking away the security that residents and workers have 'built-up' and inviting unmanageable traffic and bad human behaviour.
- Do commercial interest out way public safety I vote for public safety first. No to timed parking restrictions, less car movements, please.
- This parking is essential to local businesses, for staff parking. It is entirely impractical to move a car every 3 hours while working. The public transport system does not allow community with any ease.
- We would support the idea of timed parking on the east side only of Glebe Street, i.e. next to the North Perth District Centre (Coles). On the resident's side, we prefer to leave parking as it is thank you. However, if timed parking is deemed to be absolutely necessary on the resident's side, then permits should be given.
- Strongly against 3 hour timed parking limits, however would be in favour if permits were issued.

Officer Comments:

While the majority of respondents were in favour of the time restrictions, some of those against consider that restrictions would have a negative impact on owners/staff parking.

Other Comments: (2)

- Installation of bike racks also.
- Try mixed time restrictions on Angove in cafe area 15 or 30mins??

Officer Comments:

Comments noted. 15 min parking bays have now been included in the proposal.

Conclusions:

From the comments received and the comments made at the public meeting it is recommended that the following be approved:

- Implement additional parking in Woodville Street, north of Angove Street, as shown on plan No 2933-CP-01D which incorporates comments received/feedback estimated to cost \$55,000 with a '3P restriction 8.00am to 5.30pm Monday to Friday and 8.00am to 12 noon Saturday'.
- Implement additional parking in Wasley Street, as shown on plan No 2935-CP-01 estimated to cost \$30,000 with a 3P restriction 8.00am to 5.30pm Monday to Friday and 8.00am to 12 noon Saturday.
- Implement additional parking in Forrest Street, as shown on plan No 2936-CP-01 estimated to cost \$45,000 with a 3P restriction 8.00am to 5.30pm Monday to Friday and 8.00am to 12 noon Saturday.
- Each location to have one '15 minute' parking bay 'at all times'.
- Implement traffic management in Woodville/Menzies Street estimated to cost \$35,000.

Does not, at this point in time, approve:

- The implementation of angle parking in Woodville Street south of Angove Street.
- Time restrictions in Glebe Street and View Street.

CONSULTATION/ADVERTISING:

The respondents will be advised of the Council's decision.

LEGAL/POLICY:

There is no legal consequence of the recommendation.

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:

The revised estimated cost of the parking proposal is \$130,000. There is \$58,000 available in the 'cash in lieu' allocation for North Perth.

It is recommended that a total amount of \$130,000 be listed for consideration in the 2012/2013 draft budget for the implementation of the proposed parking to be funded as follows:

- \$58,000 from the cash in lieu for parking allocation for North Perth
- \$72,000 from Municipal Funds

COMMENTS:

Following the community consultation it is requested that the Council approve the implementation of the additional 'on road' parking bays, as outlined in the report all with a 3P time restriction '8.00am to 5.30pm Monday to Friday and 8.00am to 12 noon Saturday' and each location to have one '15 minute' parking bay 'at all times'.

It is also requested that an amount of \$130,000 be listed for consideration in the 2012/2013 draft budget for the implementation of the parking to be part funded from the cash in lieu for parking allocation for North Perth;

Following on from the community's feedback a traffic management treatment as the Woodville/Menzies Street intersection has been proposed to be implemented as part of the proposal and it is recommended that this matter be referred to the Integrated Transport Advisory Group.

9.2.2 Weld Square Redevelopment Project – Co-Naming and Installation of Mini Basketball Court

Ward:	South	Date:	16 April 2012
Precinct:	Forrest (14)	File Ref:	RES0102
Attachments:	001 – Revised Landscaping Plan 002 – Examples of Mini Basketball Courts		
Tabled Items:			
Reporting Officer:	J van den Bok, Manager Parks & Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council APPROVES the:

1. installation of a mini basketball court with junior poles on Weld Square, at an estimated cost of \$19,240 as shown on the attached Plan No. 2647-LS-01K; and
2. co-naming of Weld Square to include the Nyoongar name 'Wongi Park', subject to the approval of the Geographic Names Committee.

Moved Cr Topelberg, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Cr Topelberg, Seconded Cr Wilcox

That clause 1 be amended to read as follows:

- "1. installation of a mini basketball court with ~~junior~~ senior poles on Weld Square, at an estimated cost of ~~\$19,240~~ \$20,620 as shown on the attached Plan No. 2647-LS-01K; and"

AMENDMENT NO 1 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was an apology for the meeting.)

AMENDMENT NO 2

Moved Cr Maier, Seconded Cr Wilcox

That a new clause 3 be inserted follows:

- "3. naming of "Wongi Park" to be held during Naidoc Week (1-8 July 2012) and that an appropriate celebration be held to recognise this."

Debate ensued.

AMENDMENT NO 2 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was an apology for the meeting.)

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was an apology for the meeting.)

COUNCIL DECISION ITEM 9.2.2

That the Council **APPROVES** the:

1. installation of a mini basketball court with senior poles on Weld Square, at an estimated cost of \$20,620 as shown on the attached Plan No. 2647-LS-01K;
 2. co-naming of Weld Square to include the Nyoongar name 'Wongi Park', subject to the approval of the Geographic Names Committee; and
 3. naming of "Wongi Park" to be held during Naidoc Week (1-8 July 2012) and that an appropriate celebration be held to recognise this.
-

PURPOSE OF REPORT:

The purpose of the report is to advise the Council of the submissions received following the community consultation and to seek approval for the co-naming and installation of a mini basketball court project to proceed.

BACKGROUND:

At its Ordinary Meeting of Council held on 14 February 2012 the Council considered a report in relation to the proposed co-naming and relocation of a basketball court to Weld Square where the following decision was made:

"That the Council;

1. *APPROVES IN PRINCIPLE the co-naming of Weld Square to include the Nyoongar name 'Wongi Park' to recognise the Indigenous heritage of the place; and*
2. *UNDERTAKES Community Consultation with regards to clause 1.1 above and the provision of basketball facilities in Weld Square; and*
3. *RECEIVES further reports:*
 - 3.1 *at the conclusion of the consultation period as outlined in clause 2; and*
 - 3.2 *following further meetings with Central TAFE once their final submissions and costings have been submitted."*

DETAILS:

Community Consultation:

On 9 March 2012, 852 letters with attached plans were distributed around Weld Square in accordance with the City's Consultation Policy. At the close of consultation twenty (20) responses were received. A response rate of 2.3%.

Weld Square – Proposed co-naming:

In Favour of the Proposal: (11)

- 11 x in favour with no further comment.

Against the Proposal: (5)

- 2 x objections with no further comment.
- There are a multitude of ethnic groups who have contributed to Western Australia in its short history; I am opposed to the changing of the name.

- Objection as insufficient information provided.
- Wongi Park is also a completely ridiculous suggestion for a new name.

Other Comments: Nil

Officers Comments

The Council at its Ordinary Meeting held on 27 July 2010 resolved to authorise the Chief Executive Officer to determine an Aboriginal name, acceptable to the Aboriginal community, with a view to the co-naming of Weld Square. Following discussions with the Department of Indigenous Affairs (DIA) and the South West Aboriginal Land and Sea Council (SWLASC), the matter of co-naming was tabled at the SWALSC Working Party Meeting on 21 September 2011. Following this, the preferred name 'Wongi Park' was forwarded to the City from the SWALSC in a letter dated 3 February 2012.

Whilst it is noted, that the history of this area of the City of Vincent, and more specifically Weld Square has connections with various cultural groups, Weld Square is listed as an Aboriginal Heritage Site. In accordance with the Geographic Names Committee Guidelines, the City has addressed the criteria for the consideration of co-naming Weld Square, illustrated by a majority of support being received by the local community during the advertising, and the letter of support being received from the indigenous community, represented by the SWALSC. This information will be forwarded to the Geographic Names Committee for their consideration on the suitability of the co-naming of Weld Square.

It is also to be reiterated that should the Geographic Names Committee approve the co-naming, the reserve will be known as both Weld Square and Wongi Park, recognising both cultural groups.

Following approval it is proposed to install a wooden routed sign 'Wongi Park' onto the existing sign boards located at the corner of Stirling & Parry Street and Beaufort & Newcastle Street.

Weld Square – Proposed installation of a mini basketball court:

In Favour of the Proposal: (15)

- 7 x in favour with no further comment.
- I support the basketball court and play area, however I don't support that no trees are being planted to replace old ones lost.
- Please enlarge the basketball court to a full size court.
- The provision of such a facility would increase the activity in the park and improve the safety and amenity of the park and surrounds.
- How about a table tennis table as well? The 2.4m high pole/hoop could make it an easy target for vandalism. Hopefully it will be very strong, it will also be subjected to many slam dunks.
- Disappointed to see that the outdoor gym/exercise equipment that was on the original plan is no longer there. I feel it would have got as much use as the basketball court.
- Overdue, but very welcome.
- Fantastic idea to include a mini basketball court.
- I recommend that the hoop be built to regulations, mini court size is fine, however mini size hoop is unpopular with the majority of demographic (16yrs+). A regulation hoop on a half court would be better than a full court with 2 mini hoops.

Against the Proposal: (5)

- 2 x objections with no further comment.
- Objection as insufficient information provided
- I do not support the proposal, however if they do go ahead I believe the basketball court should be a full size half court.

- The goal of the Weld Square redevelopment is to improve the aesthetic appeal of the park. A concrete eyesore that will inevitably be covered in graffiti and vandalism is not the way to improve the park.

Other Comments: Nil

Officers Comments

A full size basketball court is not supported as the area proposed is not large enough when considering the other structures being installed as part of Stage III of this project and the proximity of nearby roads, gardens, trees and existing structures. Therefore, a mini court similar to the photographs attached (City of Armadale) 17m x 12 m with two (2) junior poles has been recommended.

The City has installed junior poles at all existing half basketball court locations, these allow the average person to 'slam dunk' and are ideal for this mini version of the game.

The junior poles provided by 'Basketball Ringleader' are used Australia wide, are vandal resistant and have proven to be very popular with patrons within the City. Not one negative comment or complaint has been received in relation to the size of the junior poles previously recommended and provided at four (4) locations within our parks. The City has one senior pole located at Kyilla Park however this is not as popular as the half basketball courts with junior poles.

In relation to the other comments received, additional trees will be replanted where practicable; however this is not possible above the Graham Farmer Freeway tunnel as the soil depth ranges from only 500mm to 700mm.

Both the outdoor fitness equipment and an outdoor ping-pong table are still planned to be installed as part of Stage 3 of this redevelopment project.

CONSULTATION/ADVERTISING:

Consultation has now been undertaken in accordance with Council's Community Consultation Policy No. 4.1.5. All respondents will be advised of the Council's decision.

LEGAL/POLICY:

Not applicable.

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:

Expenditure for this matter will be incurred under the following budgeted item:

Weld Square – Basketball Court

Budget Amount: \$25,000
Spent to Date: \$0
Balance: \$25,000

The estimated cost of the installation is as follows:

Concrete basketball court 17m x 12m	\$13,260
2 x junior heavy duty outdoor basket ball poles (installed)	<u>\$5,980</u>
Estimated Cost	\$19,240

COMMENTS:

It is therefore recommended that the Council approve the co-naming of Weld Square to include the Nyoongar name 'Wongi Park' and the installation of signage and a mini basket ball court is undertaken as shown on the attached Plan No. 2647-LS-01K.

9.4.1 Woodville Reserve Master Plan – Progress Report No. 1

Ward:	Both	Date:	16 April 2012
Precinct:	All	File Ref:	CMS0128; CMS0123
Attachments:	001 – Gantt Chart on Indicative Implementation Timelines 002 – Woodville Reserve Masterplan		
Tabled Items:	Nil		
Reporting Officer:	J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

CORRECTED OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the:
 - 1.1 **Progress Report No. 1** concerning the Woodville Reserve Masterplan proposal; and
 - 1.2 **Progress Report** providing an update on the approvals for the building and funding submissions;
2. **ADOPTS** in principle the Concept Masterplan and Timeline as shown in Appendix 9.4.1;
3. **APPROVES** the implementation plan for the establishment of a Community Garden in the City; and
4. **AUTHORISES** the Chief Executive Officer to advertise the Draft Woodville Reserve Master Plan, as shown in Appendix 9.4.1 for public comment for a period of twenty either (28) days inviting written submissions from the public in accordance with the City’s Policy No. 4.1.5 relating to Community Consultation; and
- 4.5. **NOTES** that a further progress report will be submitted to the Council within three (3) weeks of the closing of the comment period. ~~once significant progress has occurred.~~

Note: The above Officer Recommendation was revised and distributed prior to the meeting. Changes are indicated by strike through and underline.

Moved Cr McGrath, Seconded Cr Wilcox

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr McGrath, Seconded Cr Wilcox

That a new clause 5 be inserted as follows and the remaining clause be renumbered:

- “5. **REQUESTS** the Chief Executive Officer to investigate the addition of soil improvers such as bentonite or a similar clay material, including the budget required for application at the appropriate rate, to improve the physical characteristics of the community garden land for growth of fruit and vegetables. The addition of clay to improve sandy soils is consistent with guidance given at the City of Vincent Great Gardens Workshop 12 April 2012; and”

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was an apology for the meeting.)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was an apology for the meeting.)

COUNCIL DECISION ITEM 9.4.1

That the Council;

1. RECEIVES the:
 - 1.1 Progress Report No. 1 concerning the Woodville Reserve Masterplan proposal; and
 - 1.2 Progress Report providing an update on the approvals for the building and funding submissions;
 2. ADOPTS in principle the Concept Masterplan and Timeline as shown in Appendix 9.4.1;
 3. APPROVES the implementation plan for the establishment of a Community Garden in the City;
 4. AUTHORISES the Chief Executive Officer to advertise the Draft Woodville Reserve Master Plan, as shown in Appendix 9.4.1 for public comment for a period of twenty either (28) days inviting written submissions from the public in accordance with the City's Policy No. 4.1.5 relating to Community Consultation;
 5. REQUESTS the Chief Executive Officer to investigate the addition of soil improvers such as bentonite or a similar clay material, including the budget required for application at the appropriate rate, to improve the physical characteristics of the community garden land for growth of fruit and vegetables. The addition of clay to improve sandy soils is consistent with guidance given at the City of Vincent Great Gardens Workshop 12 April 2012; and
 6. NOTES that a further progress report will be submitted to the Council within three (3) weeks of the closing of the comment period.
-

PURPOSE OF REPORT:

To provide a progress report to the Council on the development of a Woodville Reserve Master Plan.

BACKGROUND:

Woodville Reserve is bound by Fitzgerald, Farmer, Namur and Mignonette Streets, North Perth. Facilities include: Tennis Club with small clubrooms, six grass and two hard tennis courts; Bowling Club with extensive clubrooms including bar facilities, two bowling greens with lights; and the North Perth Multicultural Day Centre. A Soccer field with a small pavilion with change rooms, a children's playground and a BBQ are also located at Woodville Reserve. Soccer goals are erected by North Perth United Soccer Club each winter season.

At the Ordinary Meeting of Council held on 14 May 2002, the following resolution was adopted:

"That;

- (i) the Council receives the report on "Woodville Reserve: Optimal Facility Utilisation and Management" as Laid on the Table;*
- (ii) the Council APPROVES IN PRINCIPLE the following recommendations as listed in the report;*
 - a) Convert the fallow green into petanque rinks and car parking;*
 - b) Conversion of croquet greens into hard courts (tennis);*
 - c) Redesign Leisure areas;*
 - d) Extension of time for lighting of the Reserve;*
 - e) Investigate extension of Multicultural Day Centre; and*
- (iii) all users of the Reserve be advised of the Council's resolution."*

At the Ordinary Meeting of Council held on 11 October 2011, the following resolution was adopted:

"That the Council;

- 1. RECEIVES the Progress Report No. 1 regarding the Community Garden;*
- 2. APPROVES the establishment of a Community Garden:*
 - 2.1 In the City of Vincent; and*
 - 2.2 Steering Group, as detailed in this report and*
- 3. REQUESTS that the Chief Executive Officer to investigate the possible use of privately owned vacant blocks as community gardens and the possibility of offering owners seeking demolition approval the option of providing their land for a limited period of time, as an alternative to submitting redevelopment plans."*

At the Ordinary Meeting of Council held on 22 November 2011, the following resolution was adopted:

"That the Council;

- 1. RECEIVES the progress report to define the role of the City of Vincent in the Vincent Men's Shed project; and*
- 2. NOTES that a further progress report will be submitted to the Council by no later than April 2012, providing a status update on the approvals for the building and funding submissions."*

DETAILS:

Planning Applications – Men's Shed and Multicultural Day Centre Extension

A planning application has been received for a colour bond shed of approximately 250 square metres in area (21 metres x 12 metres), situated within the northern aspect of Woodville Reserve to the east of the existing community services building to be used for a "Men's Shed". In addition, the North Perth Multicultural Day Centre have made application for an extension to their existing community services building. The proposal involves a 169 square metre extension (10.56 metres x 16 metres) to be constructed directly adjoining the northern facade of the existing community services building, located within the north-west portion of Woodville Reserve. It is further noted that Woodville Reserve is the intended site for the City of Vincent Community Gardens project. The proposed Community Garden is to be located between the Men's Shed and the northern and eastern side of the existing community services building.

Further to a meeting of the City's Community Development and Planning Officers, in February 2012, it was agreed that a Master Plan would be developed for the site, taking into consideration all three proposals and is shown as Appendix 9.4.1.

Given that the above mentioned applications are for alterations and additions to the existing facilities located within a City of Vincent Restricted Parks and Recreation Scheme Reserve, no advertising of the planning proposals is required as it is considered that the proposals are consistent with the intended use of the Reserve, that of recreational purposes, be it of an active or passive nature.

An indicative Parking Table is provided as follows:

Parking Requirements by Building Area	
Soccer Club	382 m ²
Bowls Club (Inc outbuilding)	528 m ²
Men's Shed	252 m ²
Wellness Centre (Existing and Proposed)*	719 m ²
Total	1,881 m²
Recreation & Leisure (1 space per 30 m ²)	62.7 car bays
Adjustment Factors	
Car Parking requirement	63 car bays
Within 400 metres of a bus stop/station	0.85
Within 400 metres of one or more existing public car parking places with in excess of a total of 25 car parking spaces (Pansy Street Car Park)	0.95
Adjustment Factor =	0.8075 (0.95 x 0.85)
Total Parking Requirement after adjustment	48 car bays (63 x 0.8075)

*Includes an office area of approximately 30m², the parking calculations for which have been assessed against the requirements for recreation and leisure given that the facility is used for recreational purposes.

An existing car parking area which can accommodate up to 50 car parking bays is located with access from Farmer Street. Given that the car parking area provides for in excess of the total parking requirement of the above mentioned uses, parking provision is considered satisfactory.

Community Garden

In October 2011, the Council approved the establishment of a Community Garden Steering Group to guide the implementation of a Community Garden within the City.

The City's Officer put out an expression of interest for members of the public to join the Steering Group using contacts gained from the June 2011 working group meetings.

The City received eight (8) completed expressions of interest forms and used these contacts to form an interim Steering Group. The first Steering Group Meeting was held in November 2011 and the group has met once per month since November 2011. Since the initial call out, two (2) members of the Steering Group have resigned leaving the group with only six (6) members. The Steering Group stated they would like to increase numbers and have requested that the City Officers undertake another expression of interest to gain more members.

Since November 2011, the Steering Group along with the City's Officers are at the following stages of planning and implementation:

- Woodville Reserve has been chosen as a site for the garden;
- A second call out for Steering Group members is currently being done;
- Incorporation has been discussed and is currently being researched so that when the group has enough members, they can begin this process;

- The City Officers have been liaising with Central TAFE to have the Horticulture students assist in preparation of the site as a project;
- Liaison with Multicultural Centre regarding the proposed garden on the site; and
- The Steering Group has made a list and delegated tasks that need to be completed prior to the planting stage.

CONSULTATION/ADVERTISING:

The information in this report has been compiled through ongoing consultation with the Men's Shed Steering Committee. The City's Community Development Officers continue to liaise regularly with the Steering Committee and meet on an as required basis.

While the planning application and funding submission are pending, the Steering Committee have continued with ongoing promotion of the Men's Shed. In November 2011, a newsletter was distributed to update interested parties on the Vincent Men's Shed mailing list.

On 3 February 2012, Steering Committee member Bob Crowe participated in an interview with community radio station 95.3FM.

On 17 February 2012, Community Development Officers visited Forrestdale Men's Shed for advice on setting up a Men's Shed. A similar visit to Fremantle Men's Shed has been arranged for 16 May 2012.

On 4 and 5 March 2012, the Steering Committee set up a stall at the Hyde Park Community Fair, where 97 flyers were distributed and 24 names added to the mailing list of interested parties.

The Community Gardens Project had a call out for interested Steering Group members in October 2011. City Officers used the contact list from the Community Garden Workshop held in July 2011. This call out gained the interest of eight (8) members who joined the interim Steering Group.

The interim Steering Group has been reduced to six (6) people. To gain more members the City's Officers are undertaking a second round of advertising.

The City's Officers will have flyers distributed to residents in the North Perth area surrounding the proposed garden site. The flyers will also be distributed to known contacts, businesses and community groups in the area. The artwork will also be placed on the City of Vincent Website and advertised in the local newspapers.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: Upon careful assessment of the risk management matrix and consideration of this project, it has been determined that this programme is low risk.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2011-2016*, the following objectives state:

- "3.1.1(a) *Build the capacity of individuals and groups within the community to initiate and manage programs and activities that benefit the broader community, such as the establishment of "men's sheds", community gardens, toy libraries and the like.*
- 3.1.5 *Promote and provide a range of community events to bring people together and to foster a community way of life.*
- 3.1.6 *Build capacity within the community to meet its needs."*

SUSTAINABILITY IMPLICATIONS:

The Men's Shed has been designed with the intention of being sustainable by *"meeting the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity"*.

The Steering Committee recognises the importance of reducing their impact on the environment and will give consideration to this in the design of the Shed. The Shed will provide social benefits by providing a communal space for local men, thereby increasing belonging and a sense of community. The Shed will provide economic sustainability by supporting local businesses.

The approval of the Community Garden implementation plan will assist the project in advancing to the planting stage. As outlined in the plan, the collaboration with TAFE is a financially sustainable collaboration as much of the costs would be at TAFE's expense. This would leave money remaining in the Community Garden budget for resources, supplies, landscaping and advertising.

FINANCIAL/BUDGET IMPLICATIONS:

Expenditure for the Community Gardens will be incurred under the following budgeted item:

Budget Amount:	\$10,000
Spent to Date:	\$860
Balance:	\$9,140

Expenditure for the Men's Shed will be incurred under the following budgeted item:

Budget Amount:	\$40,000
Spent to Date:	\$240
Balance:	\$39,760

A grant application for \$85,000 was submitted to Lotterywest on 21 February 2012. It is estimated that this will take 4 months to be assessed and an outcome is anticipated in June 2012.

COMMENTS:

Further to initial community support in favour of the establishment of a Men's Shed in the City of Vincent, the project continues to progress. The funding application is currently being assessed by Lotterywest and an outcome is anticipated by June 2012. The planning application is also being assessed by City of Vincent Planning Services, but has been delayed due to additional proposals for the use of the land at Woodville Reserve, meriting consideration of the site in its entirety and the development of a Master Plan. In the interim, the Steering Committee and Community Development Officers continue to work together to promote the project.

The Community Garden project will build capacity within the community helping residents from all walks of life to be included in an inclusive community project. This project has gained great interest from the public and there have been many enquiries about when the planting stage will begin. The public seems keen on the idea of a financially and environmentally sustainable project that brings the community together.

A Gantt chart outlining indicative implementation timelines for the various projects is shown at Appendix 9.4.1.

9.5.1 nib Stadium, No. 310 Pier Street, Perth – Authorisation of Urgent Works

Ward:	South	Date:	16 April 2012
Precinct:	Beaufort P13	File Ref:	RES0092
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 expenditure of \$3,550 (plus GST) for the urgent replacement and upgrade of the fibre optic cable for the video replay screens at nib Stadium and for this to be funded from the Perth Oval Reserve Fund.

COUNCIL DECISION ITEM 9.5.1

Moved Cr Topelberg, Seconded Cr Maier

That the recommendation be adopted.

**MOTION PUT AND CARRIED UNANIMOUSLY
BY AN ABSOLUTE MAJORITY (8-0)**

(Cr Buckels was an apology for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to seek Council approval of the urgent replacement and upgrade of the fibre optic cable for the video replay screens at nib Stadium and for this to be funded from the Perth Oval Reserve Fund.

BACKGROUND:

In February 2012 the City's Stadium Manager advised of ongoing problems relating to the fibre optic cable which run between the main grandstand control room and the video replay screens. Operational problems were experienced relating to intermittent flashing during the games. An inspection of the fibre optic cable by the Stadium Screen Supplier revealed that moisture had entered the conduits and caused some corrosion. The Consultant recommended replacement and upgrade of the cable at a cost of \$3,550 (plus GST) was necessary to fix the problem.

A second option was to hire a computer link for each game and this would cost approximately \$750 per day of hire. This was considerably more expensive, than replacement.

An urgent decision was required to be made by the Chief Executive Officer to ensure that the urgent repair works could be carried out prior to the A League Finals and commencement of the Western Force Super 15's games. The urgent repair work was carried out and the City only recently received an invoice for the work.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

At the time of the works, the City was still the owner of the Stadium and was responsible for replacement of Capital Items and infrastructure.

The State Government signed the lease for the Stadium on 13 March 2012. As such, the City is no longer responsible for any works at the Stadium, effective from that date.

RISK MANAGEMENT IMPLICATIONS:

High: If the fibre optic cable was not replaced and upgraded it would result in failure of the live video screen replay during a match game, which would adversely reflect on the City.

STRATEGIC IMPLICATIONS:

This is in keeping with the following Objectives of the City's Strategic Plan – Plan for the Future 2011-2016:

- “1.1.6(h) Carry out the redevelopment of Members Equity Stadium (Perth Oval) in partnership with the State Government and stakeholders;*
- 2.1.2(a) Establish public/private alliances and partnerships to attract external funding and investment to enhance the strategic direction of the City;*
- 2.1.2(b) Develop partnerships with government agencies; and*
- 2.1.5(a) Identify and develop successful business opportunities, pursuing other income streams and cost management to reduce the City's reliance on rates.”*

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

As this matter arose after the adoption of the Budget 2011/2012 and could not be foreseen, no specific funds have been listed.

The Reserve Fund contains an amount of \$261,314 (as at 31 March 2012).

COMMENTS:

The Chief Executive Officer authorised expenditure of the essential works in mid February 2012, as the urgent repair works were necessary prior to the A League Finals and commencement of the Western Force Super 15's games. Other quotations were not obtained as the Supplier of the City's equipment advised that it is of a specialised nature and required urgent replacement and upgrade. An invoice has since been received for these works. An absolute majority decision of the Council is required.

Approval of the Officer Recommendation is therefore requested.

9.5.4 National General Assembly of Local Government 2012

Ward:	-	Date:	17 April 2012
Precinct:	-	File Ref:	ADM0031
Attachments:	001 - National General Assembly Program 2012		
Tabled Items:	Nil		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That APPROVAL be granted for the Mayor and Chief Executive Officer to attend the 2012 National General Assembly of Local Government to be held in Canberra from Sunday 17 June 2012 to Wednesday 20 June 2012, at an estimated cost of \$4,676 and \$3,028 each respectively.

COUNCIL DECISION ITEM 9.5.4

Moved Cr Pintabona, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Carey, Seconded Cr Wilcox

That the Motion be put.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was an apology for the Meeting.)

MOTION PUT AND CARRIED (7-1)

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

Against: Cr Maier

(Cr Buckels was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval for the Mayor and Chief Executive Officer's attendance at the 2012 National General Assembly to be held at the National Convention Centre in Canberra from Sunday 17 June 2012 to Wednesday 20 June 2012.

BACKGROUND:

The National General Assembly of Local Government (NGA) is the largest and most important event on the local government calendar and typically attracts more than 700 Mayors, Councillors and Senior Officers from local governments across Australia. It is convened by the Australian Local Government Association (ALGA) for local governments across Australia to develop and express a united voice on the core issues affecting local government and their communities.

The NGA provides an important platform to showcase local government to influential decision-makers of the federal government, at both the political and departmental levels.

National General Assembly

The theme for this year's Assembly is "*National Voice, Local Choice - Infrastructure, Planning, Services*".

The three elements of the theme will allow delegates to explore the key priorities and challenges facing local government and the local communities and how local government works with other levels of government:

- *'Infrastructure' allows delegates to focus on the local and community infrastructure provided by local government and seeks to develop innovative ideas for the provision of this infrastructure now as well as into the future;*
- *'Planning' recognises the important role local government plays in planning for local communities. It asks delegates to consider how best to provide this critical role and the impact it has on shaping the future of communities in Australia; and*
- *'Services' refers to the wide range of services provided by local government and the need to ensure the delivery of these services caters to the needs and opportunities in Australia's diverse communities.*

This year's NGA will be critically important in driving the local government agenda at the national level and influencing federal government policy. The Minister for Regional Australia, Regional Development and Local Government, the Hon Simon Crean MP and the Shadow Minister for Regional Development, Local Government and Water, Senator Barnaby Joyce have confirmed they will address the Assembly.

The National General Assembly provides Councils with an opportunity to contribute to the development of national local government policy.

Over recent years, Local Government has significantly increased its level of engagement with the Australian Government. With this has come an increased ability for Local Government to constructively influence Government policies and programs in the interests of our local communities.

A copy of the Conference Registration Brochure is attached.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL POLICY:

Council's Policy No. 4.1.15 – "*Conferences & Training – Attendance, Representation, Travel and Accommodation Expenses and Related Matters*" – Clause 1.1 states that up to a maximum of one Council Member and one officer may attend conferences.

Previous Attendances

Clause 1.3 of the Policy requires details of previous attendances of the Conference to be included into the report.

Chief Executive Officer's Comment:

Previous attendance at the National General Assembly has been as follows;

<u>Year*</u>	<u>Attendees</u>
1998	<i>Chief Executive Officer, John Giorgi and former Mayor John Hyde (in his capacity as President of the Local Government Association)</i>
2002	<i>Mayor Nick Catania and Chief Executive Officer, John Giorgi</i>
2003	<i>Mayor Nick Catania, Chief Executive Officer, John Giorgi and Councillor Steed Farrell**</i>
2005	<i>Mayor Nick Catania (7-8/11/05 only) and Deputy Mayor, Cr Steed Farrell (7-10/11/05)</i>

2007	<i>Cr Helen Doran-Wu (representing Mayor Nick Catania) and Chief Executive Officer, John Giorgi</i>
2008	<i>Mayor Nick Catania and Chief Executive Officer, John Giorgi</i>
2009	<i>Mayor Nick Catania and Chief Executive Officer, John Giorgi</i>
2010	<i>Mayor Nick Catania#</i>
2011	<i>Mayor Nick Catania and Chief Executive Officer, John Giorgi</i>
*	<i>Nil attendance 1995, 1996, 1997, 1999, 2000, 2001, 2004 and 2006</i>
**	<i>Councillor Farrell was already in Canberra on work matters and therefore only a Day Registration for the Conference was paid (at a cost of \$400).</i>
#	<i>Chief Executive Officer, John Giorgi, did not attend, due to heavy work commitments.</i>

STRATEGIC IMPLICATIONS:

In keeping with the City's Strategic Plan 2011-2016 – Objective 4.1 – “Provide good strategic decision making, governance, leadership and professional management”.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Mayor's Costs:

	Costs
Early Bird Registration (payment by 27 April 2012)	\$880.00
Accommodation (at \$290 per night x 3 nights)*	\$870.00
Airfare Return (economy class) - indicative cost**	\$2,448.00
Expenses allowance (4 days @ \$119.35 per day)#	\$478.00
	\$4,676.00

- * As per Council Policy No. 4.1.15
- ** Fully Flexible Economy Fare
- # Rounded off.

Chief Executive Officer's Costs:

	Costs
Early Bird Registration (payment by 27 April 2012)	\$880.00
Accommodation (at \$290 per night x 3 nights)*	\$870.00
Airfare Return (economy class) - indicative cost	\$800.00
Expenses allowance (4 days @ \$119.35 per day)**	\$478.00
	\$3,028.00

- * As per Council Policy No. 4.1.15
- ** Rounded off.

COMMENT:

It is requested that approval be granted for the Mayor and Chief Executive Officer to attend the 2012 National General Assembly to be held in Canberra.

The Assembly is a unique opportunity to hear from senior politicians and interesting key note speakers and is an unparalleled networking opportunity within the local government sector. It will also provide an opportunity for the Mayor and Chief Executive Officer to meet with Federal Politicians, government officials and pursue funding opportunities.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Notice of Motion – Mayor Hon. Alannah MacTiernan – Request to Investigate Various Waste Management and Collection Matters in the City of Vincent
--

That the Council:

1. **RECOGNISES** the need for a more complex approach to waste collection to deal with the increased development densities and mixed uses in the City of Vincent; and
2. **REQUESTS** a report to be prepared for a Forum to be held in July 2012 which considers the following:
 - 2.1 the introduction of a separate waste levy;
 - 2.2 the need for upgrade use rate data;
 - 2.3 the introduction of bulk collections for multiunit developments;
 - 2.4 the development of requirements for a vacuum chute system in developments over three (3) storey levels;
 - 2.5 the possibility of developing a vacuum chute system as part of the redevelopment of the Leederville Town Centre; and
 - 2.6 the availability of grants to assist with the above tasks.

COUNCIL DECISION ITEM 10.1

Moved Cr Carey, Seconded Cr Maier

That the motion be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was an apology for the meeting.)

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

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

13.1 URGENT BUSINESS: Proposed Amendments to the Local Government (Financial Management) Regulations 1996 – Interest Rate Changes

Ward:	-	Date:	23 April 2012
Precinct:	-	File Ref:	LEG0010
Attachments:	001 – Department of Local Government Circular No. 08-2012 002 – Letter from the Minister of Local Government 003 – WALGA – Central Zone – Agenda Item		
Tabled Items:	-		
Reporting Officer:	Mike Rootsey Director Corporate Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council:

- WRITES** to the Minister for Local Government expressing its concern at the lack of consultation in the introduction of changes to the Local Government (Financial Management) Regulations 1996 (which were gazetted on Friday 20 April 2012) to reduce the maximum interest rates that can be imposed by Local Governments on monies owed to them and on instalment payment options; and
- REQUESTS** the State Government to treat Local Government equitably and have a single standard for State and Local Government.

COUNCIL DECISION ITEM 13.1

Moved Cr Maier, Seconded Cr Pintabona

That the recommendation be adopted.

The Chief Executive Officer provided the Council with a brief background on this matter and implications for the City of Vincent.

Discussion ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was an apology for the meeting.)

PURPOSE OF REPORT:

To report to the Council the changes to the Local Government (Financial Management) Regulations 1996 changing the maximum interest rates can be imposed by a Local Government on monies owed to them and on instalment payments, which were gazetted on 20 April 2012.

BACKGROUND:

On the 10 April 2012, the City received the following email from the Principal Policy Officer of the Department of Local Government:

"The following three rates changes are proposed to the Local Government (Financial Management) Regulations 1996:

Regulation 19A which imposes the maximum interest rate a local government can impose for overdue monies (other than rates and service charges) which are owed to the local government from 11 % to 7%.

Rationale behind amendment: This regulation is a penalty provision for unpaid monies (other than rates and service charges) owed to a local government. The WA Treasury Corporation rate for 6 monthly short term local government borrowings stipulated on 29 April each year is usually around 5%. This is the interest that a local government will pay on deferred revenue. An additional 2% allows for administration costs incurred in recovering overdue and unpaid amounts. As such 7% was considered a more appropriate maximum interest rate to be stipulate in the regulations.

Regulation 68 which imposes the maximum interest rate a local government can impose for allowing payment of rates and service charges by instalments from 5.5% to 2%.

Rationale behind amendment: 5.5% is considered an excessive charge for people who may be struggling to pay their rates. Regulation 67 requires that local governments can only charge the cost of administering instalment plans and making the option available. The cap on amounts a local government can charge for a person to pay by instalments should not incorporate a penalty provision. 2% is considered a more reasonable maximum.

Regulation 70 which imposes the maximum interest rate a local government can impose for overdue rates and service charges from 11% to 7%.

Rationale behind amendment: This regulation is a penalty provision for overdue rates and service charges. The WA Treasury Corporation rate for 6 monthly short term local government borrowings stipulated on 29 April each year is usually around 5%. This is the interest that a local government will pay on deferred revenue. An additional 2% allows for administration costs incurred in recovering overdue and unpaid amounts. As such 7% was considered a more appropriate maximum interest rate to be stipulated in the regulations.

Transitional arrangements in the regulations will require that the new interest rates must be complied with in the next financial year beginning 1 July 2012.

I hope this assists.

It is intended that these amendments are to be submitted to Executive Council tomorrow."

DETAILS:

The City received this email with little time to formally comment on the content.

The City' Senior Rates Officer sent the following email on the 10 April 2012 in response to the email on the changes.

"Dear Prue,

Thank you for the information. As the Council is currently preparing the budget for the financial year 2012/13, this information is of importance as it will affect our budget figures. If these changes are to be made before the end of the financial year, the Council will have to adjust our budget and reprint new rates and underground power notices.

The City of Vincent is disappointed that we have not given sufficient notice to make required changes before 1 July 2012."

The City received the following email response from Brad Jolly Executive Director Government and Legislation at the Department of Local Government on the 19 April 2012 following an unanswered phone call

"Thank you for your correspondence received on Tuesday 10 April 2102 enclosing your comments on the upcoming amendments to the Local Government (Financial Management) Regulations 1996.

Whilst I understand your concerns on the proposed interest rate changes in regulations 19 A and 70 an interest rate of 7% is considered an appropriate estimate of the current cost in deferred revenue. This figure will be reviewed annually.

It is also believed that the majority of ratepayers who chose the instalment method will be those who are experiencing financial difficulties and that very few ratepayers who are able to pay their rates will opt for the instalment option. Some local governments also offer a discount on rates for early payment as an incentive to encourage ratepayers to pay their entire rates up front.

I hope you find the above information useful and thank you for providing comments in the short time frame."

The City also contacted WALGA by phone for their comment and they advised the following;

"WALGA were not consulted about the changes – they were notified on the 12 April 2012 and given three and half days for comment.

WALGA maintain that the Minister has been misinformed as it is generally commercial properties that incur the late payment interest and they are using local governments as a cheap line of credit while they pay creditors with a higher rate of interest off first.

The 11% interest is not a high rate of interest and State Government bodies such as Synergy charge higher levels of interest.

The Local Government Department is pushing the change through and will take effect from 1/7/2012."

It is apparent that no Local Governments were consulted on the proposed changes.

The City has been advised by the Local Government Department that the changes were gazetted on 20 April 2012 and a circular to advise Councils will also be issued on that date.

The City is not aware that the State Government has imposed similar limitations on their own government agencies.

State Government and it's Trading Entities

The following information was provided by WALGA:

TRADING ENTITY	RATE
Horizon	19.56% penalty interest
Water Corporation	13.5% penalty interest
Synergy – for bills greater than \$1,000	Charge the cash rate (currently 4.25%) plus 6% penalty interest
Synergy – for bills less than \$1,000	A late fee of \$4.65
State Tax	Late tax payments (e.g. land tax, stamp duty etc) attract an interest rate of 20% from the <i>Tax Administration Act 2003</i> although this can be reduced or remitted by the Commissioner

A copy of the WALGA Central Zone Agenda Item is attached (Appendix 13.1C).

CONSULTATION/ADVERTISING:

The City was not consulted with regards to this matter.

The Department of Local Government sent out the draft Financial Management Regulations to WALGA and the Local Government Managers Association on Tuesday 10 April 2012 and requested a response within 7 days. The Easter Holidays made it extremely difficult for WALGA to prepare a response.

LEGAL/POLICY:

Local Government (Financial Management) Regulations.

RISK MANAGEMENT IMPLICATIONS:

Medium: The risk of not receiving the estimated level of revenue is related to the level of outstanding debts and the number of ratepayers that select the instalment options for the payment of rates, therefore the level of revenue budgeted is not guaranteed.

STRATEGIC IMPLICATIONS:

In keeping with the Strategic Plan 2011 – 2016, the following Objectives state:

“4.1 Provide Good Strategic Decision-Making, Governance, Leadership and Professional Management:

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The revenue as at 31 March 2012 for the relevant accounts is listed below:

Penalty Interest

Annual Budget Amount:	\$84,200.00
Income to Date:	\$59,480.49
Balance:	<u>\$24,719.51</u>

Instalment Interest

Annual Budget Amount:	\$116,000.00
Income to Date:	<u>\$145,928.27</u>
Surplus:	\$ 29,928.27

The proposed penalty interest cap is a 37% reduction from the current rate in the maximum penalty interest rate that can be applied.

The instalment interest cap represents 60% reduction in the maximum penalty interest rate that can be applied

These reductions to apply for the next financial year will impact on the revenue received from these sources.

To compensate, the City will either have to increase rates or fees and charges or reduce expenditure to compensate for the anticipated reduction in revenue from these accounts.

It is estimated that based on the current year's revenue the reduction in revenue would be approximately \$90,000 per year.

COMMENTS:

It is disappointing that the Local Government Department has not undertaken any consultation with Local Governments on these proposed changes especially given the impact on the revenue received from these sources in upcoming budgets.

The comment by the Local Government Department that ratepayers that use the instalment option for the payment of rates are doing so because they are experiencing financial difficulties is a significant generalisation and it is not the experience at the City of Vincent.

It is therefore recommended that the Council write to the Minister for Local Government and express dissatisfaction with the process for the introduction of these changes.

PROCEDURAL MOTION

At 8.40pm **Moved Cr Topelberg, Seconded Cr McGrath**

That the Council proceed “behind closed doors” to consider confidential items:

- **13.2, as this matter contains information concerning a matter that, if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person;**
- **13.3, as this matter contains information about a matter that may affect an employee or employees;**
- **14.1, as this matter contains information concerning a matter affecting an employee or employees; and**
- **14.2, as the matter contains 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**

allow City’s Planning Consultant, Mr Ben Doyle to remain in the Chamber during consideration of Items 13.2 and 14.2.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was an apology for the meeting.)

There were no members of the public or journalists present.

The Minutes Secretary, Anita Radici departed the Meeting at 8.40pm and did not return.

PRESENT:

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Warren McGrath (<i>Deputy Mayor</i>)	South Ward
Cr John Carey	South Ward
Cr Roslyn Harley	North 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 Community Services
Carlie Eldridge	Director Planning Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Ben Doyle	City’s Planning Consultant (until 9.38pm)

The Presiding Member, Mayor Hon. Alannah MacTiernan ruled that the new Order for Business will be as follows:

- **Confidential Item 14.2;**
- **Confidential Item 13.2;**
- **Confidential Item 13.1; and**
- **Confidential Item 14.1;**

as the City’s Planning Consultant, Ben Doyle was in attendance for Confidential Items 14.2 and 13.2. There was no objection to the Presiding Member’s ruling.

14.2 CONFIDENTIAL REPORT: Nos. 394-398 (Lot 90) Newcastle Street, West Perth – Proposed Construction of an Eight Storey Mixed-Use Development Comprising of Twenty-Four (24) One Bedroom Multiple Dwellings, Fifty-Five (55) Multiple Dwellings, One (1) Eating House, One (1) Shop and Associated Car Parking – State Administrative Tribunal (SAT) DR 402 of 2011

Ward:	South	Date:	16 April 2012
Precinct:	Beaufort; P13	File Ref:	PRO3657; 5.2011.316.1
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	B Doyle, Director Planning Solutions (Planning Consultant)		
Responsible Officer:	C Eldridge, Director Planning Services		

COUNCIL DECISION:

That the Item be DEFERRED to allow for the following matters to be further considered by the Applicant:

1. a reduction in the height of the building;
2. assurances that the following sustainability and environmental matters will be provided:
 - 2.1 The roof garden and roof design as shown on the plans dated 11 April 2012 shall be maintained;
 - 2.2 Thermal Efficiency - the proposed building shall be designed and certified to achieve a minimum NatHERS rating of 7.7;
 - 2.3 Electricity Generation - the proposed building shall incorporate photovoltaic panels which will provide sufficient power (electricity) for lighting the building's common areas;
 - 2.4 Rain Water Harvesting - the proposed building shall incorporate a rain water harvesting system and/or greywater system that provides water for irrigation of the communal open space areas; and
 - 2.5 Amended plans and reports detailing and substantiating how these above requirements will be met shall be submitted to and approved by the City prior to the submission of a Building Permit application; and
3. design features in relation to the façade being addressed to ameliorate the bulk and mass of the building and including both the east and west elevations.

COUNCIL DECISION ITEM 14.2

Moved Cr Topelberg, Seconded Cr Carey

That the Procedural Motion to DEFER the Item be adopted.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was an apology for the Meeting.)

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it relates to the City's position regarding a review application to the State Administrative Tribunal, contains 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.

**13.2 CONFIDENTIAL ITEM: URGENT BUSINESS: NOTICE OF MOTION:
Cr Joshua Topelberg – The State Government’s Economic and
Employment Lands Strategy**

OFFICER RECOMMENDATION:

That the Council:

1. **WRITES to the Minister for Planning to address the following concerns with the State Government’s Economic and Employment Lands Strategy: non-heavy industrial: Perth Metropolitan and Peel regions:**
 - 1.1 reference to protection of parcels of industrial land and the example given of one specific use on two specific sites (batching plants) (page 37);
 - 1.2 issues relating to the Claisebrook North area, associated T.O.D. opportunities, Directions 2031 and the comments on page 37 of the report;
 - 1.3 concerns relating to the “limited availability within the Central sub-region to capably cater for any future growth” (page 37); and
 - 1.4 reference to “the need to protect existing key strategically located industrial facilities i.e. concrete batching plants” (page 44);
2. **NOTES:**
 - 2.1 the decision of the State Administrative Tribunal in relation to the Holcim and Hanson concrete batching plants;
 - 2.2 the State Government has not made any indication that any part of the Claisebrook North area be zoned “industrial” under the MRS;
 - 2.3 that the City is opposed to the continuing use of the concrete batching plants as they present a significant obstacle to the redevelopment of the Claisebrook North area in line with State Government Planning Policies; and
 - 2.4 the ability of other operators of concrete batching plants to function and compete without the need to locate facilities as close to the CBD as the Holcim and Hanson plants; and
3. **SUPPORTS the State Government’s intent in maintaining industrial land uses in appropriate locations where a diversity of uses, or proven essential location concerns are of broad strategic significance.**

COUNCIL DECISION ITEM 13.2

Moved Cr Topelberg, Seconded Cr Maier

That the Motion be adopted.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was an apology for the Meeting.)

Mr Ben Doyle departed the Meeting at 9.38pm and did not return.

**13.3 URGENT BUSINESS: CONFIDENTIAL ITEM: NOTICE OF MOTION:
Mayor Hon. Alannah MacTiernan – Request for a Review of the City’s
Organisational Structure to create a new position to be responsible for
the City’s Art Programme, Festivals and Cultural Events**

OFFICER RECOMMENDATION:

That the Council REQUESTS:

1. as a priority, the Chief Executive Officer to review the City’s Organisational Structure to create a new position to be responsible for the City’s Art Programme, Festivals and Cultural Events, reporting directly to the Director Community Services. 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 May 2012, in order for this matter be considered by the Council prior to the adoption of the Budget 2012/2013.

COUNCIL DECISION ITEM 13.3

Moved Cr Carey, Seconded Cr Topelberg

That the motion be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was an apology for the meeting.)

14.1 CONFIDENTIAL REPORT: City of Vincent Organisational Structure – Creation of New Parking Services Unit – Further Report

Ward:	-	Date:	16 April 2012
Precinct:	-	File Ref:	PKG0001
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the report concerning the investigation of the establishment of a new Parking Services Unit;
2. **APPROVES BY AN ABSOLUTE MAJORITY to AUTHORISE** the Chief Executive Officer to:
 - 2.1 amend the City’s Organisational Structure to employ two (2) additional Temporary Parking Officers, for deployment in residential areas, and one (1) additional Customer Service Officer for an initial trial period of twelve (12) months as shown in Appendix 14.1 as amended and, for this to be operational, effective from 1 July 2012;
 - 2.2 advertise and fill the new positions of Parking Officers and Customer Service Officer;
 - 2.3 carryout alterations to the City’s Works Depot at an estimated cost of \$8,500 to accommodate the additional employees, to be funded from a source to be determined;
 - 2.4 purchase a vehicle for the new Parking Officers at an estimated cost of \$18,000, to be funded from the City’s “*Light Fleet Reserve Fund*”; and
 - 2.5 purchase the necessary electronic equipment to facilitate the organisational changes, at an estimated cost of \$24,067, to be funded from the City’s “*Electronic Equipment Reserve Fund*”;
3. subject to clause 2 above being approved, **LISTS** for consideration in the Draft Budget 2012/2013 the following:

	ITEM	COST
3.1	Two (2) additional Parking Officers	\$179,775
3.2	One (1) additional Customer Service Officers	\$57,115
	TOTAL	\$236,890

4. **REQUESTS** the Chief Executive Officer to carry out a further review after a period of nine (9) months concerning:
 - 4.1 restructuring the current Ranger Services Section;

- 4.2 investigating the establishment of a separate Parking Services/Enforcement Unit; and
- 4.3 the application of new technology in parking enforcement; and
5. DOES NOT proceed with the proposal to introduce parking restrictions and conditions to the Pansy Street Car Park, Nos. 1-3 Pansy Street, North Perth, for the reasons detailed in the report.”
-

COUNCIL DECISION ITEM 14.1

Moved Cr Carey, Seconded Cr Harley

That the recommendation be adopted.

**MOTION PUT AND CARRIED UNANIMOUSLY
BY AN ABSOLUTE MAJORITY (8-0)**

(Cr Buckels was an apology for the meeting.)

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning a matter affecting an employee or employees.

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

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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.

PROCEDURAL MOTION

At 9.55pm **Moved** Cr Topelberg, **Seconded** Cr Carey

That the Council resume an “open meeting”.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was an apology for the meeting.)

15. CLOSURE

There being no further business, the Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting closed at 9.55pm with the following persons present:

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Warren McGrath (<i>Deputy Mayor</i>)	South Ward
Cr John Carey	South Ward
Cr Roslyn Harley	North 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 Community Services
Carlie Eldridge	Director Planning Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 24 April 2012.

Signed:Presiding Member
Mayor Hon. Alannah MacTiernan

Dated this day of 2012