



**CITY OF VINCENT**

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*"Enhancing and celebrating our diverse community"*

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# MINUTES

**11 FEBRUARY 2014**

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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 11 February 2014, commencing at 6.00pm.

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

The Presiding Member, Mayor John Carey, declared the meeting open at 6.03pm 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 Buckels arriving late due to work Commitments.

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

Nil.

**(c) Present:**

Mayor John Carey	Presiding Member
Cr Roslyn Harley ( <i>Deputy Mayor</i> )	North Ward
Cr Matt Buckels	North Ward (from 6.25pm)
Cr Emma Cole	North Ward
Cr Laine McDonald	South Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
John Giorgi, JP	Chief Executive Officer
Jacinta Anthony	Acting Director Community Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Petar Mrdja	Acting Director Planning Services
Jerilee Highfield	Executive Assistant (Minutes Secretary until approximately 9.15pm)

Employee of the Month Recipient

Nil.

Media

Anne Gardiner	Journalist – <i>"The Guardian Express"</i> (until approximately 9.11pm)
David Bell	Journalist – <i>"The Perth Voice"</i> (from 6.05pm until approximately 9.11pm)

Approximately 20 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. Norelle O'Neal of 1 Matlock Street, Mount Hawthorn Stated the following:
  - She was the Community Representative on the now defunct "Britannia Reserve Working Group" and is the Representative on the "Britannia Reserve Reference Group". The reason for attending tonight's meeting is to set the record straight on an item that was voted at the last Ordinary Meeting of Council held on 17 December 2013 relating to Item 9.2.4 "Britannia Reserve Masterplan – long term implementation program approval, progress report No.6".
  - She emphasised that the information in the Agenda report was incorrect and that at no stage was a Dual Use Path ever discussed at any Britannia Reserve Working Group Meeting, let alone authorised or recommended to proceed.
  - She stated that the advise the Council was given was not correct, thus it puts a cloud on all information that is provided for decision making purposes.
2. Jim Cocker of Residential Builders – Contour Projects – Item 14.2 Stated the following:
  - Mr Cocker spoke on behalf of the applicant. He worked at the City of Swan for five (5) years as the senior Building Surveyor and worked on a daily experience working with Planners.
  - The Application for development was refused by the Council on four grounds and he referred the matter to the State Administrative Tribunal (SAT).
3. Louise Thomas of 76 Buxton Street, Mount Hawthorn – Item 10.4 Stated the following:
  - Ms Thomas stated she is one of the affected owners from the recent MHI review.
  - The week before Christmas I received a letter about the proposed inclusion of her home on the MHI of the most recent review. She spoke to Officers and requested that her property be removed from stage one as she was going on holidays during the January Consultation process.
  - Ms Thomas asked the Council to support the Motion which was presented at tonight's Meeting.
4. Rolan Barch of 90 Buxton Street, Mount Hawthorn – Item 10.4 Stated the following:
  - Mr Barch has been a resident in Mount Hawthorn for over 15 years. Mr Barch and his wife participated in a 2006 Heritage Inventory Review Process, although not without issues the review appeared to be comprehensive involving extensive Community Consultation and at the conclusion of the review the City's Council upheld a widely held Community view not to list nominated houses with low Heritage significance without the home owner's consent.
5. Ian Kerr of 92 Vincent Street, Mount Lawley – Item 10.2 & 13.1 Stated the following:
  - Mr Kerr stated with regard to Newcastle Street, this is not only a traffic/transport and planning issue it is also a matter of keeping faith with the Community. Twenty years ago when what was then called the City Northern Bypass was being planned the Community stated very clearly: "*that (a) they would prefer it not to be built, but if it was going to be built, it should be built in tunnel as indeed happened and the urban form recreated over the top of the tunnel*". One of the results of this is that Newcastle Street is now a fairly passable place.

- The proposal from the City of Perth would turn the clock back to make Newcastle Street four (4) lanes in each direction, it would severely diminish the place values, it would severely diminish the property values and we have seen along Newcastle Street, retention of heritage, some fairly good new buildings as well, alot more residential coming in close. I strongly support the Motion from the Mayor not to turn the clock back twenty (20) years to the time when so many inner city area's were dominated by traffic and blighted.
  - With regard to Local Government Reform, he had seen a draft of the Motion which the Mayor had talked about at the Community Forum held on Monday 10 February 2014. Mr Kerr made a couple of observations relating to this, part 2.5 of the draft, talks about authorising the Mayor and the Chief Executive Officer to begin Stage one (1) of the Reform Process and he felt that it should be noted as part of that, that Stage one (1) as currently defined actually involves matter such as Ward Structures that cannot be defined before decisions are actually made about Local Government Amalgamations.
  - Secondly, part 3.1 talks about seeking Legal Advice from the Boundary realignment process and he suggested that should also include elements of documentation as well pure process, in particular whether the Government's proposal documents actually meet the requirements of the Local Government Act. The Local Government Act scheduled 2.1 clearly states, that proposals for boundary changes and amalgamations of Local Government shall clearly identify the effects on the relevant Local Governments.
  - In conclusion with an observation that perhaps might be better discussed at the Town Hall Meeting that the Mayor mentioned at the Community Forum on Monday, a number of these proposals have problems in terms of the way the Riverside Area of Banks Precinct is dealt with, it might be appropriate to change the successful "One in all in" campaign to "One out all out".
6. Ross Field of 164 Chelmsford Road, North Perth – Item 9.1.8 Stated the following:
- He stated that the amenity of his neighbourhood has been severely affected for some years by the patrons of the Bikram Yoga Recreation Facility, located in the adjacent area to 315 Fitzgerald Street. At many times of each week it is impossible to either leave or enter his driveway.
  - He stated to the Mayor that for the record he would like to leave a copy of the invitation for the records. A survey was distributed to all the residents and there was a 100% response to the findings and recommendations to address the parking chaos and was sent to the Mayor on the 14 January 2014.
7. Tristan Pearce of 53 Coogee Street, Mount Hawthorn – Item 9.1.3 Stated the following:
- Mr Pearce had a couple of suggestions that could hopefully be considered. Such as the parking where you have to pay straight and maybe as Leederville is a great place to visit it would be good to be able to park their for free for the first hour.
  - The other suggestion was if there had been any consideration given to the overflow parking to the surrounding Coogee Street area.
8. Anastosis Cokis of 168 Chelmsford Road, North Perth – Item 9.1.8 Stated the following:
- He lives on the corner of Chelmsford Road and Leake Street. He has lived in house for over twenty (20) years now. He congratulated the Chief Executive Officer for the recommendation on this matter that he fully supported.
  - Mr Cokis thanked the Rangers who he has called on numerous occasions and they have done their best given the circumstances.

9. Colin Cafarelli of 166 Chelmsford Road, North Perth – Item 9.1.8 Stated the following:
- He spoke on behalf of his mother who has lived in the area for forty three (43) years. Her driveway is up on a forty five (45) degree slope and there has been a many a time that she has been unable to leave her own home.
  - The Council is supposed to enhance the ratepayer's quality of life and not diminish it and at the moment with the parking issues at Bikram Yoga, the Council has diminished my mother's life.
10. John Russell of 156 Chelmsford Road, North Perth – Item 9.1.8 Stated the following:
- Mr Russell stated that he supported the Chief Executive Officers Recommendation and refuse the application submitted by the owner. He has lived in the area for thirty (30) years.
11. Nabil Loya of 158 Chelmsford Road, North Perth – Item 9.1.8 Stated the following:
- He stated that the fully supported the Chief Executive Officers Recommendation on not supporting the application and that the SAT will also support the neighbourhood and deny this application.
12. Carlo Genovese of 161 Chelmsford Road, North Perth – Item 9.1.8 Stated the following:
- The parking problem spills out on Leake Street, North Perth which actually makes it a lot more dangerous to enter from Chelmsford Road and Grosvenor Road.
  - The situation is well and truly out of control. He mentioned that they do require Resident only parking in the street as this would be the only way, as the students and business do not use the parking correctly.
13. Debbie Saunders of 150 Oxford Street, Leederville Stated the following:
- Ms Saunders had three questions
  - First question: *"the Leederville Hotel and if the Building permit has been issued yet? As I have asked this question multiple people in the last two (2) weeks and am still not getting an answer?"*  
*The Chief Executive Officer advised that he will take the Question on Notice as he had already responded to Ms Saunders in an email.*
  - Second Question: *"A comment relating to the submission by the City of Vincent to the Government regarding the Amalgamations, it is disappointing to see not only the spelling and the grammatical errors but on page 7 there is an image showing Greens with the hole in the wall, after there was a resolution not to have anymore publicity or publications showing that and the Council have clearly placed it in there?"*  
*The Presiding Member Mayor Carey advised that this is an error and he apologised on behalf of the Council.*
  - Third Question: *"I am very disappointed again, that upon receiving our Freedom of Information alleged complaint, I find that the person who sent this alleged complaint has in their subject matter got internal file numbers of the Council, this is a little bit concerning and I do want some answers on it?"*  
*The Presiding Member Mayor Carey stated that the Council will take the Question on Notice.*  
  
*The Chief Executive Officer advised Ms Saunders that he will need to take the Question on Notice and that the FOI procedure is prescribed by Statue and is quite confident that the procedure is followed by FOI coordinator.*

There being no further speakers, Public Question Time closed at approx. 6.40pm.

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

- 3.1** Letter sent to Ms D Saunders relating to – further response to Email Enquiries and Questions – Pinchos and Oxford Street Reserve.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

- 4.1 Cr Julia Wilcox requesting leave of absence from 1 May 2014 to 31 July 2014 due to personal commitments.
- 4.2 Cr Joshua Topelberg leave of absence from 28 February 2014 to 5 March 2014 (inclusive) due to work commitments.

**Moved Cr Cole, Seconded Cr McDonald**

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

**CARRIED UNANIMOUSLY (8-0)**

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

Nil.

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

6.1 Minutes of the Ordinary Meeting of Council held on 17 December 2013

**Moved Cr Buckels, Seconded Cr McDonald**

**That the Minutes of the Ordinary Meeting of Council held on 17 December 2013 be confirmed as a true and correct record.**

**CARRIED UNANIMOUSLY (8-0)**

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

The Presiding Member Mayor John Carey read the following;

7.1 **Annual Employee Awards - 2013**

As you may be aware, the Annual Employee Awards were introduced in 2007 as part of the City's commitment to its Employees, which are incorporated in the City's Guiding Values.

The Awards contain a number of categories for both individuals and teams and also recognise that internal customer service is as important as external customer service.

The following Annual Employee Awards were announced and presented by the Mayor and Chief Executive Officer at the function held on 20 December 2013.

Congratulations and well done to all recipients!

**EMPLOYEE OF THE YEAR AWARD 2013\***

\* *This Award is sponsored by the North Perth Community Bank.*

- Jean Lowther – Shift Ranger

**CATEGORY 1**

Excellence in Customer Service for an Individual Providing Services within the Organisation

- Allan Siapno – Finance Officer

CATEGORY 2

Excellence in Customer Service for an Individual to the Residents/Ratepayers/  
Members of the Public

- Lenny Buonomo – Graffiti Officer

CATEGORY 3

Excellence in Customer Service for a Section or Group within the organisation

- Rates Section – Elena Currie, Trish Moss and Taf Ramwi

CATEGORY 4

Excellence in Customer Service for a Section or Group Providing Services to the  
Residents/Ratepayers/ Members of the Public

- Customer Service Centre – Allana Hajdu, Nicky Basham, Laura Lacrimini,  
Doree Vermuelen, Pat Hegney, Donelle Wass, Erica Petrov and Joanne  
Carter

CATEGORY 5

Best Innovation/Business Improvement by an Employee (non-managerial)

- Anita Marriott – Sustainability Officer

CATEGORY 6

Best Innovation/Business Improvement by an Employee (managerial)

- Annie Smith – Manager Human Resources

Once again, congratulations to all recipients and well done!

**Received with Acclamation!**

7.2 **Withdrawal of Item 9.1.5**

It is announced that the applicant has requested that Item 9.1.5 on tonight's  
Agenda relating to No. 8 Bulwer Street, Perth - Proposed Alterations and  
Additions to Existing Single House Including Three Storey Addition be  
WITHDRAWN.

The applicant would like to review this development application.

7.3 **Deferral of Item 9.1.6**

It is announced that the applicant has requested that Item 9.1.6 on tonight's  
Agenda relating to Nos. 60, 62 and 62A Cheriton Street, Perth - Demolition of  
Existing Grouped Dwelling be DEFERRED to the Ordinary Meeting of Council to  
be held on 25 March 2014.

The applicant would like to provide additional information.

7.4 **Withdrawal Of Item 10.1 - Notice Of Motion**

It is announced the Cr Topelberg has WITHDRAWN his Notice of Motion - Item 10.1 on tonight's Agenda relating to a request to amend the City of Vincent Planning Policy No. 3.8.4 - Development Guidelines for Multiple Dwellings.

7.5 **Nature Playground Community Forum**

Thursday 13 February 2014 as part of our Community Forums, we are proposing a new Nature Playground at Braithwaite Mount Hawthorn that is going to be at 6.30pm. we have already an information stall at Braithwaite Park, it was incredibly positive and receptive and this is all about really our Greening program, encouraging kids to get away from their TVs and enjoy nature within a safe setting.

7.6 **Adopt a Verge Program**

Vincent is at the front of the Greening Program, where we are trying to reduce the heat island effect, by encouraging residents to Adopt a Verge, we will actually provide the earthworks the mulch and vouchers for native species and residents have to dig and look after the verge. I believe it is extremely popular program and its about helping people, which is often the most difficult job to reclaim the verge, is actually the earthworks. We will do it twice a year and will encourage neighbours to do it together.

7.7 **Urgent Meeting held on Monday 10 February 2014**

It was revealed that the City of Vincent will be formally abolished by 1 July 2015 and that the City of Perth will govern for another four (4) months after that timeframe. We believe that this is undemocratic, is unfair and is not equal merger between both bodies, it will also mean that in the critical stages when the new structure of the new Council is formed, that only Perth will be deciding on these issues. Councils can form a Local Implementation Committee that is to supposedly assist a transition and to also guide the future structure of Council's, but the reality is this has no Legal Authority or no Legal Recognition.

So if the City of Perth chose to it could simply ignore all the Recommendations advise for a new structure in the City of Perth, but ultimately the principal we believe it is not democratic or far that the City of Vincent residents for four (4) months would have no representation and be govern unelected Officials, it would be keen to saying to the Local Member for Perth and the residents of Perth if they were merging with the seat at Maylands and for four (4) months and a period of time there would be no representation for the residents they would be represented by an unelected Official.

We held a snap meeting last night and there were fifty (50) residents who attended the meeting and have a comprehensive Motion tonight.

## 8. DECLARATIONS OF INTERESTS

- 8.1 Cr Pintabona declared an Proximity interest in Item 9.4.1 – Paddington Alehouse, No. 141 (Lot 6; D/P: 98568) Scarborough Beach Road, Mount Hawthorn – Extended Trading Permit (ETP) for Special Occasion or Function. The extent of his interest being that he owns a property in Fairfield Street, Mount Hawthorn.
- 8.2 Cr Harley declared an Impartiality interest in Item 10.2 – NOTICE OF MOTION: Cr John Carey – Relating to Newcastle Street Proposal to Increase to Four Lanes. The extent of her interest being that she has a kinship relationship with a City of Perth Councillor Reece Harley who is her son.
- 8.3 Cr Harley declared an Impartiality interest in Item 13.1– NOTICE OF MOTION: URGENT BUSINESS – Mayor Carey – Relating to the Structural Reform Process. The extent of her interest being that she has a kinship relationship with City of Perth Councillor Reece Harley who is her son.
- 8.4 Chief Executive Officer Mr John Giorgi, declared a Financial Interest in Confidential Item 14.3 - CONFIDENTIAL REPORT: Chief Executive Officer's Contract of Employment and Key Performance Indicators. The extent of his interest being that it relates to his Contract of Employment.
- 8.5 Cr Topelberg declared a Impartiality Interest in 9.1.8 - No. 315 (Lot: 530 D/P: 30376) Fitzgerald Street, North Perth – Proposed Reconsideration of Conditions of Previous Planning approval for a Recreational Facility. The extent of his interest being that there is potential that they maybe a perceived interest because his primary residence is on an adjacent street to the subject street where parking restrictions are proposed.
- 8.6 Cr Harley declared a Proximity Interest in 9.2.2 - Progress Report No. 6 - Strategies to Reduce Speed Limits on Higher Order Roads within the City - Proposed Oxford Street "50kph Speed Limit". The extent of her interest being that she owns a property at 401 Oxford Street Mount Hawthorn. She has asked to participate in debate.

Cr Harley departed the Chamber 8.26pm.

### PROCEDURAL MOTION:

**Moved Cr Wilcox, Seconded Cr McDonald**

**That Cr Harley be allowed to participate in the debate.**

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (7-0)**

**(Cr Harley was absent from the Chamber and did not vote.)**

Cr Harley returned to the Chamber at 8.30pm.

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

Nil.

## 10. REPORTS

The Presiding Member, Mayor John Carey, 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, 9.1.8, 10.4, 13.1 & 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:**

Item 9.3.6, 9.5.2, 9.5.3, 9.5.4, 9.5.6, 10.1 and 10.4

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

Items 9.2.2, 9.4.1 & 14.3

Presiding Member, Mayor John Carey, 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:**

COUNCIL MEMBER	ITEMS TO BE DISCUSSED
Mayor John Carey	9.5.5
Cr Buckels	9.2.4
Cr Cole	9.1.3, 9.1.8 & 9.2.2
Cr Harley (Deputy Mayor)	9.2.4
Cr McDonald	Nil
Cr Pintabona	Nil
Cr Topelberg	9.1.4, 9.1.7 & 9.2.2
Cr Wilcox	9.4.1

The Presiding Member, Mayor John Carey, requested that the Chief Executive Officer to advise the meeting of:

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

Items 9.1.1, 9.1.2, 9.1.6, 9.2.1, 9.2.3, 9.3.1, 9.3.2, 9.3.3, 9.3.4, 9.3.5, 9.4.2, 9.5.1 & 9.5.8.

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

Item 14.1, 14.2 and 14.3

**New Order of Business:**

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

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

Items 9.1.1, 9.1.2, 9.1.6, 9.2.1, 9.2.3, 9.3.1, 9.3.2, 9.3.3, 9.3.4, 9.3.5, 9.4.2, 9.5.1 & 9.5.8.

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

Items 9.1.3, 9.1.8, 10.4, 13.1 & 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 John Carey 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 Harley, Seconded Cr Buckels**

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

**Items 9.1.1, 9.1.2, 9.1.6, 9.2.1, 9.2.3, 9.3.1, 9.3.2, 9.3.3, 9.3.4, 9.3.5, 9.4.2, 9.5.1 & 9.5.8.**

**CARRIED UNANIMOUSLY (8-0)**

**9.1.5 No. 8 (Lot: 2 D/P: 659) Bulwer Street, Perth - Proposed Alterations and Additions to Existing Single House Including Three Storey Addition**

**ITEM WITHDRAWN BY CHIEF EXECUTIVE OFFICER AT THE REQUEST OF THE APPLICANT**

**10.1 NOTICE OF MOTION: Cr Joshua Topelberg - Request to Amend City of Vincent Planning Policy No. 3.8.4 - Development Guidelines for Multiple Dwellings**

**ITEM WITHDRAWN BY CHIEF EXECUTIVE OFFICER BY CR TOPELBERG**

**9.1.1 FURTHER REPORT: No. 10 (Lot 36) Farmer Street, North Perth - Proposed Recreational Facility Addition (Wellness Centre-Multicultural Services Centre of WA) to Existing Woodville Reserve**

<b>Ward:</b>	North	<b>Date:</b>	31 January 2014
<b>Precinct:</b>	North Perth; P08	<b>File Ref:</b>	PRO0079; 5.2013.384.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J Giguere, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	P Mrdja, Acting Director Planning Services		

**FURTHER OFFICER RECOMMENDATION:**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1, **APPROVES** the application submitted by the City of Vincent, for Proposed Recreational Facility Addition (Wellness Centre- Multicultural Services Centre of WA) to Existing Woodville Reserve at No. 10 (Lot 36; D/P: 2002) Farmer Street, North Perth, as shown on plans stamp dated 6 January 2014, subject to the following conditions:

1. The proposed car parking area(s) shall be sealed, drained, paved and line marked prior to the first occupation of the development and maintained thereafter by the owner/occupier to the satisfaction of the City;
2. **PRIOR TO THE SUBMISSION OF AN BUILDING PERMIT APPLICATION**, the following shall be submitted to and approved by the City;
  - 2.1 **Design Treatment**  
Fascia treatment to respond to the building openings as per the City's Design Advisory Committee recommendations to the satisfaction of the Chief Executive Officer.
3. Prior to the submission of an Occupancy Permit, the following shall be completed to the satisfaction of the City;
  - 3.1 **Car Parking and Bicycle Bays**
    - 3.1.1 The Farmer Street verge car parking area shall be available for use by the general public;
    - 3.1.2 The Farmer Street verge car parking area shall be sealed, drained, paved and line marked in accordance with the approved plans, at the Multicultural Services Centre of WA full cost, prior to the first occupation of the Wellness Centre; and
    - 3.1.3 Three (3) class 3 bicycle bays shall be provided. Bicycle bays must be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3;
4. Only the trees located within the proposed car parking bay No. 5 and where the proposed cross-over is located are allowed to be removed, or otherwise approved by the City Park Services; and
5. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City's Chief Executive Officer.

**ADVICE NOTES:**

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 Farmer and Namur Streets;
2. All signage that does not comply with the City's Policy No. 7.5.2 relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Building Permit application, being submitted to and approved by the City prior to the erection of the signage; and
3. The applicant is advised an occupancy permit is required, prior to the building being occupied.

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**COUNCIL DECISION ITEM 9.1.1**

**Moved Cr Harley, Seconded Cr Buckels**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (8-0)**

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**PURPOSE OF REPORT:**

This proposal is being referred to the Council for determination, given the likely interest of the facility to residents and the community at large.

**BACKGROUND:**

The Wellness Centre proposal submitted on behalf of Multicultural Services Centre of WA was approved in principle by the Council after being extensively advertised to the Community at its Ordinary Meeting held on 12 February 2013, when the Woodville Reserve Master Plan was adopted. It was also resolved at that meeting that the Council investigates the use of grass-crete in the driveway component next door to the centre.

The matter was considered at the Ordinary Meeting of Council held on 5 November 2013, where the Council resolved as follows:

*"That the item be DEFERRED for further consideration in particular the treatment and size of the carpark and the architectural design of the exterior of the building."*

The Application was referred to the Council Forum on 12 November 2013, and later to the Design Advisory Committee on 4 December 2013 and 22 January 2014. As a result, several changes to the plans were made in regards to the design and the reduction of the parking area. Additional parking is provided off-site to compensate for the shortfall of the number of car parking bays provided on-site.

Date	Comment
25 October 2011	Planning Approval issued under delegated authority for a Decking Addition to the existing Bols Club on Woodville Reserve. (5.2011.519.1).
24 July 2012	Planning Approval issued under delegated authority for an Outbuilding (Mens Shed) including Workshop, Bathroom, and Office to Existing Recreational Facilities (5.2011.557.1).
7 November 2012	Planning Approval issued under delegated authority for Lighting up-grade to existing bowling club (5.2013.397.1).

Date	Comment
6 May 2013	Planning Approval issued under delegated authority for Outbuilding and Water Tank Additions to Woodville Reserve. (5.2013.159.1).
5 September 2013	Planning approval is granted under delegated authority for an Outbuilding Addition (Men's Shed) Including Workshop, Bathroom, and Office to Existing Recreational Facilities (5.2013.342.1).

**Previous Reports to Council:**

The minutes of Items 9.1.6 from the Ordinary Meeting of Council held on 5 November 2013 are available on the City's website at the following link:

[http://www.vincent.wa.gov.au/Your\\_Council/Agenda\\_Minutes/Minutes\\_2013](http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes/Minutes_2013)

**DETAILS:**

<b>Landowner:</b>	City of Vincent
<b>Applicant:</b>	City of Vincent
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Restricted Parks and Recreation Scheme Reserve
<b>Existing Land Use:</b>	Various Recreational facilities
<b>Use Class:</b>	Recreational Facilities
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	31,503 sqm ( over nine Lots)
<b>Right of Way:</b>	N/A

The Woodville Reserve is a City of Vincent Restricted Parks and Recreation Scheme Reserve and includes a number of community uses including the North Perth Wellness Centre, North Perth Bowling Club, North Perth Tennis Club, Asgard Football Club, North Perth United Soccer/Football Club and Associated Carpark.

The proposed building will be approximately 328 sqm in area and will consists of three (2) offices, one (1) reception room, a kitchen, toilets and an open area. The Wellness Centre will assist elderly people and people with disabilities by providing recreational activities during the day such as bingo and card games.

**ASSESSMENT:**

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

Design Element	Requirement
<b>Development on Reserves</b>	<p>Required: The development of any further buildings on any of these sites should generally not be permitted unless they are unobtrusive in bulk and scale and are to be used for a purpose incidental to, and associated with, the primary use of the land. No healthy mature trees should be destroyed to facilitate the development.</p> <p>Proposed: Construction of a Wellness Centre It is proposed to relocate/remove five (5) trees and adjacent shrubs within the road reserve in order to allow for parking access. The application was referred to the City's Parks Services, who have supported the removal of two (2) trees (one in the middle of the proposed driveway and the other where proposed car parking bay No. 5 is located), with the shrubs adjacent to the entry point being re-instated after completion of the construction. The three (3) trees located adjacent to the footpath are not to be removed.</p>

Design Element	Requirement
	The proposed development is compliant with the North Perth Precinct Policy (P8), in that the development is considered to be unobtrusive in bulk, as it is single storey in height, and a reasonable size relative to the size of the block it is located on. The front setback is also consistent with buildings in the surrounding area.

Issue/Design Element: Parking	
Car parking requirement (nearest whole number) • 1 space per 4 persons ( based on 40 persons approved for the site)  Total car bays required = 10 car parking bays	10 car bays
Adjustment factors • 0.80 (The development is located within 400 metres of a bus route) • 0.95 (The development is located within 400 metres of an existing off street public car park with in excess of 25 car bays)	(0.76)  7.6 car bays
Minus the car parking provided on-site	2 car bays for persons' with a disability. (Plus 6 new car bays are to be provided on- street)
Resultant shortfall	5.6 car bays

The car parking shortfall is considered acceptable, as six (6) new off-site car parking spaces directly adjacent to the subject building is being provided at the applicants cost. Furthermore, the centre will be used by elderly and persons with disabilities, who do not drive. They will be picked up in a mini bus and brought to the centre and back home. The centre uses five (5), eight (8) seater buses. As such, it is considered that there will be sufficient car parking spaces available for the centre.

### Bicycle Parking

Bicycle Parking Requirement	
Recreational Facilities Bicycle Parking Requirement: 1 space per 60 sqm of Net Lettable Area.  Proposed 190 sqm of Net Lettable Area  • 3 bicycle bays required • Visitor: None	Required bays 3 bicycle bays
Minus the bicycle bays provided on-site • 6 bicycle bays	6 bicycle bays
Resultant surplus	3 bicycle bays

### CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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<b>Comments Period:</b>	From 27 September 2013 to 21 October 2013
<b>Comments Received:</b>	Three (3) submissions were received, including one (1) late submission. Two (2) submissions supporting the proposal. One (1) submission is objecting to the proposal.

Note: Submissions are considered and assessed by issue rather than by individual submitter for clarity.

Below is a summary of the submissions which were reported to the Ordinary Council Meeting on 5 November 2013. The non-italic text has been added:

<b>“Summary of Comments Received:</b>	<b>Officers Technical Comment:</b>
<p><u>“Location</u></p> <p><i>The Wellness Centre does not need to be located on park land; it could be located anywhere else. The proposal is not the best land use for the site. The site should remain open space.</i></p> <p><i>The submission further states the following:</i></p> <p><i>“The main reason that the centre is proposed at this location is purely because it is seen as cheap land. If the Multicultural Services Centre was required to pay commercial rates for the land component, and a true commercial rate was charged, they may well look elsewhere for cheaper land.</i></p> <p><i>It is also ridiculous to use so much valuable space on the park for parking when there is an oversupply of parking on the surrounding roads during the week. One only has to look at the aerial photos available on the City’s GIS system to see how little of the available parking is used during the week. Conversion of potential park land to car park simply to provide an afterhours parking solution for the small busses is a senseless and lazy waste of a valuable resource.”</i></p>	<p><i>Not supported- The placement of the Wellness Centre as part of the Woodville Reserve Master Plan was approved by the Council on 12 February 2013. The Wellness Centre will be run by a not for profit agency and will provide a valuable community service funded by Home and Community Care for the City’s residents. Without this valuable service, the onus would be on the City to run a similar service to meet the demands of its ageing, culturally and linguistically diverse community.”</i></p> <p>The plans have been amended and the on-site parking area has been reduced. Additional car parking has been provided on-street to compensate for the on-site car parking shortfall. This will maximise the on-site area to be used for recreational purposes.</p>
<p><u>Over use of concrete driveways and parking areas</u></p> <p><i>The component of hardstand shown for parking and access is excessive. Grass-crete should be preferred instead of concrete. Concrete should not be used when a more aesthetically appealing and environmentally beneficial alternative is available.</i></p> <p><i>The submission states as follows:</i></p> <p><i>“It seems hypocritical to accept the use of concrete when a more aesthetically appealing and environmentally beneficial alternative is available, when at the same time the city is bemoaning the loss of green space on residential lots, and is making noises about Water Sensitive Urban Design. While the use of grass-crete (or equivalent) will not probably make much difference in terms of water infiltration, assuming that proper soak-wells are installed, it will increase the “heat island” effect. It begs the question: why is the City requiring developers to provide greater soft landscaping but accepting a second rate proposal from this applicant.”</i></p>	<p><i>Noted - The use of Grass-crete was investigated and not deemed suitable by the City’s Technical Services. The main problem being that it creates an un-even surface which is inappropriate for elderly and disabled people as it would increase the risk of accidents and would be difficult to walk across the area for them. Furthermore, it would be unsuitable for wheelchair access. The use of “grass-ring” is still being investigated on the loading bay/turning area. The asphalt would be graded so as the run-off would flow into those areas.</i></p> <p><i>In addition, it is noted that the daily use of the parking area would not be well supported by grass-crete. It would lead to wheel tracks in the grass and unless the area would be reticulated, the grass coverage would “brown off” or die in the summer months. Should it be reticulated, it would require regular mowing and maintenance.’</i></p>

**Design Advisory Committee:**

Referred to Design Advisory Committee (DAC): Yes

The design was referred to the DAC Meeting on 4 December 2013 and 22 January 2014.

The comments made by the DAC on the 4 December 2013 are as follows:

**“Recommendation:**

- *The DAC support this use in this location but do not support this proposal. It is of poor design quality providing a low level of amenity for users. Currently this scheme is functionally compromised and does not make use of the site and landscaping offered. This will limit future uses - and tenants - and does not present value for money. Good design need not cost more than the budget allows and will provide better long term value in the investment made. Significant redesign is required.*

**Mandatory:**

- *Make better use of north facing area landscaped open space, optimising amenity for users. Provide the opportunity for the interior space to open directly onto the open landscaped area. Relocating services away from the northern edge of the building would be required to achieve this;*
- *If users need to be contained for their safety, investigate ways to provide this through fencing/landscaping so that open space can be utilised;*
- *When space is divided ensure access to bathrooms and other facilities is maintained;*
- *Capitalise on the high roof space with raked ceilings, a number of operable highlight windows, to allow a more generous space and better access to daylight, ventilation, thermal regulation and higher amenity generally;*
- *Redesign bathrooms, ideally to the sides of the building, to create a corridor for access as there is a functional problem with the current design. Provide lobbied access to the bathrooms for privacy;*
- *Reconsider the design of the building’s exterior and use of materials. Take a more cohesive restrained approach, using materials and detailing appropriate to a building of this type. It is a small public building and should have a public presence;*
- *Develop landscaping intent. Provide landscaping drawings to indicate the design and selection of hard and soft landscaping elements for all landscaped areas.*

**Design Considerations:**

- *Consider reducing the number of skylights due to cost and undue heat load;*
- *Consider better ways to optimise day lighting;*
- *Locate entry off Farmer Street, locating the bus bay in the verge. This would alleviate the need for car bays in the front setback, and reduce the car park area needed for a bus turning area.*

**Technical:**

- *Investigate and confirm likely noise impact from the Men’s Shed.”*

The proposed changes made by Multicultural Services Centre of WA in the revised plans dated 6 January 2014 relating to the Design Advisory Committee comments are as follows:

- “1. *Make better use of north facing area landscaped open space, optimising amenity for users. Provide the opportunity for the interior space to open directly onto the open landscaped area. Relocating services away from the northern edge of the building would be required to achieve this.*

*The revised design has relocated the services areas towards the western side, therefore allows the multipurpose hall access to the northern landscaped area. The Kitchen and Office 2 also has views towards the landscaped area.*

2. *If users need to be contained for their safety, investigate ways to provide this through fencing/landscaping so that open space can be utilised.*

*The revised design has proposed planting of vegetation to form edges surround the turfed open space.*

3. *When space is divided ensure access to bathrooms and other facilities is maintained.*

*The revised design has achieved this by the provision of a central corridor to access toilets.*

4. *Capitalise on the high roof space with raked ceilings, a number of operable highlight windows, to allow a more generous space and better access to daylight, ventilation, thermal regulation and higher amenity generally.*

*The revised design will include raked ceiling in the multipurpose hall, as well as ceiling fans to aid ventilation.*

5. *Redesign bathrooms, ideally to the sides of the building, to create a corridor for access as there is a functional problem with the current design. Provide lobbied access to the bathrooms for privacy.*

*The revised design has achieved privacy to access the toilets.*

6. *Reconsider the design of the building's exterior and use of materials. Take a more cohesive restrained approach, using materials and detailing appropriate to a building of this type. It is a small public building and should have a public presence.*

*The revised design has reconsidered the characteristics of the building, as well as the overall built form.*

7. *Develop landscaping intent. Provide landscaping drawings to indicate the design and selection of hard and soft landscaping elements for all landscaped areas.*

*The revised design made indicative landscaping concept, to be approved by City of Vincent.*

8. *Consider reducing the number of skylights due to cost and undue heat load. Consider better ways to optimise day lighting.*

*The revised design has reduced the number of skylights.*

9. *Locate entry off Farmer Street, locating the bus bay in the verge. This would alleviate the need for car bays in the front setback, and reduce the car park area needed for a bus turning area.*

*The revised design do not agree with this recommendation due to the following consideration:*

- a) *A sheltered set down bay is required to provide cover for the building occupants and visitors.*
- b) *Mini-bus/vans parking bays are required to accommodate onsite staff parking.*
- c) *A reverse bay at the end of the driveway will also aid the loading area for the Men's Shed.*

*In regards to point 9 b, please note that these vehicles are not staff vehicles and belong to the Centre. As I indicated at the Council meeting off road parking will minimise the potential vandalism that these vehicles could be exposed to after hours. All Staff vehicles are being and will continue to be parked in the street."*

The development was reconsidered at the DAC on the 22 January 2014. The comments are as follows:

***“Recommendation:***

*The DAC supports the design in principal and due to the timeframe for funding, amended plans can be circulated by email to speed up the process.*

***Mandatory:***

- *Develop the fascia to respond to building openings, the fascia may taper up and down. This could be more playful and lyrical. It may taper down on the west to provide sun protection, it could be perforated to filter sun.*
- *Develop the fascia colour with a system of painting that is achievable, this may be alternate bands of colour responding to the fibre cement sheet layout or the use of stencils. Examples have been provided to the applicant.*
- *Provide additional information relating to the green wall adjacent to the West boundary including species selection.*

***Design Considerations:***

- *Develop the applied art to be integrated with the building, explore perforating the fibre cement sheeting as an alternative to ‘applying’ the laser cut steel.*

***Technical:***

*All technical issues must be resolved with City of Vincent officers.’*

The revised plans have been referred to the DAC Committee on 29 January 2014 for consideration in respect to the above DAC comments made on 22 January 2014. The DAC comments have not been received at the time the Agenda Report was prepared. However, a Condition has been imposed to ensure that the revised plans are to the satisfaction of the Chief Executive Officer, as per the Design Advisory Committee comments.

**LEGAL/POLICY:**

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

**RISK MANAGEMENT IMPLICATIONS:**

The City is to ensure that the facility complies with all the relevant legislation, being the owners of the site.

**STRATEGIC IMPLICATIONS:**

The City’s Strategic Plan 2013-2017 states:

*“Community Development and Wellbeing:*

3.1 *Enhance and promote community development and wellbeing*

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

**SUSTAINABILITY IMPLICATIONS:**

The City’s Strategic Plan 2013-2017 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 proposed centre is a better use of the Reserve.	

SOCIAL	
Issue	Comment
The Wellness Centre will assist elderly people and people with disabilities by providing recreational activities during the day such as bingo and card games.	

ECONOMIC	
Issue	Comment
The construction of the building will provide short term employment opportunity.	

**FINANCIAL/BUDGET IMPLICATIONS:**

Minutes of the Ordinary Meeting of Council 12 July 2011- Item 9.3.2 outlines a detailed explanation of the funding models. The Multicultural Services Centre of WA will be applying for Lottery West as well as Home and Community Care Funding. Multicultural Services Centre of WA have advised that they need to secure an approval from the City and start construction, otherwise they would lose their funding.

**Parks Services**

The City's Parks Services have supported the removal of two (2) trees; one being in the middle of the proposed cross-over and the other where proposed car parking No. 5 is located. The remaining three (3) trees near the footpath which are indicated as to be "relocated" on the plans are to be retained.

**COMMENTS & CONCLUSION:**

The previous Officer's comments as per the Minutes of the Ordinary Council Meeting dated 5 November 2013 are as below:

*"The proposed Wellness Centre is considered to be a positive community addition to the Woodville Reserve. It will allow elderly people and people with disabilities to obtain services close to their home. It will facilitate the integration of those groups within the locality.*

*The development is not deemed to be of significant bulk or size as the proposal is single storey and has a similar setback than what is normally found in the close vicinity of the building. As it will be providing recreational and community services, it is considered to be in accordance with the primary use of the land and therefore compliant with the requirements of the North Precinct Policy."*

Multicultural Services Centre of WA who is building the proposed "Wellness Centre" have positively taken onboard the DAC comments, resulting in a more functional and improved designed building.

On the above basis, it is recommended that the application be approved subject to standard and appropriate conditions and advice notes.

**9.1.2 No. 134 (Lot 6; D/P 9509) Alma Road, North Perth – Construction of Two (2) Two-Storey Buildings Comprising Four (4) Two Bedroom Multiple Dwellings**

<b>Ward:</b>	South	<b>Date:</b>	31 January 2014
<b>Precinct:</b>	Norfolk; P10	<b>File Ref:</b>	PRO1128; 5.2013.619.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	D Bothwell, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	P Mrdja, Acting 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, APPROVES the application submitted by Paul Colangelo on behalf of the owner, Annibe Developments Pty Ltd for Proposed Construction of Two (2) Two-Storey Buildings Comprising Four (4) Two Bedroom Multiple Dwellings at No. 134 (Lot 6; D/P 9509) Alma Road, North Perth, and as shown on plans stamp-dated 27 December 2013, subject to the following conditions:

1. The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 132A Alma Road and No. 136 Alma Road in a good and clean condition. The finishes of the walls are to be fully rendered or face brickwork;
2. The infill panels to the main internal gate to the rear car parking area to have a minimum of fifty (50) percent visual permeability 1.2 metres above the adjacent footpath level;
3. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION**, the following shall be submitted to and approved by the City:

**3.1 Landscape and Reticulation Plan**

A detailed Landscape and Reticulation Plan in accordance with the requirements of the City's Policy No. 7.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones for the development site and adjoining road verge shall be submitted to the City for assessment and approval by the City's Parks and Property Services Section.

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

- 3.1.1 A minimum of thirty (30) percent of the total site area is to be provided as landscaping;
- 3.1.2 A minimum of ten (10) percent of the total site area shall be provided as soft landscaping within the common property area of the development;
- 3.1.3 A minimum of five (5) percent of the total site area shall be provided as soft landscaping within the private outdoor living areas of the dwellings;
- 3.1.4 The location and type of existing and proposed trees and plants;
- 3.1.5 All vegetation including lawns;
- 3.1.6 Areas to be irrigated or reticulated;

- 3.1.7 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 3.1.8 Separate soft and hard landscaping plans (indicating details of plant species and materials to be used).

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

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

**3.2 Refuse Management**

Bin numbers, collection and stores shall meet with the City's minimum service provision to the satisfaction of the City's Technical Services. A waste management plan, prepared by a qualified consultant, is to be prepared and approved by the City's Technical Services Section;

**3.3 Schedule of External Finishes**

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

**3.4 Subdivision of Lot**

The subject land shall be subdivided into two lots, including a right-of-carriageway, on Certificate of Title; OR alternatively, prior to the submission of a Building Permit 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 subdivide the subject land into two lots within 6 months of the issue of the subject Building Permit. All costs associated with this condition shall be borne by the applicant/owner(s); and

**3.5 Section 70A**

The owner(s) shall lodge a notification under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the dwellings that the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential unit/dwelling. This is because at the time the planning application for the development was submitted to the City, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development;

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

**4.1 Car Parking**

The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City; and

- 5. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City's Chief Executive Officer.**

**ADVICE NOTES:**

1. With regard to condition 1, the owners of the subject land should obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
2. 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 Alma Road;
3. Any new street/front wall, fence and gate within the Alma Road setback area, including along the side boundaries within this street setback area, shall comply with the City's Policy provisions relating to Street Walls and Fences;
4. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning;
5. The City has no objection to the dividing fence being increased to a maximum height of 2.4 metres on the west side boundary provided the owner(s) of No. 134 Alma Road and No. 121 Forrest Street are agreeable to this.

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**COUNCIL DECISION ITEM 9.1.2**

**Moved Cr Harley, Seconded Cr Buckels**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (8-0)**

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**PURPOSE OF REPORT:**

The application is referred to the Council for determination given the proposal comprises four (4) multiple dwellings in total.

**BACKGROUND:**

**History:**

Date	Comment
5 May 2009	A Demolition Licence was issued for the demolition of the existing single house.
24 September 2013	The Council at its Ordinary Meeting resolved to approve an application at the subject property for the construction of two (2) two storey buildings comprising four (4) two bedroom multiple dwellings.

**DETAILS:**

The proposal is a revised version of the plans approved by the Council on 24 September 2013. In terms of design, the applicant has essentially flipped the proposal which is considered a more desirable outcome in terms of design, and reducing any adverse impact on the amenity of the adjoining landowners.

<b>Landowner:</b>	Annibe Developments Pty Ltd
<b>Applicant:</b>	Paul Colangelo
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R40
<b>Existing Land Use:</b>	Vacant Lot
<b>Use Class:</b>	Multiple Dwellings
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	505 square metres
<b>Right of Way:</b>	Not applicable

The subject site is located within the Norfolk Precinct, where it is zoned Residential R40. Clause 20 'Special Application of the Residential Planning Codes' of the City of Vincent Town Planning Scheme No. 1 states:

- "(4) Notwithstanding the provisions of the Residential Planning Codes, the following special applications of the Residential Planning Codes apply:-
- (d) Norfolk Precinct P10,
    - (ii) Within the areas coded R40 a maximum of two dwellings will be permitted per lot."

As the proposal comprises four (4) dwellings, it is in conflict with Clause 20 of the City of Vincent Town Planning Scheme No. 1. A freehold subdivision is required to be completed prior to the submission of a building permit; which comprises a right-of-carriageway for the vehicle access to the dwellings. A condition addressing this issue has been applied accordingly.

**ASSESSMENT:**

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

Design Element	Complies 'Deemed-to-comply' or TPS Clause	OR	'Design Principles' Assessment or TPS Discretionary Clause
Density/Plot Ratio			✓
Streetscape	✓		
Roof Forms			✓
Front Fence	✓		
Front Setback			✓
Building Setbacks			✓
Boundary Wall			✓
Building Height	✓		
Building Storeys	✓		
Open Space	✓		
Bicycles	✓		
Access & Parking	✓		
Privacy	✓		
Solar Access	✓		
Site Works			✓
Essential Facilities	✓		
Street Surveillance	✓		
Landscaping			✓
Outbuildings			✓
Energy Efficient Design	✓		

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

Issue/Design Element:	Building Size
Requirement:	<b>Residential Design Codes 6.1.1</b> Plot Ratio – Residential R40 – 294.6m <sup>2</sup> /0.6
Applicants Proposal:	299.78/0.61
Performance Criteria:	<b>Residential Design Codes 6.1.1 P1</b> Development of the building is at a bulk and scale indicated in the local planning framework and is consistent with the existing or future desired built form of the locality.
Applicant justification summary:	Nil
Officer technical comment:	Supported. Minor variation. Not considered to have an adverse impact on the amenity of the immediate locality.  The bulk and scale of the proposed development is consistent with that of the surrounding locality.

Issue/Design Element:	Roof Forms
Requirement:	<b>Residential Design Elements BDADC 3</b> The use of roof pitches between 30 degrees and 45 degrees (inclusive) being encouraged.
Applicants Proposal:	25 degree roof pitch
Performance Criteria:	<b>Residential design Elements BDPC 3</b> The roof of a building is to be designed so that: <ul style="list-style-type: none"> <li>• It does not unduly increase the bulk of the building;</li> <li>• In areas with recognized streetscape value it complements the existing streetscape character and the elements that contribute to this character; and</li> <li>• It does not cause undue overshadowing of adjacent properties and open space.</li> </ul>
Applicant justification summary:	<i>"We feel we have designed these apartments in a modern minimalistic design to avoid looking out of character within the current streetscape which reflects the towns early period. The materials and style of design including the roof form were purposely designed to complement the existing streetscape. We feel that we have achieved this by including a 30 degree roof pitch and colours chosen for this build are of a modern minimalistic fashion. The building bulk and building height of this project is in line with the City allowable heights and percentages."</i>
Officer technical comment:	The proposed roof pitch complies with the Performance Criteria as it does not unduly increase the bulk of the building, with the roof pitch being in keeping with the Alma Road streetscape as there is a range of pitched and flat roofs within the immediate locality.

Issue/Design Element:	Front Setback
Requirement:	<b>Residential Design Elements SADC 5</b> <u>Upper Floors</u> A minimum of 2 metres behind each portion of the ground floor setback.  <u>Upper Floor Balconies</u> A minimum of one metre behind the lower floor.
Applicants Proposal:	<u>Upper Floor</u> Units 2/4 – 0.25-0.3 metres behind the ground floor.  <u>Upper Floor Balcony</u> 1.8 metres in front of ground floor.
Performance Criteria:	<b>Residential Design Elements SPC 5</b> Development is to be appropriately located on site to: <ul style="list-style-type: none"> <li>• Maintain streetscape character;</li> <li>• Ensure the amenity of neighbouring properties is maintained;</li> <li>• Allow for the provision of landscaping and space for additional tree plantings to grow to maturity;</li> <li>• Facilitate solar access for the development site and adjoining properties;</li> <li>• Protect significant vegetation; and</li> <li>• Facilitate efficient use of the site.</li> </ul>

Issue/Design Element:	Front Setback
	<p>Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.</p>
<p>Applicant justification summary:</p>	<p><i>“We have provided some streetscapes of existing dwellings located on either side of the proposed dwelling to prove that our setback variation actually fits in with the existing streets multiple distanced set out. We feel that the proposed setback harmonises with the existing streetscape and that without the setback to remain as is the streetscape would look a little miss matched. The streetscape needed a join or transition to create a harmonious attractive street frontage. Please take time to look at the colour perspective provide it will be clear to see that most dwellings are not inline with each other and that our proposed dwelling actually merges the neighbouring properties to suit one another.</i></p> <p><i>On Page 20 of the City’s LLP Residential Design Element Policy it states that “the primary street is to reflect the predominant streetscape pattern for the immediate locality which is defined as being the average setback of the adjoining 5 properties on each side of the development, given that a few dwellings are at nil we feel our proposed setback achieves enough justification to apply for the variation to have the plans assessed with the proposed setback.</i></p> <p><i>We also feel that our proposal fits in with the criteria of VINCENT VISION 2024. We feel that this project also meets ALL of the objectives stated in the LLP No. 3.4.8 for multiple dwellings.”</i></p>
<p>Officer technical comment:</p>	<p>The proposal complies with the Design Solutions of Clause SPC 5 ‘Street Setbacks’ of the City’s Policy No. 4.2.1 relating to Residential Design Elements in this instance as it is considered to maintain the streetscape character of Alma Road.</p> <p>The proposal is considered to maintain the existing streetscape, as there are properties with the upper floors and balconies flush with the ground floor within the immediate streetscape. It is also noted that the adjoining eastern dwelling has an upper floor that projects 1 metre to 2.5 metres forward of the ground floor.</p> <p>In light of the above, the proposal is considered to maintain the amenity of neighbouring properties and the streetscape, as the proposed upper floor setback variation results in is keeping with the evolving Alma Road streetscape.</p>

Issue/Design Element:	Lot Boundary Setbacks
Requirement:	<p><b>Residential Design Codes Clause 6.1.4 C4.1</b></p> <p><u>Lower</u> (Eastern) – Bedroom 1 – Bedroom 2 – 1.5 metres</p> <p><u>Ground</u> (Eastern) – Bedroom 1 – Bedroom 2 – 1.5 metres</p> <p>Maximum height: 3.5 metres Average height: 3 metres</p> <p>One Boundary Wall</p>
Applicants Proposal:	<p><u>Lower</u> (Eastern) – Bedroom 1 – Bedroom 2 – 1.5 - Nil</p> <p><u>Ground</u> (Eastern) – B1 – B2 - Nil</p> <p>Maximum Wall Height: 5.7 metres (West) 5.8 metres (East)</p> <p>Maximum Average Wall Height: 5.7 metres (West) 5.8 metres (East)</p> <p>Boundary Walls on three side boundaries.</p>
Performance Criteria:	<p><b>Residential Design Codes Clause 6.1.4</b></p> <p>Buildings set back from boundaries or adjacent buildings so as to:</p> <p>P4.1 Buildings set back from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> <li>• ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them;</li> <li>• moderate the visual impact of building bulk on a neighbouring property;</li> <li>• ensure access to daylight and direct sun for adjoining properties; and</li> <li>• assist with the protection of privacy between adjoining properties.</li> </ul>
Applicant justification summary:	No justification provided.
Officer technical comment:	<p>The proposal complies with the Design Principles of the R-Codes in this instance for the reasons outlined below.</p> <p>The two-storey eastern boundary wall abuts the boundary wall to the adjoining property therefore having no adverse impact on access to light or ventilation or resulting in building bulk on the adjoining property.</p> <p>It is noted that the proposal complies with the Deemed-to-comply provisions of Clause 6.4.1 'Visual Privacy' C1.1 of the R-Codes, therefore having no impact on privacy between the subject site and adjoining properties.</p> <p>The proposed reduced setbacks are not considered to have an undue impact on the amenity of the adjoining landowners in terms of privacy, building bulk, overshadowing or ventilation.</p>

Issue/Design Element:	Landscaping
Requirement:	<b>Multiple Dwellings Policy No. 7.4.8 Clause 4.2</b> (a) 30% of Site or 151.5m <sup>2</sup> (b) 10% of Site or 50.5m <sup>2</sup> (c) 5% of Site or 25.25m <sup>2</sup>
Applicants Proposal:	(a) 52.09m <sup>2</sup> or 10.31% (b) 1.0m <sup>2</sup> or 0.001% (c) Nil
Performance Criteria:	<b>Multiple Dwellings Policy No. 7.4.8 Clause 4.2</b> P2 The space around the building is designed to allow for planting. Landscaping of the site is to be undertaken with appropriate planting, paving and other landscaping that: <ul style="list-style-type: none"> <li>• meets the projected needs of the residents;</li> <li>• enhances security and safety for residents;</li> <li>• contributes to the streetscape;</li> <li>• Assists in contributing to the amenity of the locality;</li> <li>• Assists in providing a landscaped setting for the building;</li> <li>• Assists in the protection of mature trees;</li> <li>• Maintains a sense of open space between buildings. Assists in increasing tree and vegetation coverage.</li> </ul>
Applicant justification summary:	No justification provided.
Officer technical comment:	Not supported. Considered to have an undue impact on the amenity of the immediate locality. Condition applied for the required landscaping provisions to be provided prior to the issue of a Building Permit.

Issue/Design Element:	Parking
Requirement:	<b>Residential Design Codes Clause 6.3.3</b> Visitor Bays – 1 See car parking table.
Applicants Proposal:	Visitor Bays - Nil
Performance Criteria:	<b>Residential Design Codes Clause 6.3.3</b> P3.1 Adequate car and bicycle parking provided on-site in accordance with projected need related to: <ul style="list-style-type: none"> <li>• the type, number and size of dwellings;</li> <li>• the availability of on-street and other off-site parking; and</li> <li>• the proximity of the proposed development in relation to public transport and other facilities.</li> </ul> P3.2 In mixed use development, in addition to the above: <ul style="list-style-type: none"> <li>• parking areas associated with the retail/commercial uses are clearly separated and delineated from residential parking.</li> </ul> P3.3 In activity centre locations there may be consideration given to a reduction in on-site car parking provided: <ul style="list-style-type: none"> <li>• available street parking in the vicinity is controlled by local government; and</li> <li>• the decision-maker is of the opinion that a sufficient equivalent number of on-street spaces are available near the development.</li> </ul>

Issue/Design Element:	Parking
	<p>P3.4 Some or all of the required car parking spaces located off-site, provided that these spaces will meet the following:</p> <ul style="list-style-type: none"> <li>i. the off-site car parking area is sufficiently close to the development and convenient for use by residents and/or visitors;</li> <li>ii. any increase in the number of dwellings, or possible plot ratio, being matched by a corresponding increase in the aggregate number of car parking spaces;</li> <li>iii. permanent legal right of access being established for all users and occupiers of dwellings for which the respective car parking space is to be provided; and</li> <li>iv. where off-site car parking is shared with other uses, the total aggregate parking requirement for all such uses, as required by the R-Codes and the scheme being provided. The number of required spaces may only be reduced by up to 15 per cent where the non-residential parking occurs substantially between 9 am and 5 pm on weekdays.</li> </ul>
Applicant justification summary:	No justification provided.
Officer technical comment:	<p>Given that this development is proposed to be over two green title lots, it is technically two individual multiple dwelling developments under the R-Codes definition of a multiple dwelling. As such each lot should have had an individual car parking calculation performed, which results in the requirement of 2 residential and 1 visitor car bay per lot.</p>
	<p>It was considered by the City's Officers when the original application was considered by the Council at its Ordinary Meeting on 24 September 2013, that the provision of one (1) residential car bay to each dwelling was adequate to meet the needs of two bedroom dwellings, and the provision of an additional visitor bay was not required, as the additional space which would be allocated for this car bay would limit the sites ability to meet other requirements of the City, such as landscaping.</p> <p>As such, as the proposal is identical in terms of the provision of car bays, the variation proposed in terms of the absence of the visitor car bays is supported for the above mentioned reasons.</p>

Issue/Design Element:	Outbuildings
Requirement:	<p><b>Residential Design Codes Clause 6.4.4 C4 iv</b> Outbuildings do not exceed a wall height of 2.4 metres</p>
Applicants Proposal:	Wall height: 2.8 metres
Performance Criteria:	<p><b>Residential Design Codes Clause 6.4.4 P4</b> Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.</p>

<b>Issue/Design Element:</b>	<b>Outbuildings</b>
Applicant justification summary:	No justification provided.
Officer technical comment:	The 2.8 metre wall height of the outbuildings complies with the Design Principles in this instance as they are located to the rear of the subject site; and therefore do not detract from the streetscape, and not have an adverse impact on the visual amenity of the adjoining properties.

<b>Issue/Design Element:</b>	<b>Retaining Walls</b>
Requirement:	<b>Residential Design Codes Clause 6.3.7</b> 0.5 metres maximum height.
Applicants Proposal:	0.6 metres maximum height.
Performance Criteria:	<b>Residential Design Codes Clause 6.3.7 P7</b> Retaining walls that result in land which can be effectively used for the benefits of residents and do not detrimentally affect adjoining properties and are designed, engineered and adequately landscaped having regard to clauses 6.3.6 and 6.4.1.
Applicant justification summary:	No justification provided.
Officer technical comment:	Minor variation. Not considered to have an undue impact on the streetscape or adjoining property. Considered to maintain the visual impression of the natural topography of the site as viewed from the street and surrounding properties.

<b>Car Parking</b>	
Residents car parking requirement	Proposed
<ul style="list-style-type: none"> <li>Small (&lt;75 square metres or 1 bedroom) 0.75 spaces per dwelling 2 dwellings = 1.5 or 2 spaces</li> <li>Medium (75 square metres – 110 square metres) 1 space per dwelling 2 dwellings = 2 spaces</li> <li>Large (&gt;110 square metres) 1.25 spaces per dwelling Nil</li> </ul>	
Total car bays required = 4 car bays	4 car bays
Resultant surplus/shortfall	Nil
Visitors car parking requirement	
<ul style="list-style-type: none"> <li>Visitors 0.25 spaces per dwelling 4 dwellings = 1 car bay</li> </ul>	
Total car bays required = 1 car bay	Nil
Resultant shortfall	1 car bay

**CONSULTATION/ADVERTISING:**

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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<b>Comments Period:</b>	13 January 2014 – 28 January 2014
<b>Comments Received:</b>	One (1) objection, and five (5) neither support or object.

Summary of Comments Received:	Officers Technical Comment:
<p>Already more cars than should be parked in street. Only one car bay for each dwelling and no visitor bays will not be enough to accommodate the proposed apartments. Would hate for this "no through road" to become a danger for children.</p>	<p>Noted. As per the requirements of the Residential Design Codes, the proposed development only requires the provision of 4 car bays in total for the site. As such the provision of 4 car bays is complaint. With regards the proposed variation to the required visitor bays, as stated above, this was previously supported by the Council, as the provision of one residential car bay to each dwelling was considered adequate by the City's Officers, to meet the needs of two bedroom dwellings, and the provision of an additional visitor bays not required in this instance. Furthermore the additional car bay space which would be allocated for these car bays would limit the sites ability to meet other requirements of the City, such as landscaping.</p>
<p>Concern over lack of landscaping. Overdevelopment of the lot has resulted in significant lack of landscaping. Development should not be to the detriment of the community and surrounding area.</p>	<p>Supported. The proposed variations to the required landscaping provisions are considered to result in an undue impact on the amenity of the immediate locality. A condition has been recommended for amended plans showing the required landscaping provisions outlined in the City's Multiple Dwellings Policy to be submitted to and approved by the City, prior to the issue of a Building Permit.</p>
<p>Concern over Privacy to Stairwell</p>	<p>Not supported. As per the Residential Design Codes of Western Australia, a stairwell is not a habitable space and therefore does not have any privacy implications.</p>
<p>Would like to request that the fence be increased to obscure the view from the stairwell on the west boundary adjacent to 121 Forrest Street.</p>	<p>Supported. As per advice notice 5, the City has no objection to the dividing fence being increased to a maximum height of 2.4</p>
<p>Opposed to boundary wall to storeroom on the western boundary.</p>	<p>Not supported. The subject boundary wall to the storeroom has been supported as it complies with the provisions of the Residential Design Codes and is not considered to have an undue impact on the amenity of the adjoining property.</p>
<p>Comment regarding the nib walls on the front elevation encroaching into the front setback area.</p>	<p>Noted. The setback calculations are calculated based on the front main building line of the dwelling. The proposed variations to the front setbacks have been supported as they were considered to meet the design solutions of the City's Residential Design Elements.</p>

**Design Advisory Committee:**

Referred to Design Advisory Committee: 3 April 2013.

Summary of Design Advisory Committee Comments:

***"Mandatory:***

*The current design requires the removal of a street tree, it is unlikely this will be supported by the City of Vincent. This along with the points noted above and below will result in the re-organisation of houses on the site.*

***Design Considerations:***

1. *Consider flipping plan to get better amenity.*
2. *Ground floor units have front and back courtyards – consider this in redesign and have access from unit into both courtyards.*
3. *Redesign to meet policy requirements, particularly northern light.*

***Technical:***

1. *Parking not permitted forward of building.*
2. *Front setback non compliant.*
3. *Not enough parking bays.*
4. *Lot boundary should be manipulated to alleviate problems as street tree cannot be removed and sewer line to be considered.*
5. *Apartments do not address northern light to living areas.*
6. *Need cross ventilation for all apartments.*
7. *Natural light and ventilations to bathrooms."*

The Applicant met with the City's officer to address the Design Advisory Committee's (DAC) comments and have provided amended plans to reflect the required changes. With regard to the plans approved by the Council on 24 September 2013, the following Officer comments are provided in light of the above mandatory DAC comments of 3 April 2013:

1. The proposed vehicular accessway has been amended to provide for the retention of the street tree. Further to this the following changes have been made:
  - Northern courtyard have been provided for each of the dwellings;
  - All dwellings achieve northern light;
  - Parking is located behind the dwellings;
  - Four (4) car parking spaces have been provided in accordance with the Deemed-to-comply provisions of Clause 6.3.3 'Parking' C3.1 of the R-Codes;
  - Cross ventilation has been increased for each of the dwellings; and
  - Natural light and ventilation has been provided to each of the bathrooms.

The current proposal was not referred back to the DAC, as the comments made by the DAC such as to consider flipping the plan for improving the amenity had largely been addressed with the current application, and considered a better design outcome than previously determined by the Council.

**LEGAL/POLICY:**

The following legislation and policies apply to the proposed development.

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2013;
- City of Vincent Town Planning Scheme No. 1;
- Norfolk Precinct Policy No. 7.1.10;
- Residential Design Elements Policy No. 7.2.1; and
- Development Guidelines for Multiple Dwellings in Residential Zones Policy No. 7.4.8.

**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*.

The City's Strategic Plan 2013-2017 states:

*"Natural and Built Environment*

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

**SUSTAINABILITY IMPLICATIONS:**

The City's Strategic Plan 2013-2017 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:

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

ENVIRONMENTAL	
Issue	Comment
The design of the dwellings allow for adequate light and ventilation, with all the dwellings provided with good cross ventilation.	

SOCIAL	
Issue	Comment
The proposal provides for an increase in housing diversity and provides housing for smaller households within the City which are anticipated to grow and become a significant proportion of the households.	

ECONOMIC	
Issue	Comment
The construction of the building will provide short term employment opportunities.	

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The minor plot ratio variation is not considered to contribute to the bulk and scale of the development. Furthermore, the proposed amended design is not considered to have an undue impact on the amenity of the locality, as it meets the design solution criteria of Clause BDPC 5 'Building Height' of the City's Policy No. 7.2.1.

Alma Road comprises a diverse streetscape of single-storey and two-storey dwellings. The two-storey dwellings within the immediate locality comprising upper floors, are flush with the ground floor, and upper floors projecting forward of the ground floor. As such, the proposal is considered to be in keeping with the streetscape, and the existing and desired future development of the locality.

**Technical Services**

The applicant was advised at the earliest assessment that the verge tree must be retained; however was unwilling to amend the design to accommodate the tree whilst providing a compliant crossover. The City's Parks Services Technical Officer has reluctantly permitted a crossover to be constructed with the minimum offset under the City's Policy.

The City's requirement with crossovers are to be aligned correctly with the internal driveway however if this development is to be approved Technical Service has no option but to accept a compromise.

**CONCLUSION:**

In view of the above, the proposal is supported subject to standard and appropriate conditions and advice notes.

**9.1.6 Nos. 60, 62 and 62A (Lot: 141 D/P: 32175, and Strata Lots 1 and 2 on Strata Plan 44480) Cheriton Street, Perth - Demolition of Existing Grouped Dwelling**

<b>Ward:</b>	South	<b>Date:</b>	31 January 2014
<b>Precinct:</b>	EPRA (15)	<b>File Ref:</b>	PRO3571; 5.2013.438.1
<b>Attachments:</b>	<a href="#">001</a> – Heritage Assessment		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Fox, Planning Officer (Strategic) H Au, Heritage Officer		
<b>Responsible Officer:</b>	P Mrdja, Acting Director Planning Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. In accordance with the provisions and powers of both the Local Government (Change of Districts Boundaries) Order 2007 and the Local Government (Constitution) Regulations 1998, allowing the City of Vincent to, in effect, administer the East Perth Redevelopment Authority Scheme No. 1 as if it were its own Scheme and the Metropolitan Region Scheme;
  - 1.1 REFUSES the application submitted by Meyer Shircore & Associates on behalf of the owners, Eshwar Holdings Pty Ltd, for proposed Demolition of the existing Grouped Dwelling at No. 60 and 62 (Lot: 141 D/P: 32175 and Strata Lot 1 on Strata Plan 44480) Cheriton Street, Perth, as shown on plans stamp-dated 3 October 2013, for the following reason:
    - 1.1.1 the existing place has moderate cultural heritage significance in terms of its aesthetic, historic and rarity value; and
  - 1.2 APPROVES the application submitted by Meyer Shircore & Associates on behalf of the owners, Eshwar Holdings Pty Ltd, for proposed Demolition of the Outbuilding at No. 62A (Strata Lot 2 on Strata Plan 44480) Cheriton Street, Perth, as shown on plans stamp-dated 3 October 2013, subject to the following conditions:
    - 1.2.1 a Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site;
    - 1.2.2 prior to the issue of a demolition permit, a redevelopment proposal for the subject property shall be submitted to and approved by the Council. A building permit for this development must have been issued and the applicant must demonstrate to the satisfaction of the Council that this development will commence;
    - 1.2.3 support of the demolition application is not to be construed as support of the Planning Approval/Building Permit application for the redevelopment proposal for the subject property;
    - 1.2.4 any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the East Perth Redevelopment Scheme No. 1 and associated Policies; and
    - 1.2.5 the development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City; and
2. NOTES that following the gazettal of the City's Town Planning Scheme No. 2, the subject place at Nos. 60 and 62 (Lot: 141 D/P: 32175 and Strata Lot 1 on Strata Plan 44480) Cheriton Street, Perth will be added to the City's Municipal Heritage Inventory in accordance with City of Vincent Policy No. 7.6.5 – Heritage Management.

**COUNCIL DECISION ITEM 9.1.6**

**Moved Cr Harley, Seconded Cr Buckels**

**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

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**PURPOSE OF REPORT:**

The proposal for full demolition requires referral to the Council for determination given that the Heritage Assessment has identified that the subject place has having cultural heritage significance in terms of aesthetic, historic and rarity value. This report presents to the Council the outcome of a full Heritage Assessment undertaken by the City’s Officers for Nos. 60, 62 and 62A Cheriton Street, Perth.

**BACKGROUND:**

The land in which subject place is located was formally under the control of the East Perth Redevelopment Authority (EPRA). In January 2002 the area was normalised and returned to the planning control of the City of Perth. The EPRA Scheme was applied to this area until such time that a Scheme Amendment was undertaken or the preparation of a Minor Town Planning Scheme was created by the City of Perth.

In July 2007, the subject area was transferred to the City of Vincent as part of boundary changes. At the time of the boundary change, the active Scheme used for this area was the EPRA Scheme No. 1 as the City of Perth Local Planning Scheme No. 26 was not gazetted until September 2007 (after the boundary change). As such, development applications are to be assessed in accordance with the Scheme that was active at the time of the boundary change, that being the EPRA Scheme. In accordance with the provisions of the EPRA Scheme, demolition of the subject place requires planning approval from the determining authority.

**EPRA Municipal Heritage review**

In 2001, while the subject area was in the control of EPRA, a Municipal Heritage Inventory review was undertaken which indicated that the subject place at No. 62 and the dwelling attached at No. 60 Cheriton Street, Perth had significant cultural heritage value and were recommended as Management Category 1 – Highest Level Protection Appropriate. In January 2002 when the subject area was normalised and planning control was returned to the City of Perth the review process ceased. The City of Perth did not proceed with the Municipal Heritage Inventory review process as the City of Perth Local Planning Scheme 26 was never completed.

**DETAILS:**

The application proposes the full demolition of the existing grouped dwelling at Nos. 60, 62 and 62A Cheriton Street, Perth.

The applicant in their correspondence dated 2 October 2013 advised the City that the proposal is for demolition only at this time as the owners wish to delay the preparation of concept plans for a development approval as there is a possibility that the demolition will be refused on heritage grounds. As such, the applicant seeks conditional demolition approval prior to proceeding with a proposed building design and lodging a formal development application for redevelopment.

Nos. 60 and 62 the dwellings and No. 62A at the rear of No. 62 contains an outbuilding which is also proposed to be demolished.

<b>Landowner:</b>	Eshwar Holdings Pty Ltd
<b>Applicant:</b>	Meyer Shircore & Associates
<b>Zoning:</b>	Metropolitan Region Scheme: Urban East Perth Redevelopment Scheme No. 1: Residential R80
<b>Existing Land Use:</b>	Residential
<b>Use Class:</b>	Not applicable
<b>Use Classification:</b>	Not applicable
<b>Lot Area:</b>	506 square metres (No. 60) and 507 square metres (No. 62 and 62A)
<b>Right of Way:</b>	Not Applicable

#### Heritage Assessment

The City's Officers undertook a detailed Heritage Assessment of the subject place in accordance with the City's Policy No. 7.6.2 relating to Heritage Management – Assessment. The Heritage Assessment is contained in an attachment to this report.

The single storey brick and iron semi-detached pair at No. 60 and 62 Cheriton Street constructed circa 1910, is a fine example of the Federation Free Classical style of architecture dating from the late nineteenth to early twentieth century. The place remains largely intact and contributes to the quality and diversity of Cheriton Street.

The place has *moderate aesthetic value* contributing to the heritage of the locality as it is a representative example of a pair of Federation Free Classical semi-detached dwellings dating from the late nineteenth to early twentieth century. The increasing affluence of the community following the gold boom is reflected in the use of decorative elements in the subject dwellings contributing to their significance as an integral component of a group of residential buildings representing the pattern of settlement in Perth at the time.

The place has *moderate historic value* because the dwellings reflect a way of life of the people of Perth in the late nineteenth and early twentieth century and are representative of the grander residential properties in the locality during this period.

The Federation Free Classical style of architecture of which this place is representative has *considerable rarity value*, as it is a particularly exceptional architectural style found in residential buildings within the City of Vincent. The significance of the place is increased because it remains a substantially intact pair, which is also rare in the City.

Currently the subject place is ineligible for inclusion on the City's Municipal Heritage Inventory given that the EPRA Scheme still applies to the subject area. However, given that the Heritage Assessment has identified that the subject place proposed to be demolished has cultural heritage significance in terms of aesthetic, historic and rarity value it is considered to be worthy of retention, and therefore demolition of Nos. 60 and 62 is not supported, however demolition of No. 62A is supported.

It is noted that following the gazettal of the City's Town Planning Scheme No. 2, Nos. 60 and 62 Cheriton Street will be added to the City's Municipal Heritage Inventory in accordance with the City's Policy No. 7.6.5 relating to Heritage Management – Amendments to the City's Municipal Heritage Inventory.

**CONSULTATION/ADVERTISING:**

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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<b>Comments Period:</b>	29 November 2013 – 13 December 2013
<b>Comments Received:</b>	Three (3) objections, one (1) neither support or object.

Summary of Comments Received:	Officers Comment:
<p><u>Heritage</u></p> <ul style="list-style-type: none"> <li>As the demolition plan does not even show the building elevations I urge the Council to seek more information on these buildings including potential heritage assessment and streetscape photographs before making their decision.</li> <li>The building is in an excellent state of repair and is not visibly dilapidated in any way. The duplex and the adjacent property are excellent examples of their architectural type and are now the only properties remaining on the street that maintains the historical identity of the area.</li> <li>It is my understanding that the dwellings at Nos. 60 and 62 Cheriton Street are heritage Listed and therefore cannot be demolished. It would be a shame to demolish these old buildings. A lot of thought has gone into restoring them.</li> </ul>	<p>A full heritage Assessment by the City's Officers has been undertaken of the subject place and has indicated that the grouped dwellings at Nos. 60 and 62 Cheriton Street has cultural heritage significance and is considered worthy of retention. At present the building is ineligible for inclusion onto the City's MHI. Notwithstanding this, the City's Officers recommend that, following gazettal of the City's TPS No. 2, the subject place be added to the City's MHI.</p>
<p><u>Redevelopment</u></p> <p>I am concerned that redevelopment with a multi-storey building will have overshadowing issues for the adjoining property.</p>	<p>Noted. Officers cannot comment on this matter as a proposal for redevelopment has not been submitted at this time.</p>

**LEGAL/POLICY:**

East Perth Redevelopment Scheme No. 1.

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013-2018 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 2013-2018 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 demolition of the built environment can have a significant adverse effect on the environment and the sustainable use of resources.	

SOCIAL	
Issue	Comment
The retention of the subject place enhances the amenity and diversity of the urban area and provides a strong local identity.	

ECONOMIC	
Issue	Comment
Nil	

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The Heritage Assessment undertaken by the City's Officers indicates that the subject place has *moderate aesthetic and historic value* and *considerable rarity value*. In addition, in 2001 EPRA undertook a review of their Municipal Heritage Inventory which indicated that the subject place had cultural heritage significance and was recommended as Management Category 1 – Highest Level Protection Appropriate.

In light of the above, it is recommended that the proposal for full demolition of the grouped dwellings at Nos. 60 and 62 Cheriton Street is not supported. However, the demolition of the outbuilding at No. 62A Cheriton Street is supported.

In addition, it is recommended that Nos. 60 and 62 Cheriton Street, Perth, be included onto the City's Municipal Heritage Inventory following the gazettal of the City of Vincent Town Planning Scheme No. 2.

### 9.2.1 Beaufort Street Bike Rack Replacement Program

<b>Ward:</b>	South	<b>Date:</b>	31 January 2014
<b>Precinct:</b>	Mt Lawley Centre (11)	<b>File Ref:</b>	TES0172; FIN0046
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	F Sauzier, TravelSmart Officer		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

#### OFFICER RECOMMENDATION:

That the Council APPROVES the;

- 1 removal of the existing twenty one (21) SBR108B bike racks and their replacement with a cylindrical pipe version (SJM Rack) in a similar style, as shown in the report, at an estimated cost of \$9,500 to be funded from the 2013/2014 Bicycle Network Implementation and Improvements budget; and
- 2 replacement of the pavement '*graphics panel sets*' to be applied to the pavement around the newly installed racks at an estimated cost of \$6,000 to be funded from the TravelSmart Community Programs budget.

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#### COUNCIL DECISION ITEM 9.2.1

Moved Cr Harley, Seconded Cr Buckels

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (8-0)**

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#### PURPOSE OF REPORT:

To advise the Council of a proposed bike rack replacement program in Beaufort Street as a result of safety concerns.

#### BACKGROUND:

##### November 2012:

Twenty one (21) SBR108B bike racks, were installed in various locations along Beaufort Street as recommended by the Beaufort Street Network Advisory Group. The racks are only 10mm wide and have been installed parallel to the kerbline.

Since their installation in late 2012, the City has received numerous complaints and comments regarding the safety and appropriateness of the racks, given their location, with some people claiming they are difficult to see.

##### May 2013:

To improve their visibility along the streetscape, the City installed a series of graphic panels around each rack to draw attention to them.

**December 2013:**

The City received a compensation claim from a person who tripped and cut his arm on one of the racks in October 2013. Although the City has made improvements to the prominence of the bike racks, the thinness of the racks and placement parallel to the kerb appear to not be easily seen by pedestrians.

**DETAILS:**

The existing SBR108B bike rack bike racks are only 10mm wide and stand 850mm tall and meet Bicycle Parking 2890.3 guidelines. The suppliers do make note that one of the factors to consider in meeting the guidelines is the location of the racks. In this instance, these particular racks may be better located in clusters, more flush to a wall, or where there is less dense foot traffic.



Figure 1 – Leda Securabike **SBR108B**



Figure 2. **JSM Rack**

Due to the ongoing concern expressed by some visitors to Beaufort Street about the safety and safe location of the racks and the future possibility of additional compensation claims, it is recommended that the current racks be removed and replaced by a similar shaped rack, but in a stainless steel cylindrical pipe material (JSM rack).

It is advised that;

1. numerous complaints and a compensation claim received by the City regarding the perceived safety of the existing twenty one (21) SBR108B bike racks installed in various locations in Beaufort Street; and
2. Officers have identified suitable alternative locations, and reconfigurations, for the existing twenty one (21) SBR108B bike racks.

**Relocation of existing racks**

The existing racks could be reused in a number of other locations in Vincent, including:

- Beatty Park Bike Shelter: A secure bike shelter is to be installed at Beatty Park and the 16 racks would be appropriate in this facility;
- Bikram Yoga Centre: 3 racks could be installed around this centre which has requested bike racks previously; and
- Birdwood Square: 2 bike racks could be installed on the western side of the recently upgraded pavilion.

**CONSULTATION/ADVERTISING:**

An Information Bulletin will be distributed to Businesses along Beaufort Street.

**LEGAL/POLICY:**

Parking and Access Policy 4.7.1. Objective 2. To ensure safe, convenient and efficient access for pedestrians, cyclists and motorists.

**RISK MANAGEMENT IMPLICATIONS:**

High: Replacement of the existing thin edged bike racks in Beaufort Street with a wider, more easily discerned bike rack will lessen the risk of a visitor to the area being injured and/or making a claim against the City.

**STRATEGIC IMPLICATIONS:**

It is noted that a key project for 2014/2015 is to complete the Beaufort Street upgrade, including implementing pedestrian friendly measures.

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

*"Improve and maintain the natural and built environment and infrastructure;*

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The following costs are associated with the proposal:

Item	Quantity/unit cost	Estimated Cost
Removal of current racks		\$3,500.00
Purchase of JSM racks	21 x \$142.50	\$3,000.00
Install of racks	21 x \$132.00	\$3,000.00
	<b>Subtotal</b>	<b>\$9,500.00</b>
Install of graphic panels		\$6,000.00
	<b>Total</b>	<b>\$15,000.00</b>

Expenditure for the Bike Racks can be funded from the 'Bicycle Network Implementation and Improvements budget (1) and the graphics panels can be funded from the TravelSmart Community Programs budget (2).

(1):	Budget Amount:	\$162,000
	Expenditure to Date:	<u>\$ 6,000</u>
	Balance:	\$156,000
(2):	Budget Amount:	\$55,000
	Expenditure to Date:	<u>\$ 4,000</u>
	Balance:	\$51,000

**COMMENTS:**

Since the installation of the SBR108B bike racks in Beaufort Street, Mount Lawley, the City has received a number of complaints about the perceived safety risk of the racks as well as a compensation claim from a man injured when he fell on one in October 2013.

In order to reduce the risk of further complaints to the City and any chance of future compensation claims, it is recommended that the current racks be removed and used in other projects around the City. The Beaufort Street racks are then to be replaced by a pipe cylindrical shape rack and the pavement graphic panels be reapplied.

**9.2.3 Newcastle Street, Leederville – Carr Street to Loftus Street - Road Rehabilitation – Further Report**

<b>Ward:</b>	South	<b>Date:</b>	31 January 2014
<b>Precinct:</b>	Oxford Centre (4)	<b>File Ref:</b>	TES0174
<b>Attachments:</b>	<a href="#">001</a> – Current Approved Plan No. 3105-CP-01 <a href="#">002</a> – Proposed Amended Plan No. 3105-CP-01A		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	R Lotznicker, Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **NOTES** its previous approval for the proposed Rehabilitation and Streetscape Improvements of the section of Newcastle Street, Leederville between Carr and Loftus Streets, as shown on attached Plan No. 3105-CP-01 at its Ordinary Meeting held on 17 December 2013; and
2. **APPROVES** a variation to the proposal, as outlined in clause 1, to incorporate Bike Lanes, at no additional cost, as shown on the attached revised Plan No. 3105-CP-01A.

**COUNCIL DECISION ITEM 9.2.3**

**Moved Cr Harley, Seconded Cr Buckels**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to obtain the Council’s approval to proceed with the Road Rehabilitation of Newcastle Street, Leederville between Oxford and Loftus Streets.

**BACKGROUND:**

As the Council is aware, in 2010 the City received funding from Main Roads WA (MRWA) from the Metropolitan Local Road Project Grant funding Pool for the rehabilitation of a portion of Newcastle Street. This program funds the rehabilitation of higher order roads whereby the state contributes two-thirds ( $\frac{2}{3}$ ) of the cost with the City requiring to fund the remaining one-third ( $\frac{1}{3}$ ).

At its Ordinary Meeting of Council held on 17 December 2014 a report on the Road Rehabilitation of Newcastle Street, Leederville between Oxford and Loftus Streets was considered where the following decision was made.

*“That the Council;*

1. *NOTES that;*
  - 1.1 *the Water Corporation has advised that their proposed redevelopment has been indefinitely delayed by the WA State Government and is unlikely to proceed for a number of years; and*

- 1.2 a total of \$260,000 has been allocated in the 2013/2014 Capital Works Budget for the Rehabilitation of Newcastle Street from the Metropolitan Regional Road Funding allocation whereby the State contributes two-thirds ( $\frac{2}{3}$ ) and the City funds the remaining one-third ( $\frac{1}{3}$ ) of the cost of the project;
2. APPROVES the proposed Rehabilitation and Streetscape Improvements of the section of Newcastle Street between Carr Street and Loftus Street, as shown on attached Plan No 3105-CP-01 as follows;
  - 2.1 the rehabilitation component of the project estimated to cost \$260,000 to be funded from the existing Metropolitan Regional Road Funding Allocation in the 2013/2014 Capital Works Budget; and
  - 2.2 the Streetscaping improvement component of the project comprising the centrally planted trees estimated to cost \$15,000 to be funded from the 2013/2014 Greening Plan Budget; and
3. ADVISES the Water Corporation and the adjoining residents/businesses of its decision.'

**DETAILS:**

**Approved Upgrade Proposal:**

As previously reported to the Council, the MRRG funding is for rehabilitation which includes re-kerbing, drainage improvements and removal of the existing asphalt layer and laying new asphalt i.e. road rehabilitation. The City has no additional funds allocated for Newcastle Street in 2013/2014

The approved proposal is as follows:

<b>Approved Proposal - Plan No. 3105-CP-01 (\$275,000)</b>
<ul style="list-style-type: none"> <li>• Red asphalt parking bays (MRRG Funded)</li> <li>• Red asphalt central flush treatment (MRRG Funded)</li> <li>• New Kerbing (MRRG Funded)</li> <li>• Line marking, signage (MRRG Funded)</li> <li>• Centrally planted trees (Spotted Gum or Apple Gum) Funded from the greening plan</li> </ul>

**Proposed amended proposal:**

In discussions with cycling groups and in the spirit of the Bike Plan it was considered that for no additional cost to the project two (2) x bike lanes could be incorporated in the design. These lanes would connect the Oxford Street precinct with the Thomas/Loftus Street bike lanes. The project scope would basically remain unchanged however it would be an opportunity lost if bike lanes were not incorporated in the project as shown on Plan No. 3105-CP-01A. The approved proposal is as follows:

<b>Amended proposal - Plan No. 3105-CP-01A (\$275,000)</b>
<ul style="list-style-type: none"> <li>• Red asphalt parking bays (MRRG Funded)</li> <li>• <del>Red asphalt central flush treatment (MRRG Funded)</del></li> <li>• Red asphalt Bike lanes (MRRG Funded) – <b><u>Proposed change</u></b></li> <li>• New Kerbing (MRRG Funded)</li> <li>• Line marking, signage (MRRG Funded)</li> <li>• <del>Centrally planted trees (Spotted Gum or Apple Gum) Funded from the greening plan</del></li> <li>• Trees (Spotted Gum or Apple Gum) planted in parking bays - Funded from the greening plan – <b><u>Proposed change</u></b></li> </ul>

**CONSULTATION/ADVERTISING:**

An Information Bulletin is distributed to affected residents in the street prior to any works being undertaken.

**LEGAL/POLICY**

The City is responsible for the care, control and management of over 145kms of roads, which include Primary Distributors, Local Distributors and Access Roads.

**RISK MANAGEMENT IMPLICATIONS:**

**Medium/High:** It is important to maintain the road infrastructure to a high level of service.

**STRATEGIC IMPLICATIONS:**

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

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

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

**SUSTAINABILITY IMPLICATIONS:**

Ensuring that appropriate intervention measures are planned at the appropriate time will ensure the longevity of the road infrastructure at the lowest possible cost.

**FINANCIAL/BUDGET IMPLICATIONS:**

The 2013/2014 Capital Works Budget includes funds of \$260,000 for the Road Rehabilitation of Newcastle Street between Loftus Street and Oxford Street. The additional estimated cost to plant mature trees in the road centre is \$15,000.

**COMMENTS:**

Since its creation, the City has expended a considerable amount on maintaining and upgrading the road infrastructure. The City has also been very successful in securing annual funding from the Metropolitan Regional Roads Program. It is requested that the officer recommendation be adopted.

**9.3.1 Investment Report as at 31 December 2013**

<b>Ward:</b>	Both	<b>Date:</b>	31 January 2014
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0033
<b>Attachments:</b>	<a href="#">001</a> – Investment Report		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	B Tan, Manager Financial Services; N Makwana, Accounting Officer		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

That the Council **NOTES** the Investment Report for the month ended 31 December 2013 as detailed in Appendix 9.3.1.

**COUNCIL DECISION ITEM 9.3.1**

**Moved Cr Harley, Seconded Cr Buckels**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

**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 1.2.4.

**DETAILS:**

Total Investments for the period ended 31 December 2013 were \$17,811,000 compared with \$19,811,000 at 30 November 2013. At 31 December 2012, \$20,711,000 was invested.

Investment comparison table:

	<b>2012-2013</b>	<b>2013-2014</b>
July	\$18,211,000	\$9,611,000
August	\$30,511,000	\$21,411,000
September	\$28,511,000	\$20,411,000
October	\$26,711,000	\$20,411,000
November	\$24,711,000	\$19,811,000
December	\$20,711,000	\$17,811,000

Total accrued interest earned on Investments as at 31 December 2013:

	<b>Annual Budget</b>	<b>Budget Year to Date</b>	<b>Actual Year to Date</b>	<b>%</b>
Municipal	\$281,340	\$209,865	\$177,665	63.15
Reserve	\$386,610	\$225,458	\$166,746	43.13

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

Funds are invested in accordance with the City's Investment Policy 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. 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 decrease in investment fund as compared to previous year is due to loan and contributions received for Beatty Park Redevelopment have been fully spent.

The interest earned is below budget. This is due to the decrease in the Reserve Bank of Australia cash rate from 3.50% to 2.50% in the last 12 months.

The funds invested have reduced from previous period due to instalment payment to ESL and payments to creditors.

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 December 2013**

<b>Ward:</b>	Both	<b>Date:</b>	31 January 2014
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0032
<b>Attachments:</b>	<a href="#">001</a> – Creditors Report		
<b>Tabled Items:</b>	-		
<b>Reporting Officers:</b>	O Wojcik, Accounts Payable Officer; B Tan, Manager Financial Services		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

That the Council CONFIRMS the;

1. Schedule of Accounts for the period 1 December – 31 December 2013 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 Harley, Seconded Cr Buckels**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

**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 December – 31 December 2013.

**BACKGROUND:**

The Council has delegated to the Chief Executive Officer (Delegation No. 3.1 the exercise of its power to make payments from the City'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:

<b>FUND</b>	<b>CHEQUE NUMBERS/ PAY PERIOD</b>	<b>AMOUNT</b>
<b>Municipal Account</b>		
Automatic Cheques	75367 – 75475	\$243,534.67
Transfer of Creditors by EFT Batch	1610, 1612 - 1620	\$4,024,814.64
Transfer of PAYG Tax by EFT	December 2013	\$286,909.05
Transfer of GST by EFT	December 2013	
Transfer of Child Support by EFT	December 2013	\$688.54
Transfer of Superannuation by EFT:		
• City of Perth	December 2013	
• Local Government	December 2013	
<b>Total</b>		<b>\$4,555,946.90</b>
<b>Bank Charges &amp; Other Direct Debits</b>		
Bank Charges – CBA		\$11,870.97
Lease Fees		\$4,687.55
Corporate MasterCards		\$13,104.18
Loan Repayment		\$194,101.70
Rejection fees		\$75.00
<b>Total Bank Charges &amp; Other Direct Debits</b>		<b>\$223,839.40</b>
<b>Less GST effect on Advance Account</b>		<b>0.00</b>
<b>Total Payments</b>		<b>\$4,779,786.30</b>

**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 2013-2017:

- “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.

**9.3.3 Financial Statements as at 30 November 2013**

<b>Ward:</b>	Both	<b>Date:</b>	31 January 2014
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0026
<b>Attachments:</b>	<a href="#">001</a> – Financial Reports		
<b>Tabled Items:</b>	<a href="#">002</a> – Significant Accounting Policies		
<b>Reporting Officers:</b>	B Wong, A/Manager Financial Services; N Makwana, Accounting Officer		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

That the Council **RECEIVES** the **Financial Statements** for the month ended 30 November 2013, as shown in **Appendix 9.3.3**.

**COUNCIL DECISION ITEM 9.3.3**

**Moved Cr Harley, Seconded Cr Buckels**

**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to present the Financial Statements for the period ended 30 November 2013.

**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 30 November 2013:

Note	Description	Page
1.	Summary of Income and Expenditure by Service Areas	1-30
2.	Statement of Financial Activity by Programme Report	31
3.	Statement of Financial Activity by Nature or Type Report	32
4.	Statement of Financial Position	33
5.	Statement of Changes in Equity	34
6.	Capital Works Schedule	35-41
7.	Restricted Cash Reserves	42
8.	Sundry Debtors Report	43
9.	Rate Debtors Report	44
10.	Beatty Park Leisure Centre Report – Financial Position	45
11.	Major Variance Report	46-53
12.	Monthly Financial Positions Graph	54-56

**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	\$10,104,772
YTD Revised Budget	\$9,991,729
YTD Variance	\$113,043
Full Year Budget	\$28,176,497

**Summary Comments:**

The total operating revenue is currently 101% of the year to date Budget estimate.

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

General Purpose Funding – 2% under budget;  
 Governance – 91% over budget;  
 Law, Order, Public Safety – 76% under budget;  
 Health – 9% under budget;  
 Education and Welfare – 3% under budget;  
 Community Amenities – 14% over budget;  
 Recreation and Culture – 17% over budget;  
 Transport – 9% under budget;  
 Economic Services – 11% under budget;  
 Other Property and Services – 81 over budget; and  
 General Administration (Allocated) – 23% under budget.

**Operating Expenditure**

YTD Actual	\$20,099,108
YTD Revised Budget	\$19,583,413
YTD Variance	\$515,695
Full Year Budget	\$48,927,550

**Summary Comments:**

The total operating expenditure is currently 103% of the year to date Budget estimate.

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

General Purpose Funding – 9% under budget;  
 Governance – 11% under budget;  
 Law and Order – 5% under budget;  
 Health – 13% under budget;  
 Education and Welfare – 12% under budget;  
 Community Amenities – 3% under budget;  
 Recreation and Culture – 4% over budget;  
 Transport – 7% over budget;  
 Economic Services – 3% under budget;  
 Other Property & Services – 35% over budget; and  
 General Administration (Allocated) – 229% over budget.

**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	\$9,536,581
YTD Revised Budget	\$8,887,691
Variance	\$648,890
Full Year Budget	\$29,136,897

**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 \$28,893,577 and non-current assets of \$204,491,343 for total assets of \$233,384,920.

The current liabilities amount to \$8,855,295 and non-current liabilities of \$19,400,907 for the total liabilities of \$28,256,202.

The net asset of the City or Equity is \$205,128,718.

**7. Net Current Funding Position**

	<b>30 November 2013 YTD Actual \$</b>
<b>Current Assets</b>	
Cash at Bank	9,858,940
Cash Restricted	8,810,459
Receivables – Rates and Waste	6,674,103
Receivables – Others	3,314,166
Inventories	224,908
	<b>28,882,576</b>
<b>Less: Current Liabilities</b>	
Trade and Other Payables	(5,495,076)
Provisions	(2,752,163)
	<b>(8,247,239)</b>
<b>Less: Restricted Cash Reserves</b>	(8,810,459)
Net Current Funding Position	<b>11,824,878</b>

## 8. Capital Expenditure Summary

The Capital Expenditure summary details projects included in the 2013/2014 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	\$201,750	\$57,250	\$45,029	79%
Plant & Equipment	\$3,269,666	\$619,000	\$252,014	41%
Land & Building	\$1,229,000	\$227,500	\$235,519	104%
Infrastructure	\$12,198,585	\$1,964,745	\$1,516,218	77%
<b>Total</b>	<b>\$16,899,001</b>	<b>\$2,868,495</b>	<b>\$2,048,780</b>	<b>71%</b>

Note: The actual to date value for Plant and Equipment is the net of trade in value of the purchase price.

Note: Detailed analyses are included on page 35 – 41 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 30 November 2013 is \$8.8m. The balance as at 30 November 2012 was \$13.5m.

## 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 \$565,448 is outstanding at the end of November 2013.

Out of the total debt, \$282,833 (50.0%) relates to debts outstanding for over 60 days, which is related to Cash in Lieu Parking. The Cash in Lieu Parking debtors have special payment arrangement for more than one year.

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 2013/14 were issued on the 22 July 2013.

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

First Instalment	26 August 2013
Second Instalment	28 October 2013
Third Instalment	3 January 2014
Fourth Instalment	7 March 2014

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)	\$10.00 per instalment
Instalment Interest Rate	5.5% per annum
Late Payment Penalty Interest	11% per annum

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

Rates outstanding as at 30 November 2013 including deferred rates was \$6,256,516 which represents 24.19% of the outstanding collectable income compared to 24.06% at the same time last year.

**12. Beatty Park Leisure Centre – Financial Position Report**

As at 30 November 2013 the operating deficit for the Centre was \$314,411 in comparison to the year to date budgeted deficit of \$770,994.

The cash position showed a current cash surplus of \$5,077 in comparison year to date budget estimate of a cash deficit of \$529,314. The cash position is calculated by adding back depreciation to the operating position.

**13. Major Variance Report**

The material threshold adopted this year is 10% or \$10,000 to be used in the preparation of the statements of financial activity when highlighting material variance in accordance with FM Reg 34(1) (d).

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 2013-2017:

*"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.

**9.3.4 Financial Statements as at 31 December 2013**

<b>Ward:</b>	Both	<b>Date:</b>	31 January 2014
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0026
<b>Attachments:</b>	001 – Financial Reports		
<b>Tabled Items:</b>	002 – Significant Accounting Policies		
<b>Reporting Officers:</b>	B Tan, Manager Financial Services; N Makwana, Accounting Officer		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

That the Council **RECEIVES** the **Financial Statements** for the month ended 31 December 2013, as shown in **Appendix 9.3.4**.

**COUNCIL DECISION ITEM 9.3.4**

**Moved Cr Harley, Seconded Cr Buckels**

**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to present the Financial Statements for the period ended 31 December 2013.

**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 December 2013:

Note	Description	Page
1.	Summary of Income and Expenditure by Service Areas	1-30
2.	Statement of Financial Activity by Programme Report	31
3.	Statement of Financial Activity by Nature or Type Report	32
4.	Statement of Financial Position	33
5.	Statement of Changes in Equity	34
6.	Capital Works Schedule	35-41
7.	Restricted Cash Reserves	42
8.	Sundry Debtors Report	43
9.	Rate Debtors Report	44
10.	Beatty Park Leisure Centre Report – Financial Position	45
11.	Major Variance Report	46-54
12.	Monthly Financial Positions Graph	55-57

**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 9.3.4.**

**3. Statement of Financial Activity by Programme Report**

**Operating Revenue excluding Rates**

YTD Actual	\$12,175,404
YTD Revised Budget	\$12,114,699
YTD Variance	\$60,705
Full Year Budget	\$28,176,497

**Summary Comments:**

The total operating revenue is currently 101% of the year to date Budget estimate.

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

General Purpose Funding – 1% under budget;  
 Governance – 90% over budget;  
 Law, Order, Public Safety – 73% under budget;  
 Health – 8% under budget;  
 Education and Welfare – 3% under budget;  
 Community Amenities – 15% over budget;  
 Recreation and Culture – 20% over budget;  
 Transport – 10% under budget;  
 Economic Services – 8% under budget;  
 Other Property and Services – 23 under budget; and  
 General Administration (Allocated) – 17% under budget.

**Operating Expenditure**

YTD Actual	\$24,990,343
YTD Revised Budget	\$24,774,114
YTD Variance	\$216,229
Full Year Budget	\$48,927,550

**Summary Comments:**

The total operating expenditure is currently 101% of the year to date Budget estimate.

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

General Purpose Funding – 4% under budget;  
 Governance – 1% under budget;  
 Law and Order – 12% under budget;  
 Health – 10% under budget;  
 Education and Welfare – 2% over budget;  
 Community Amenities – 3% under budget;  
 Transport – 2% over budget;  
 Economic Services – 5% under budget;  
 Other Property & Services – 33% over budget; and  
 General Administration (Allocated) – 194% over budget.

**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	\$12,749,771
YTD Revised Budget	\$16,405,743
Variance	\$3,655,972
Full Year Budget	\$29,136,897

**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 \$25,385,358 and non-current assets of \$205,837,632 for total assets of \$231,222,990.

The current liabilities amount to \$8,024,776 and non-current liabilities of \$19,400,907 for the total liabilities of \$27,425,682.

The net asset of the City or Equity is \$203,797,308.

**7. Net Current Funding Position**

	<b>31 December 2013 YTD Actual \$</b>
<b>Current Assets</b>	
Cash at Bank	7,972,971
Cash Restricted	9,236,071
Receivables – Rates and Waste	4,808,597
Receivables – Others	3,123,801
Inventories	232,918
	<b>25,374,358</b>
<b>Less: Current Liabilities</b>	
Trade and Other Payables	(4,725,405)
Provisions	(2,790,036)
	<b>(7,515,441)</b>
<b>Less: Restricted Cash Reserves</b>	(9,236,071)
<b>Net Current Funding Position</b>	<b>8,622,846</b>

## 8. Capital Expenditure Summary

The Capital Expenditure summary details projects included in the 2013/2014 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	\$201,750	\$124,750	\$51,417	41%
Plant & Equipment	\$3,269,666	\$1,600,466	\$346,139	22%
Land & Building	\$1,229,000	\$636,000	\$288,545	45%
Infrastructure	\$12,198,585	\$5,738,247	\$2,073,725	36%
<b>Total</b>	<b>\$16,899,001</b>	<b>\$8,099,463</b>	<b>\$2,759,826</b>	<b>34%</b>

Note: The actual to date value for Plant and Equipment is the net of trade in value of the purchase price.

Note: Detailed analyses are included on page 35 – 41 of Appendix 9.3.4.

## 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 December 2013 is \$9.2m. The balance as at 31 December 2012 was \$12.2m.

## 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 \$501,182 is outstanding at the end of December 2013.

Out of the total debt, \$278,239 (55.5%) relates to debts outstanding for over 60 days, which is related to Cash in Lieu Parking. The Cash in Lieu Parking debtors have special payment arrangement for more than one year.

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 2013/14 were issued on the 22 July 2013.

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

First Instalment	26 August 2013
Second Instalment	28 October 2013
Third Instalment	3 January 2014
Fourth Instalment	7 March 2014

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)	\$10.00 per instalment
Instalment Interest Rate	5.5% per annum
Late Payment Penalty Interest	11% per annum

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

Rates outstanding as at 31 December 2013 including deferred rates was \$4,589,100 which represents 17.74% of the outstanding collectable income compared to 18.03% at the same time last year.

**12. Beatty Park Leisure Centre – Financial Position Report**

As at 31 December 2013 the operating deficit for the Centre was \$457,412 in comparison to the year to date budgeted deficit of \$930,531.

The cash position showed a current cash deficit of \$74,206 in comparison year to date budget estimate of a cash deficit of \$640,515. The cash position is calculated by adding back depreciation to the operating position.

**13. Major Variance Report**

The material threshold adopted this year is 10% or \$10,000 to be used in the preparation of the statements of financial activity when highlighting material variance in accordance with FM Reg 34(1) (d).

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 2013-2017:

*"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.

**9.3.5 Annual Plan – Capital Works Programme 2013/2014 – Progress Report  
No.2 as at 31 December 2013**

<b>Ward:</b>	Both	<b>Date:</b>	31 January 2014
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0025
<b>Attachments:</b>	<a href="#">001</a> – Annual Capital Works Schedule 2 <sup>nd</sup> Quarter		
<b>Reporting Officers:</b>	M Rootsey, Director Corporate Services; R Boardman, Director Community Services; R Lotznicker, Director Technical Services; and P Mrdja, A/Director Planning Services		
<b>Responsible Officer:</b>	John Giorgi, JP Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **RECEIVES** Progress Report No. 2 for the period 1 October to 31 December 2013 for the Capital Works Programme 2013/2014, as detailed in Appendix 9.3.5.

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**COUNCIL DECISION ITEM 9.3.5**

**Moved Cr Harley, Seconded Cr Buckels**

**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

---

**PURPOSE OF REPORT:**

The purpose of this report is to provide a quarterly progress report on the Council's Capital Works Programme 2013/2014 for the period 1 October 2013 to 31 December 2013.

**BACKGROUND:**

At the Special Meeting of Council held on 2 July 2013, Council adopted the Annual Budget 2013/2014.

**DETAILS:**

The Capital Works Programme now forms part of the Annual Plan for the City of Vincent. The Directors and Managers from the four (4) Directorates have formulated the attached Capital Works Programme. The Programme comprises of \$9.46 million of new Capital Works.

The programme takes into consideration the following factors:

- Budget/funding
- Existing workload commitments of the workforce
- Consultation requirements
- Liaison with other agencies/service areas
- Employee leave periods
- Leave requirements
- Cash flow requirements

The following significant changes have been made from the original adopted Capital Works Programme as listed below:

Project	Reason
<b>Major Plant Replacement</b>	
CCTV Cameras – Leederville, nib Stadium and Others	Project not proceeding in this financial year following cancellation of federal funding.
Community Entergy Efficiency Program (CEEP)	Project to be re-scoped due to technical issues and budget implications.
<b>Buildings</b>	
Auckland/Hobart Street Reserve – install unisex toilet	Project not proceeding as per Council decision OMC 10 December 2013.
Mount Hawthorn Community Centre – roof replacement	Work completed in last financial year.
Beaufort Street Precinct – install unisex toilet	Funds reallocated to Leederville Town Centre streetscape and park enhancement.
<b>Parks Development</b>	
Nature Playground – location to be determined	Funds reallocated to Leederville Town Centre streetscape and park enhancement.
<b>Streetscape Improvements</b>	
Newcastle – Carr Street	Project on hold awaiting federal funding

**CONSULTATION/ADVERTISING:**

Not applicable

**LEGAL/POLICY:**

The Capital Works Programme has been prepared on the adopted 2013/2014 Annual Budget.

**STRATEGIC IMPLICATIONS:**

Strategic Community Plan 2011 – 2023 (Plan for the Future)

In keeping with the City's Strategic Plan 2013-2017 Key Result Area One – Natural and Built Environment:

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

**SUSTAINABILITY IMPLICATIONS:**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

The Capital Works Programme is funded in 2013/2014 Annual Budget.

**COMMENTS:**

The schedule of projects may be subject to change during the year.

Quarterly progress reports on the Capital Works Programme will be prepared for Council throughout the year.

The projects listed will ensure the City's infrastructure and assets are upgraded and maintained for the overall benefit of the community.

**9.4.2 One Life Suicide Prevention Strategy – Community Action Plan (CAP) – Progress Report No. 2**

<b>Ward:</b>	All	<b>Date:</b>	31 January 2014
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0200
<b>Attachments:</b>	<a href="#">001</a> – City of Vincent Stage 2 CAP Final Report – Youth <a href="#">002</a> – City of Vincent Stage 2 CAP Final Report – General Community		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	M Haley, Community Development Officer – One Life		
<b>Responsible Officer:</b>	J Anthony, A/Director Community Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES;**
  - 1.1 **Progress Report No. 2 on Stage 2 of the One Life Suicide Prevention Strategy; and**
  - 1.2 **City of Vincent Stage 2 Community Action Plan Final Report to Centrecare as shown in Appendices 9.4.2A and 9.4.2B; and**
2. **ADOPTS the City of Vincent Stage 2 Community Action Plan Final Report to Centrecare, as shown in Appendices 9.4.2A and 9.4.2B.**

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**COUNCIL DECISION ITEM 9.4.2**

**Moved Cr Harley, Seconded Cr Buckels**

**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

---

**PURPOSE OF REPORT:**

To update Council on the progress of the One Life Suicide Prevention Strategy.

**BACKGROUND:**

The Western Australian Government committed \$13 million from 2009 to 2013 to implement the One Life Suicide Prevention Strategy. The Strategy aimed to transform attitudes regarding suicide and suicidal behaviour and represented a guide for policies and services to better meet the needs of people at risk. The Strategy also charted a longer term vision to promote individual mental health and wellbeing and the need to enhance community capacity in approaches to suicide prevention.

The Minister for Mental Health gave direction and responsibility to the Ministerial Council for Suicide Prevention (MCSP) who led the Strategy. The MCSP coordinated state-wide initiatives for suicide prevention and oversaw initiatives to improve strength and resilience, expand community knowledge of suicide, and support capacity building in communities at increased risk.

Centrecare coordinated the One Life Suicide Prevention Strategy and was engaged to complete the daily work of the MCSP. Their responsibility lied in actively attracting support across sectors to facilitate a coordinated agency and local response to communities experiencing early signs of suicide crisis. They implemented initiatives to increase awareness as well as coordinate training, research and evaluation of suicide prevention strategies across the State of Western Australia. Centrecare developed a structured One Life Team, including an Agency Coordinator who engaged government, non government and corporate agencies to establish organisation wide suicide prevention strategies.

Agency involvement has been through the development and implementation of Community Action Plans (CAPs), which highlight the key issues for the City and focus on increasing the capacity of local community organisations, the promotion of mental health and wellbeing awareness and information and local implementation strategies.

Date	Action Taken
8 May 2012	It was resolved by Council to participate in the One Life Suicide Prevention Strategy with the implementation of the Stage 1 CAP, \$82,900 was received from Centrecare, with in-kind support from the City as the Host Agency.
20 August 2012	The full-time One Life Community Coordinator commenced employment at the City and the implementation of the Stage 1 CAP commenced.
20 November 2012	At the Ordinary Meeting of Council the Council resolved as follows:  “1. <i>RECEIVES Progress Report No. 1 on Stage 1 of the One Life Suicide Prevention Strategy;</i>  2. <i>ENDORSES the:</i>  2.1 <i>City of Vincent’s involvement in Stage 2; and</i>  2.2 <i>One Life Suicide Prevention Strategy – Stage 2 Community Action Plan (CAP) proposal; and</i>  3. <i>APPROVES the City’s in-kind support of the Strategy, as the Host Agency.”</i>
30 November 2012	Final community consultation surveys were received – 115 community members and service staff completed the survey during this time. Information received informed the development of Vincent’s community and youth CAP’s.  Survey results indicated that education for community members about suicide, including risk factors, warning signs and the availability of help would best support individuals to respond to others at risk. Positive feedback has been received from Lifeline WA regarding the consultation; <i>“Congratulations to the City of Vincent for being responsible around this topic”</i> .
20 December 2012	The inaugural meeting for the Healthy Vincent Advisory Group was held and the One Life Suicide Prevention Strategy was presented.
15 January 2013	The City’s Stage 2 CAP’s and supporting documentation were submitted to Centrecare.
6 February 2013	Centrecare advised that the City’s Youth Stage 2 CAP budget had been approved to the value of \$98,318.
12 February 2013	Centrecare advised that the City’s Stage 2 CAP had been approved to the value of \$62,600.
20 May 2013	Implementation of Stage 2 Youth and General CAP commenced with the appointment of another Officer.

**DETAILS:**

City-wide engagement has been undertaken by the Community Coordinator to implement the One Life Strategy, including a community engagement session, engagement at community events, online surveys developed for community members and service providers and face-to-face and telephone contact with service providers. Since the City of Vincent Stage 1 CAP commenced on 20 August 2012, community members and service providers have provided feedback regarding assets and issues relating to suicide prevention and possible solutions for future initiatives. Information gathered has informed the development of Stage 2 CAP initiatives.

Community feedback outlined the following:

- People feel less confident in identifying and responding to others at risk of suicide when compared to talking to others about physical or mental health issues. The main reason for this is reported as being a lack of awareness and knowledge relating to how to identify and respond to people at risk;
- Education for community members about suicide, including risk factors, warning signs and the availability of help is the most useful support to assist individuals to identify and respond to others at risk. In-school education and support regarding suicide and suicide prevention and on-line resources for the community were also identified as being useful;
- Suicide prevention activities should target young people, people with a mental health issue and people who have previously attempted suicide;
- Formal and informal education for community members to increase awareness and understanding, and reduce stigma are needed in the community to improve community health and wellbeing. Initiatives that promote social inclusion are also needed;
- Information made available online is reportedly the best way to inform the community about new and existing initiatives, followed by information in newspapers and information being made available at community events;
- The need to improve information sharing amongst service providers and to reduce duplication of services between government departments, academic institutions, non-government organisations, and peak and professional bodies; and
- The need to coordinate local responses to suicide prevention.

Stage 1 CAP consultations informed three (3) key objectives for Stage 2 CAP initiatives as follows:

1. Increased awareness and knowledge of suicide prevention;
2. Increased social capital to improve health and wellbeing; and
3. Improved coordination amongst stakeholders to meet the needs of the broader community.

Vincent developed two (2) Stage 2 CAP proposals as per the Stage 1 proposal. One CAP was developed for youth and another for the broader Vincent community

Proposed activities to address key objectives included in the Stage 2 CAP proposal are as follows:

- Informal awareness raising and education about suicide prevention disseminated throughout the community to increase the community's awareness and knowledge of suicide prevention and positive mental health and wellbeing;
- Education and training for community members and stakeholders to increase the community's capacity to respond to suicide risk, mental health and wellbeing issues. Education and training includes suicide prevention, intervention, and post-vention information;
- Establish a network for stakeholders to network and communicate with one another to increase information sharing, reduce duplication of services, promote effective practice and support positive mental health and wellbeing in the community;
- Partner with Act-Belong-Commit to promote the evidence-based health promotion campaign to increase individual awareness and understanding of keeping mentally healthy. Community members are encouraged to be more mentally healthy, physically and socially active, join clubs and organisations, and increase their level of commitment to the activities they engage in;
- Develop guidelines for the responsible reporting of suicide, including a resource for local media professionals;
- Establish an online community safety-net that provides information for people after discharge from clinical care; and
- The Stage 2 CAP informs opportunities for strategic planning, collaboration and advocacy.

### **General CAP Initiatives**

#### 22 July 2013 - safeTALK training workshop

Participants learnt how to recognise and engage a person who might be having thoughts of suicide, to confirm if thoughts of suicide are present and to move quickly to connect them with helpers who know how to complete the helping process. Twenty-two (22) participants attended

#### 15 and 16 August 2013 - Applied Suicide Intervention Skills Training (ASIST)

Participants learn to recognise when someone may be at risk of suicide and respond in ways that help increase their immediate safety and link them to further help. ASIST aims to enhance a caregiver's abilities to help a person at risk avoid suicide. ASIST trained participants are able to provide suicide intervention in a structured way. Sixteen (16) participants attended.

#### 22 August 2013 - 'What is Mental Health?'

The workshop aimed to increase participant's knowledge of what constitutes mental health, how to identify and to respond to mental health issues and what people can do to be mentally healthy. It was also a focus of the training for participants to increase their awareness of support services available. Fourteen (14) participants attended.

#### 19 September 2013 - Suicide Prevention Forum

The second Suicide Prevention Forum was held for City residents, service providers and anyone with an interest in suicide prevention. Youth Focus, MIFWA, Lifeline, Tracey Kippin (One Life Ambassador) and Glenn Mitchell (One Life Ambassador) presented on the day. The Forum was met with great reception and feedback from the community – it was wonderful to see the landscape of suicide prevention changing. Eighty-three (83) participants attended.

#### 12 October 2013 - safeTALK training workshop

Participants learnt how to recognise and engage a person who might be having thoughts of suicide, to confirm if thoughts of suicide are present and to move quickly to connect them with helpers who know how to complete the helping process. Twenty-four (24) participants attended.

#### 28 October 2013 – suicideTALK

suicideTALK is a short community-oriented program exploring issues and attitudes in suicide prevention. The presentation is designed to play a role in mobilising participants' resolve to work toward the creation of suicide-safer communities. Nine (9) participants attended

#### 9 and 10 November 2013 - Applied Suicide Intervention Skills Training (ASIST)

Participants learn to recognise when someone may be at risk of suicide and respond in ways that help increase their immediate safety and link them to further help. ASIST aims to enhance a caregiver's abilities to help a person at risk avoid suicide. ASIST trained participants are able to provide suicide intervention in a structured way. Twenty-four (24) participants attended.

#### 14 November 2013 - safeTALK training workshop

Participants learnt how to recognise and engage a person who might be having thoughts of suicide, to confirm if thoughts of suicide are present and to move quickly to connect them with helpers who know how to complete the helping process. Twenty-four (24) participants attended.

#### 5 and 6 December 2013 - Applied Suicide Intervention Skills Training (ASIST)

Participants learn to recognise when someone may be at risk of suicide and respond in ways that help increase their immediate safety and link them to further help. ASIST aims to enhance a caregiver's abilities to help a person at risk avoid suicide. ASIST trained participants are able to provide suicide intervention in a structured way. Thirty (30) participants expected to attend.

#### 10 December 2013 - Opening Closets Mental Health Training

Opening Closets Mental Health Training aims to improve access to mental health services by Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) people by raising awareness of their specific needs and developing worker capacity to appropriately respond to clients while promoting inclusive practice. Twenty-one (21) participants expected to attend.

Other initiatives which have been ongoing through the year include:

- Well maintained Vincent One Life webpage, up to date information on training dates and events, a thorough community toolbox – with a variety of resource and steps the community can take to help keep someone safe who may be in crisis;
- Vincent has addressed risks associated with reporting on the One Life strategy by referring to the Mindframe National media reporting guidelines. All correspondence by email and on-line regarding the One Life strategy includes contact information for crisis support services. Material promoting strategy also includes contact information for crisis support services and all printed material is available to the community in an alternative format if requested;

- The City's media policy has been amended to include the procedure in which the City will report on suicide and mental health, and how responses are made to the media on reporting on suicide and mental health; and
- Mindframe's 'Suicide and Mental Illness in the Media' resource has been disseminated to local newspapers, 'The Guardian' and 'The Voice', for the purpose of promoting best practice guidelines when reporting on suicide and mental illness and health. These practices will remain and be promoted at the conclusion of the Strategy.

### **Youth CAP Initiatives**

#### 15 and 16 August 2013 - Applied Suicide Intervention Skills Training (ASIST)

Participants learn to recognise when someone may be at risk of suicide and respond in ways that help increase their immediate safety and link them to further help. ASIST aims to enhance a caregiver's abilities to help a person at risk avoid suicide. ASIST trained participants are able to provide suicide intervention in a structured way. Sixteen (16) participants attended.

#### 26 August 2013 – Make Your Own Poster Competition

Make Your Own Poster Competition started – "what do you do to keep mentally healthy? Was the theme of the competition, encouraging 12 to 15 year olds to reframe the perception of mental health, and make people aware that one can actively care for their mental health. 53 total entries were received. The winning poster designs were selected from a panel of judges, including ex Deputy Mayor Cr Warren McGrath, Director Community Services, Manager Community Development and Community Development Officers. Eleven (11) posters were chosen to be transformed into twenty-two (22) street pole banners. These street pole banners were erected on Scarborough Beach Road and Fitzgerald Street for the three (3) weeks.

#### 6 September 2013 - Prevention and postvention suicide awareness education session for secondary school staff

Topics included suicide and self harm, preparing your school, considerations for working with young people, what is mental health and mental illness?, importance of early intervention and what you can do if someone needs help. Twenty (20) secondary school staff attended from five (5) local high schools.

#### 14 and 21 September 2013 - Youth Mental Health First Aid (YMHFA)

YMHFA training is for parents, teachers, coaches, youth workers and any other adult working or living with adolescents (12 to 18 years), on the day we had a diverse mix of people all their to increase their knowledge and learn. The two (2) day course aimed to increase the participant's knowledge when assisting adolescents experiencing a mental health crisis or developing a mental health problem, awareness of the signs and symptoms of common mental health issues in adolescents. Ten (10) participants attended.

#### 22 October 2013 – 'Go Girls'

'Go Girls' focuses on increasing females' aged 12 to 14 year old resilience and confidence. The sessions focus on three (3) key target areas; active living, balanced eating and feeling good about oneself. 'Go Girls' ran for eight (8) weeks in total, with two (2) sessions being held, at YMCA HQ and at Aranmore Catholic College. In total, twenty-three (23) 12 to 14 year olds participated and twelve (12) 18 to 25 year old mentors.

#### 28 October 2013 – suicideTALK

suicideTALK is a short community-oriented program exploring issues and attitudes in suicide prevention. The presentation is designed to play a role in mobilising participants' resolve to work toward the creation of suicide-safer communities. Nine (9) participants attended.

29 October 2013 - 'What is Mental Health?'

An education session was conducted with the year 9 student cohort at Aranmore Catholic College. Students were introduced to mental health and the signs and symptoms to look for. The training reached 110 students.

9 and 10 November 2013 - Applied Suicide Intervention Skills Training (ASIST)

Participants learn to recognise when someone may be at risk of suicide and respond in ways that help increase their immediate safety and link them to further help. ASIST aims to enhance a caregiver's abilities to help a person at risk avoid suicide. ASIST trained participants are able to provide suicide intervention in a structured way. Twenty-four (24) participants attended.

24 November 2013 - ROC TEEN

A workshop for 10 to 13 year old boys was held. ROC TEEN helps young boys deal with the pressures of life and teaches them new coping mechanisms. Teaching resilience, optimism, confidence and new ways of how to cope with school changes.

26 November 2013 - 'Success, failure and everything in-between for our modern teenagers'

This session focused on how parents can be proactive in taking care of their teenagers' mental health. Focused on making a clear distinction between the benefits of positive thinking, the session also focused on making the parents aware of the difference between a hormonal teenager and when you should seek help, focusing on trusting your gut.

5 and 6 December 2013 - Applied Suicide Intervention Skills Training (ASIST)

Participants learn to recognise when someone may be at risk of suicide and respond in ways that help increase their immediate safety and link them to further help. ASIST aims to enhance a caregiver's abilities to help a person at risk avoid suicide. ASIST trained participants are able to provide suicide intervention in a structured way. Thirty (30) participants expected to attend.

**Final Evaluation**

Final evaluation material has been collated into two (2) separate descriptive data reports (full reports shown in Appendices 9.4.2A and 9.4.2B) a summary of the key findings include:

<b>General CAP (89 Surveys completed)</b>
<ul style="list-style-type: none"><li>• 57.3% of participants now know how to help someone in crisis compared to the 19.4% of participants who completed the initial community consultation survey;</li><li>• 85.4% enjoyed the event;</li><li>• 86.5% would attend another event around mental health and suicide;</li><li>• 88.8% of participants ranked 'Awareness-raising presentations' as an important initiative for reducing the rates of suicide amongst the community;</li><li>• When asked about their perceptions and attitudes towards the community – participants scored an average 3.47 out of 5;</li><li>• 23.3% of participants identified as being diagnosed with a mental health problem;</li><li>• 40.4% of participants have had suicidal thoughts;</li><li>• 13.5% had attempted suicide previously;</li><li>• Only 29.2% of those sought appropriate help;</li><li>• Based on a clinical measure of depression – 23.7% of participants were suffering from mild to extremely severe depression at the time of the survey – with 3.4% at the higher spectrum;</li><li>• Based on a clinical measure for anxiety – 30.3% of participants were suffering from mild to extremely severe anxiety at the time of the survey – with 12.4% moderately struggling and 6.7% extremely severe; and</li><li>• Based on a variety of questions participants had a strong sense of resilience.</li></ul>

**Youth CAP (51 Surveys completed)**

- 35.5% of participants now know how to help someone in crisis compared to the 19.4% of participants who completed the initial community consultation survey;
- 49% of participants definitely know where to seek help for others;
- 56.9% would attend another event around mental health and suicide;
- 76.5% of participants ranked 'Awareness-raising presentations' as an important initiative for reducing the rates of suicide amongst the community;
- 66.7% of participants noted the importance of having school-based workshops to prevent suicide;
- When asked about their perceptions and attitudes towards the community – participants scored an average 3.70 out of 5;
- 11.8% of participants still hold a strong stigma around suicide;
- 21.8% of participants identified as being diagnosed with a mental health problem;
- 41.2% of participants have had suicidal thoughts;
- 9.9% intentionally harms themselves once a month;
- 7.8% had attempted suicide previously;
- Only 21.6% of those sought appropriate help;
- Based on a clinical measure of depression – 27.5% of participants were suffering from mild to extremely severe depression at the time of the survey;
- Based on a clinical measure for anxiety – 33.2% of participants were suffering from mild to extremely severe anxiety at the time of the survey – with 13.7% severely struggling and 7.8% extremely severe anxiety; and
- Based on a variety of questions participants had a strong sense of resilience.

**CONSULTATION/ADVERTISING:**

Implementation of the Stage 2 CAP was informed by significant community consultation, as outlined in the Stage 1 CAP Proposal.

The communities' contribution was integral to both the development and implementation of the CAPs. Consultations consisted of an online survey (115 respondents), a hard copy survey available in alternative formats upon request, a public suicide prevention forum (25 attendees), engagement at community events (meaningful contact with 154 people), consultation with ten (10) students at Curtin University and phone/email and/or in-person consultation with forty-two (42) staff representing thirty-six (36) organisations and businesses and eleven (11) community members. Through the consultation period it was imperative to get a true cross-section of the Vincent community. These consultations are what formed the needs behind the CAPs - the CAPs outlined the initiatives that were implemented in 2013.

Starting in August 2012, the Strategy in Vincent wouldn't have been possible without the support of the above-mentioned groups within the community. Constant consultation was maintained through both Stage 1 and Stage 2 of the Strategy. Maintaining best practice at all times, suicide prevention is a multifaceted and every changing face, and therefore these key partnerships were the key to the strategies success.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** Associated with low risk implications for the City.

**STRATEGIC IMPLICATIONS:**

In keeping with the City's *Strategic Plan 2013-2017* – the following Objectives state:

3.1 *Enhance and Promote Community Development and Wellbeing:*

3.1.2 *Promote and foster community safety and security.*

3.1.3 *Promote health and wellbeing in the community.*

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 for individuals and groups to meet their needs and the needs of the broader community.*

**SUSTAINABILITY IMPLICATIONS:**

- The City's Healthy Vincent Advisory group has been well established with a focus on health and well being and will continue regardless of future funding. The Advisory Group will link with community-based initiatives and use existing community structure;
- Continuation of "suicide prevention is everyone's business" message;
- Businesses, Government agencies, service providers, community groups, and peak and professional bodies have been linked to the City through the implementation of the CAPs – these partnerships will remain with the hope of future collaboration;
- Due to the strategy community groups have made connections that would of otherwise been unlikely;
- Activities delivered by the City and aimed at the whole community will incorporate the "Act Belong Commit" message when appropriate – the City intends to renew its MOU with "Act Belong Commit" for another year;
- Education/ training delivered by Youth Focus will be available to the general community, workplaces and educational institutes regardless of more funding being received; and
- Project to include the Suicide Prevention Forum in the 2014-2015 financial year budget – making it an annual event in Vincent to showcase the commitment the City shows towards suicide prevention.

**FINANCIAL/BUDGET IMPLICATIONS:**

Expenditure for this matter has been incurred under the 'Fund 2 - One Life Community Coordinator' budget item as follows:

**General CAP**

Budget Amount:	\$62,600
Spent to Date:	<u>\$62,689</u>
Balance:	\$ 89

**Youth CAP**

Budget Amount:	\$ 98,318
Spent to Date:	<u>\$103,339</u>
Balance:	\$ 5,021

**COMMENTS:**

The One Life Strategy has been a key Vincent initiative from 2012 and it has seen numerous new members of the community become engaged and active in Vincent life. The knowledge and information gained from the Strategy will be used to guide future health and wellbeing initiatives. Working towards the reduction of suicide in the community will remain on the agenda, from information gained throughout the Strategy it is imperative that the conversation continues. Integrating suicide prevention, even indirectly by encouraging community participation and empowering the community will be a continued goal. The City of Vincent is committed to the aims of the West Australian Suicide Prevention Strategy beyond the One Life initiative.

### 9.5.1 Use of the Council's Common Seal

<b>Ward:</b>	-	<b>Date:</b>	31 January 2014
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0042
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	M McKahey, Personal Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

#### OFFICER RECOMMENDATION:

That the Council **NOTES** the use of the Council's Common Seal on the documents listed in the report, for the months of December 2013 and January 2014.

#### COUNCIL DECISION ITEM 9.5.1

**Moved** Cr Harley, **Seconded** Cr Buckels

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (8-0)**

#### BACKGROUND:

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

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

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

Date	Document	No of copies	Details
05/12/2013	Section 70A Notification	2	City of Vincent and Avanti Building Pty Ltd of 10 Ledger Road, Balcatta WA 6021 re: Nos. 117A and 119 (Lots 8 & 9; D/P: 854) Richmond Street, Leederville - Sectio 70A Notification under the Transfer of Land Act - <i>To satisfy Clause 6. of conditional Approval of the Ordinary Meeting of Council held on 22 June 2012</i>
11/12/2013	Withdrawal of Caveat	2	City of Vincent and HWL Ebsworth Lawyers, Level 11, 167 St Georges Terrace, Perth WA 6000 re: No. 20 (Lot 10) Monmouth Street and No. 137 Walcott Street, Mount Lawley - Proposed Construction of Nine Two-Storey Grouped Dwellings - <i>To satisfy Clauses 8 and 9 of Conditional Approval of the Ordinary Meeting of Council held on 20 October 2009</i>

Date	Document	No of copies	Details
20/12/2013	Section 70A Notification	1	City of Vincent and Anderson Pulse Pty Ltd of 33 Giles Street, North Perth re: No. 11 Anderson Street, Mount Hawthorn - <i>To satisfy Clause 5.4 of Conditional Approval of the Ordinary Meeting of Council held on 19 April 2012 for demolition of existing single house and construction of six (6) multiple dwellings (no parking permit will be issued to any owner or occupier of the residential units as at the time of assessment, the on-site car parking was in accordance with the requirements of the Residential Design Codes)</i>
24/12/2013	Withdrawal of Caveat	2	City of Vincent and HWL Ebsworth Lawyers, Level 11, 167 St Georges Terrace, Perth WA 6000 re: No. 5 Chamberlain Street, North Perth - Demolition of Existing Single House and Construction of Two (2), Two (2) Storey Grouped Dwelling - <i>To satisfy Clause (b) of Conditional Planning Approval No. 5.2011.502.2</i>
07/01/2014	Funding Agreement	2	City of Vincent and Commonwealth of Australia represented by the Department of Industry - Funding Agreement in relation to the Local Government Energy Efficiency Program
08/01/2014	Deed	4	City of Vincent and Perfect Time Pty Ltd of Unit 1, Westchester Road, Malaga WA - Stacked Car Parking Agreement Deed re: 440 William Street, Mixed Use Development
08/01/2014	Memorandum of Understanding	2	City of Vincent and South Perth Cycle Club Inc, C/o Toby Hodgson, Giro d'Perth Event Director, 30 Commonwealth Avenue, North Perth WA 6006 re: City of Vincent's in-kind support of the Giro d'Perth Event 2014
24/01/2014	Deed of Indemnity and Release	2	City of Vincent and Psaros Pty Ltd of Level 3, 11/50 Oxford Close, West Leederville and 359 Oxford Street Pty Ltd of Level 1, 127 Cambridge Street, West Leederville re: No. 359 (Lot 638, D/P: 1627) Oxford Street, Mount Hawthorn

**9.5.8 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	31 January 2014
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a> – Information Bulletin		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J Highfield, Executive Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **RECEIVES** the Information Bulletin dated 31 January 2014, as distributed with the Agenda.

**COUNCIL DECISION ITEM 9.5.8**

**Moved Cr Harley, Seconded Cr Buckels**

**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

**DETAILS:**

The items included in the Information Bulletin dated 31 January 2014 are as follows:

<b>ITEM</b>	<b>DESCRIPTION</b>
IB01	State Administrative Tribunal Final Orders – Tran v City of Vincent, Matter Number: DR 375 of 2013 – 405-407 William Street, Perth
IB02	State Administrative Tribunal Orders made 19 December 2013 – Tabbara v City of Vincent, Matter Number: DR 401 of 2012 – 7-9 Scarborough Beach Road, North Perth
IB03	State Administrative Tribunal Reasons for Decision and Orders made – Brisevac v City of Vincent, Matter Number: DR 48 of 2013 – 25 Commonwealth Avenue, North Perth
IB04	State Administrative Tribunal Orders made 15 January 2014 – Cardaci & Anor v City of Vincent, Matter Number: DR 367 of 2013- 6 Burt Street, Mt Lawley
IB05	State Administrative Tribunal Orders made 16 January 2014 – New Frontier Pty Ltd v City of Vincent, Matter Number: DR 106 of 2013 – 23 Green Street, Mt Hawthorn
IB06	State Administrative Tribunal Orders made 17 January 2014 – New Frontier Pty Ltd v City of Vincent, Matter Number: DR 106 of 2013 - 23 Green Street, Mt Hawthorn
IB07	Waste Authority ‘Better Bins’ Funding Guide and Guidelines
IB08	Letter received from R Crowe of the Vincent Men’s Shed Committee regarding the Vincent Men’s Shed be acknowledged a City of Vincent Precinct Group
IB09	Letter received from the Australian Red Cross thanking the City for their donation to the Typhoon Haiyan Appeal
IB10	Minutes of the Vincent Accord ‘ <i>Socialising with Safety</i> ’ Meeting held on 29 November 2013
IB11	Unconfirmed Minutes of the Arts Advisory Group Meeting held on 2 December 2013

<b>ITEM</b>	<b>DESCRIPTION</b>
IB12	Unconfirmed Minutes of the Design Advisory Committee Meeting held on 4 December 2013
IB13	Mindarie Regional Council Ordinary Council Meeting Minutes held on 12 December 2013
IB14	Unconfirmed Minutes of the Design Advisory Committee Meeting held on 18 December 2013
IB15	Register of Petitions – Progress Report – February 2014
IB16	Register of Notices of Motion – Progress Report – February 2014
IB17	Register of Reports to be Actioned – Progress Report – February 2014
IB18	Register of Legal Action <b>(Confidential – Council Members Only)</b> - Monthly Report (January 2014)
IB19	Register of Orders and Notices Issued Under the Building Act 2011 and Health Act 1911 <b>(Confidential – Council Members Only)</b> – Quarterly Report (January 2014)
IB20	Register of State Administrative Tribunal Appeals – Progress Report – As at 21 November 2013
IB21	Register of Applications Referred to the Design Advisory Committee – December – January 2014
IB22	Register of Applications Referred to the MetroWest Development Assessment Panel – Current
IB23	Forum Notes – 10 December 2013
IB24	Notice of Forum – 18 February 2014
IB25	Mount Hawthorn Hub – Late Night Shopping Events – Progress Report No. 1

**9.1.3 Nos. 169-173 (Lots: 5 and 99) Scarborough Beach Road and Nos. 60-62 (Lot 98) Coogee Street, Mount Hawthorn – Proposed Introduction of a Fee Paying Car Park to Existing Car Park**

<b>Ward:</b>	North	<b>Date:</b>	31 January 2014
<b>Precincts:</b>	Mount Hawthorn Centre, P02 & Mount Hawthorn P01	<b>File Ref:</b>	PRO0156 and PRO3795; 5.2013.382.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans <a href="#">002</a> – Parking Management Plan		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	D Bothwell, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	P Mrdja, Acting Director Planning Services		

**OFFICER RECOMMENDATION:**

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by Rowe Group Pty Ltd on the behalf of the owner Pellegrino Marotta for Proposed Introduction of Fee Paying Car Park to Existing Car Park, at Nos. 169-173 (Lots 5 & 99) Scarborough Beach Road, and Nos. 60-62 (Lot 98) Coogee Street, Mount Hawthorn and as shown on plans stamp-dated 16 and 17 January 2014, subject to the following conditions:

**1. Car Parking**

- 1.1 Six (6) car parking bays shall be solely dedicated for the existing consulting rooms (Akasha Wellness Clinic) and are not to be subject to parking fees. The six (6) car parking bays shall be sign marked to this effect, and to be used only by employees, tenants, and visitors directly associated with the existing consulting rooms (Akasha Wellness Clinic);
- 1.2 Three (3) car parking bays shall be solely dedicated for the existing shop (Christos Jewellery) and are not to be subject to parking fees. The three (3) car parking bays shall be sign marked to this effect, and to be used only by employees, tenants, and visitors directly associated with the existing consulting rooms (Christos Jewellery);
- 1.3 The car parking area on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the commencement of the paid car park and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City;
- 1.4 All car parking bays shall comply with the minimum specifications and dimensions specified in the City's Policy No. 7.7.1 relating to Parking and Access and Australian Standards AS2890.1 - "Off Street Parking"; and
- 1.5 Provision of adequate car parking bays and associated parking facilities for persons with disabilities;

**2. Paid Parking**

- 2.1 The approval for the fee paying car park is valid for a period of five (5) years only, until 12 February 2019 following which, the use shall revert back to a non-fee paying car park;

- 2.2 The paid car parking is subject to the operation of the existing shops at Nos. 169-173 Scarborough Beach Road. Should this use cease, the paid car parking situation shall also cease operation and all associated signage and pay machines shall be removed within twenty-eight (28) days of the use ceasing; and
- 2.3 The operating hours of the fifty-seven (57) paid car parking bays are 7.00am to 12.00am (midnight) Monday to Sunday inclusive of public holidays;
3. PRIOR TO THE COMMENCEMENT OF THE FEE PAYING CAR PARK, the following shall be completed to the satisfaction of the City:

3.1 Car Parking Layout Plan

A Car Parking Layout Plan and a fully comprehensive Car Parking Management Plan prepared by a duly qualified consultant shall be submitted and approved by the City. The car parking layout shall show dimensioned car parking bays proposed for the paid-parking and those designated to the consulting room (Akasha Wellness Clinic) being in accordance with Australian Standards AS2890 and the City's Parking and Access Policy. The Car Parking Management Plan shall detail the full operation of the fee paying car park, addressing matters relating to signage, location of the pay terminal for the ticket entry, internal circulation of motor vehicle traffic within the fee paying car park, ensuring that there is no spill of cars being banked up along Scarborough Beach Road and Coogee Streets, awaiting entry into the fee paying car park, signage indicating car park being full, signage and number of car bays allocated for pharmacy car parking;

3.2 Landscaping

A detailed landscaping plan must be submitted and approved by the City's Parks Technical Officer; and

In keeping with the City's practice for multiple dwellings, commercial, retail and similar developments the verge adjacent to the subject land is to be upgraded, by the applicant, landscaped with native planting to the City's specification. Reticulation is to be installed and the landscaping is to be maintained by the developer and at the developer's cost. A refundable verge upgrade bond of \$6000 shall be lodged prior to the issue of a building permit and will be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the City's Technical Services Directorate. An application to the City for the refund of the upgrade bond must be made in writing;

3.3 Crossover

The existing crossover adjacent to Lot 95 must be retained at the same width to preserve the verge tree. An internal landscaped nib must be extended to align with the existing crossover;

3.4 Light Spill

Adequate measures must be taken to ensure no spill from the car park into the adjoining residential lot. Details be submitted and approved by the City's Technical Services; and

**3.5 Legal Agreement**

Prior to the first use of the part Fee Paying Car Park on-site, the owner(s) shall enter into a legal agreement with the City and lodge an appropriate assurance bond/bank guarantee of \$5000, that addresses the following undertaking to the satisfaction of the City, that the part fee paying car park use is to cease within five (5) years with the expiry date being 12 February 2019. The legal agreement shall be secured by a caveat on the Certificate(s) of Title of the subject land. The legal documentation shall be prepared by the City's solicitors or other solicitors agreed upon by the City. All costs associated with this condition, including the cost of the City's solicitors checking the documentation if prepared by the other solicitors, shall be borne by the applicant/owner(s); and

4. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City.

**ADVICE NOTES:**

1. The City of Vincent is not responsible for the issuing of illegal parking infringements. This on-site consideration will be implemented by the landowner and their relevant car parking agency;
2. The City of Vincent does not support "wheel clamping" as an enforcement method and recommends that an alternative method be used to control the car park;
3. All signage that does not comply with the City's Policy No. 7.5.2 relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Building Permit application, being submitted to and approved by the City prior to the erection of the signage;
4. 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 Scarborough Beach Road and Coogee Street;
5. Any new street/front wall, fence and gate within the Scarborough Beach Road and Coogee Street setback areas, including along the side boundaries within these street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences;
6. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning; and
7. In relation to Condition 3.2 above, provision of one tree per for 4 car bays is to be provided where possible.

**COUNCIL DECISION ITEM 9.1.3**

**Moved Cr Harley, Seconded Cr Cole**

**That the recommendation be adopted.**

**Debate ensued.**

**MOTION PUT AND LOST (1-7)**

**For:** Cr Pintabona

**Against:** Mayor Carey, Cr Buckels, Cr Cole, Cr Harley, Cr McDonald, Cr Topelberg and Cr Wilcox

**REASONS FOR REFUSAL OF OFFICER RECOMMENDATION:**

Impact on street amenity and overflow of parking onto residential streets.

**PURPOSE OF REPORT:**

The application is referred to the Council for determination, given it is likely to be of significant interest to the community. It involves the introduction of Fee Paying Car Park to Existing Car Park.

**BACKGROUND:**

Lots 5 Scarborough Beach Road and 98 Coogee Street were included on the City's non-conforming use register when it was originally adopted on 1 November 2001 as the use of car park which is an "X" use in a Residential area was pre-existing.

**History:**

Date	Comment
1964	A super market was constructed on Lot 37 (No. 165) Scarborough Beach Road. The owner later purchased Lots 98 and 99 Coogee Street to provide public car parking. There is no record that the car park was required as part of the super market development.
1967 to 1982	The City of Perth leased the car park from the present owner.
August 1982	The City of Perth approved the construction of a supermarket (now IGA) and improvements to existing shops on the portion of Part Lot 5, which is physically separated into two portions (by Lots 98 and 99 Coogee Street) with one lot facing Scarborough Beach Road and the other Lot facing Coogee Street. Buildings on the Coogee Street portion of Part Lot 5 were demolished to make way for a 39 bay car park, which was required as part of this development.
August 1994	The Town of Vincent approved a 39 bay car park over Lot 99 Coogee Street, a portion of Lot 98 Coogee Street, the portion of Part Lot 5 facing Scarborough Beach Road and Lot 100 Scarborough Beach Road. The Councils records indicate that an approval letter was issued on 29 September 1994.
November 1995	The Council at its Ordinary Meeting resolved to approve the construction of four grouped dwellings on Part Lot 5 and Lot 98 Coogee Street and the repositioning/reduction of the car park from 39 car bays to 30 car bays, subject to a cash-in-lieu contribution of \$48,600 being payable to the Council.
May 1996	The Council at its Ordinary Meeting resolved to approve an amended design for the car park of 37 car parking bays, subject to a cash-in-lieu contribution of \$10, 800.
23 April 2002	The Council at its Ordinary Meeting resolved to grant conditional approval for proposed awning and signage to the existing shop.
26 May 2011	The City under Delegated Authority from the Council approved a change of use from retail to alternative medicine consulting rooms at Nos. 169-173 (Lot 5) Scarborough Beach Road.

**DETAILS:**

<b>Landowner:</b>	Pellegrino Marotta
<b>Applicant:</b>	Rowe Group Pty Ltd
<b>Zoning:</b>	Lot 99 – “CP”- special use zone for car park Lots 5 & 98 – Residential R30
<b>Existing Land Uses:</b>	Shops, Consulting Rooms and associated Car Parks
<b>Use Class:</b>	“Car Park”, “Shops” and” Consulting Room”
<b>Use Classification:</b>	“X”, “P” “AA”
<b>Lot Area:</b>	Lot 99 – 468m2, Lot 98 – 468m2 & Lot 5 – 2016m2
<b>Right of Way:</b>	Not applicable.

The proposed paid Car Park is to operate seven days a week with core trading hours consisting of Monday to Sunday 7:00am to 12:00 midnight including public holidays. Outside of these hours, the Car Park will be free and remain open to the general public for their use.

The Car Park will be using the existing crossovers serving the existing respective Car Parks. The existing crossover to Lot 99 has been shifted over to the north, away from the street verge tree which has been noted as a desirable outcome from the City’s Technical Services.

The total number of car bays provided as part of this proposal is 57 car bays inclusive of the 6 car bays for the exclusive use of the Akasha Wellness Clinic and 3 car bays for Christos Jewellery that are to be provided free of charge. The remaining (48) car bays are to be short stay fee paying bays.

The ticket would be issued in two parts, with the first part to be displayed on the vehicles dash board. The second part is to be presented at the point of sale at IGA, where the customer would receive a refund on the cost of parking for the first hour in association with the purchase of goods to the value of \$10 or greater. This is similar to existing paid car parks that are associated with shopping centres within the City of Perth. The proposed parking rate structure is outlined in the attached Parking Management Plan.

**ASSESSMENT:**

**Town Planning Scheme/R Codes/Residential Design Element’s Detailed Assessment**

<b>Issue/Design Element: Parking</b>	
Proposed: Car parking requirement (nearest whole number):	55 car bays
<ul style="list-style-type: none"> <li>• Shop (Supermarket) 1 space per 20 square metres of NLA (821.66m2) Total 41.083</li> <li>• Shop (Jewellery) 1 space per 20 square metres of NLA (90m2) Total 4.5</li> <li>• Consulting Rooms 3 spaces per consulting room or consultant, whichever is lesser – 3 Consulting Rooms – 9 car bays Total - 54.58</li> </ul>	
Apply the adjustment factors.	(0.576)
<ul style="list-style-type: none"> <li>• 0.80 (The proposed development is within 400 metres of a bus route)</li> <li>• 0.80 (The proposed development is within 200 metres of one or more existing public car parking places with in excess of a total of 50 car parking bays)</li> <li>• 0.90 (The proposed development is within a District Centre zone).</li> </ul>	31.68 car bays
Minus the number of car parking spaces	57 car bays
Minus the cash-in-lieu previously paid for the site	1.8 car bays
Resultant Surplus	27.12 bays

**CONSULTATION/ADVERTISING:**

Required by legislation:	No	Required by City of Vincent Policy:	Yes
<b>Comments Period:</b>	25 October 2013 – 15 November 2013		
<b>Comments Received:</b>	Six (6) objections were received.		

<b>Summary of Comments Received:</b>	<b>Officers Technical Comment:</b>
<p><u>Amenities</u></p> <p>IGA providing nothing, with no mention of improved amenities to car park</p>	<p>Not supported. The car park is proposed to be upgraded and remarked, with planting of trees and soft landscaping adding to the overall amenity of the immediate locality and the provision of lighting adding increased security and surveillance to the area.</p>
<p><u>Verge Area</u></p> <p>Verge area is a sand pit with no planting, lawn or irrigation. In need of resurface and shade trees to give back to the community that supports them.</p>	<p>Supported. Condition applied to approval for the verge area to be upgraded and landscaped to the satisfaction of the City's Parks Services.</p>
<p><u>Traffic</u></p> <p>Concern over increased street car parking on Coogee Street, creating potential hazard for children and residents of the street.</p> <p>Too many people currently parking in street, this will increase the problem. Most shoppers will not want to pay and park in the street instead.</p>	<p>Not supported. The proposed use of car park is a continuation of the existing use. The proposed car park will make use of the existing crossovers and is not considered to cause an undue impact on the amenity of the immediate locality in terms of increased traffic or hazards to children or residents of the street.</p>
<p><u>Fees</u></p> <p>Suggest that at least one hour be free to encourage shoppers to use the facility.</p>	<p>Noted. Although the proposal does not offer the first hour fee for all shoppers of the area, it does allow for this concession for customers of the IGA which is considered acceptable, as this is the targeted users of the proposed car park.</p>
<p><u>General Comments</u></p> <p>Purely a money making exercise. Owners not considering owners of adjoining properties.</p> <p>People will shop elsewhere. Not what we need for such a dynamic and vibrant community. Will not work for local business.</p>	<p>Noted.</p> <p>Noted. Although the use of car park is not considered to be a dynamic or a vibrant use, the land is zoned for car park and as such it is considered an acceptable use for the site for a short term to medium perspective. As such a condition has been applied limiting time period of five (5) years for the approval.</p>

**Design Advisory Committee:**

Referred to Design Advisory Committee: No

**LEGAL/POLICY:**

The following legislation and policies apply to the proposed change of use.

- City of Vincent Town Planning Scheme No. 1;
- Parking and Access Policy No. 7.7.1;
- Mount Hawthorn Precinct Policy No. 7.1.1; and
- Mount Hawthorn Centre Precinct Policy No. 7.1.2.

**RISK MANAGEMENT IMPLICATIONS:**

Should the Council refuse the application for development approval, the applicant may have 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 2013-2017 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 2013-2017 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 will provide increased planting of trees and soft landscaping on-site.	

SOCIAL	
Issue	Comment
Nil	

ECONOMIC	
Issue	Comment
Nil	

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

## **COMMENTS**

### **Strategic Planning**

The parking and occupancy rate surveys for Mount Hawthorn undertaken in 2008 as part of the Car Parking Strategy and Precinct Parking Management Plans, illustrate that there is a steadily increasing demand for car parking in the Mount Hawthorn area. The site is currently used for non-fee paying car parking, and situated to the rear and away from the main activity of the centre, and is therefore considered an appropriate use for the site over the short to medium term.

### **Technical Services**

The City's Technical Services have assessed the proposed plans and are satisfied with the proposal subject to the conditions and advice notices which have been applied to the approval.

### **Rangers Services**

The City's Rangers Services have assessed the proposed plans and are satisfied with the proposal subject to the conditions and advice notices which have been applied to the approval.

## **CONCLUSION**

It is considered that the proposal will contribute positively to the area with the improvements including the re-surfacing and line-marking of the proposed new fee paying car park, the provision of soft/green landscaping areas and lighting, is considered to add to the security and surveillance of the surrounding area.

In view of the above, it is recommended the application be approved subject to standard and appropriate conditions and advice notes.

**9.1.8 No. 315 (Lot: 530 D/P: 30376) Fitzgerald Street, North Perth – Proposed Reconsideration of Conditions of Previous Planning approval for a Recreational Facility**

<b>Ward:</b>	South	<b>Date:</b>	5 February 2014
<b>Precinct:</b>	Smiths Lake, P6	<b>File Ref:</b>	PRO0883; 5.2013.507.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans <a href="#">002</a> – Applicant Submission <a href="#">003</a> – Plan of Proposed Parking Restrictions Requested by Residents 004 – Map of Properties Consulted and Submissions Received – Confidential for Council Members Only 005 – Submissions of objections received - Confidential for Council Members Only 006 – Register of Complaints in Chelmsford Road between Fitzgerald and Leake Streets- Confidential for Council Members Only		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Dyson, Acting Senior Planning Officer (Statutory) T Elliott, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	John Giorgi, JP Chief Executive Officer		

**CHIEF EXECUTIVE OFFICER RECOMMENDATION:**

That the Council;

1. in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by Mark Burns on behalf of the owners, Vincent and Fitzgerald Pty Ltd, for the Proposed Reconsideration of Conditions of Previous Planning Approval for a Recreational Facility at No. 315 (LOT: 530 D/P: 30376) Fitzgerald Street, North Perth, as shown on amended plans stamp-dated 4 November 2013, for the following reasons:
  - 1.1 The Proposed Reconsideration of Conditions of Previous Planning Approval does not comply with the following provisions of Clause 6 ‘Objectives and Intentions’ of the City of Vincent Town Planning Scheme No. 1, in that it:
    - 1.1.1 DOES NOT protect and enhance the health, safety and physical welfare of the City’s inhabitants and the social, physical and cultural environment;
    - 1.1.2 DOES NOT promote the development of a sense of local community and recognise the right of the Community to participate in the evolution of localities; and
  - 1.2 The Proposed Reconsideration of Conditions of Previous Planning Approval does not comply with the following provisions of Clause 38 “Determination of Application – general Provisions” of the City of Vincent Town Planning Scheme No. 1;
    - 1.2.1 The orderly and proper planning of the locality as it is considered that the additional hours of operation and increased patrons will have a significant adverse affect on the locality; and

1.2.2 The conservation of the amenity of the locality as it is considered that the additional hours of operation and increased patrons will be detrimental to the conservation of the amenities of the locality; and

1.3 Consideration of the number of objections received in relation to this application.

2. APPROVES;

2.1 as soon as practicable the implementation of the following parking restrictions in Chelmsford Road between Fitzgerald and Leake Streets as shown in Appendix 9.1.8 (Attachment 003) as follows;

2.1.1	North side of Chelmsford Road	Delete two (2) hour Parking Restrictions 8am -6pm Monday to Friday and 8am-12 noon Saturday
2.1.2	North side of Chelmsford Road from numbers 166 Chelmsford Road to 329 Fitzgerald Street	No parking at all times
2.1.3	North side of Chelmsford Road outside number 168	One hour parking restriction at all times
2.1.4	South side of Chelmsford Road	One hour parking restriction at all times
2.1.5	Chelmsford Road both sides	No stopping to be provided for approximately 10 Metres from the intersection of Fitzgerald Street and Leake Streets

2.2 the issuing of residential parking permits to all residents in Chelmsford Road between Fitzgerald and Leake Streets, in accordance with the City of Vincent Policy No.3.9.3 – ‘*Parking Permits*’; and

3. REQUESTS the Chief Executive Officer to REVIEW the parking time restrictions, as in Chelmsford Road and surrounding streets to the subject site, as shown in Clause 2 above and provide a report for the consideration of the Council at the conclusion of the six (6) months.

**CHIEF EXECUTIVE OFFICER’S COMMENTS:**

It is considered that this application should be REFUSED for the following reasons;

1. The orderly and proper planning of the locality will be adversely affected;
2. The conservation of the amenity of the locality will be adversely affected; and
3. Considerations of objections received.

The number of parking complaints (63) over the previous twelve (12) months relating to the locality is very high. The comprehensive details lodged with many of the submissions of objections (together with the history of complaints reported by the city’s community and Ranger section, as shown in appendix 9.1.8 (attachment 006), confirms that parking congestion and problems occur in the immediate vicinity of this premises.

The application is also considered an intensification of the use and the increased patronage will highly likely result in an increase in the number of parking complaints and traffic congestions. This will have an adverse and detrimental affect on the amenity of the residents in the locality.

Changes made by the Chief Executive Officer to the report are shown by strike through and underlining.

Moved Cr Topelberg, Seconded Cr Harley

That the recommendation be adopted.

Debate ensued.

**AMENDMENT**

Moved Cr Harley, Seconded Cr Buckels

“That Clause 3 be amended to read as follows:

3. REQUESTS the Chief Executive Officer to REVIEW the parking time restrictions, as in Chelmsford Road and surrounding streets to the subject site, as shown in Clause 2 above and provide a report for the consideration of the Council at the conclusion of the ~~six (6)~~ three (3) months.

Debate ensued.

**AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)**

Debate ensued.

**AMENDMENT 2**

Moved Cr Cole, Seconded Cr Pintabona

“That reference to Bikram Yoga within the report is removed”.

The Mover, Cr Cole *withdrew her* amendment.

**PROPOSED AMENDMENT**

Moved Cr Topelberg, Seconded Cr .....

That Clause 2 be deferred.

**PROPOSED AMENDMENT LAPSED FOR WANT OF A SECONDER  
MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (8-0)**

**COUNCIL DECISION ITEM 9.1.8**

That the Council;

1. in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by Mark Burns on behalf of the owners, Vincent and Fitzgerald Pty Ltd, for the Proposed Reconsideration of Conditions of Previous Planning Approval for a Recreational Facility at No. 315 (LOT: 530 D/P: 30376) Fitzgerald Street, North Perth, as shown on amended plans stamp-dated 4 November 2013, for the following reasons:

- 1.1 The Proposed Reconsideration of Conditions of Previous Planning Approval does not comply with the following provisions of Clause 6 '*Objectives and Intentions*' of the City of Vincent Town Planning Scheme No. 1, in that it:

1.1.1 DOES NOT protect and enhance the health, safety and physical welfare of the City's inhabitants and the social, physical and cultural environment;

1.1.2 DOES NOT promote the development of a sense of local community and recognise the right of the Community to participate in the evolution of localities; and

- 1.2 The Proposed Reconsideration of Conditions of Previous Planning Approval does not comply with the following provisions of Clause 38 "*Determination of Application – general Provisions*" of the City of Vincent Town Planning Scheme No. 1;

1.2.1 The orderly and proper planning of the locality as it is considered that the additional hours of operation and increased patrons will have a significant adverse affect on the locality; and

1.2.2 The conservation of the amenity of the locality as it is considered that the additional hours of operation and increased patrons will be detrimental to the conservation of the amenities of the locality; and

- 1.3 Consideration of the number of objections received in relation to this application.

2. APPROVES;

- 2.1 as soon as practicable the implementation of the following parking restrictions in Chelmsford Road between Fitzgerald and Leake Streets as shown in Appendix 9.1.8 (Attachment 003) as follows;

2.1.1	North side of Chelmsford Road	Delete two (2) hour Parking Restrictions 8am -6pm Monday to Friday and 8am-12 noon Saturday
2.1.2	North side of Chelmsford Road from numbers 166 Chelmsford Road to 329 Fitzgerald Street	No parking at all times
2.1.3	North side of Chelmsford Road outside number 168	One hour parking restriction at all times
2.1.4	South side of Chelmsford Road	One hour parking restriction at all times

2.1.5	Chelmsford Road both sides	No stopping to be provided for approximately 10 Metres from the intersection of Fitzgerald Street and Leake Streets
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- 2.2 the issuing of residential parking permits to all residents in Chelmsford Road between Fitzgerald and Leake Streets, in accordance with the City of Vincent Policy No.3.9.3 – ‘*Parking Permits*’; and
3. REQUESTS the Chief Executive Officer to REVIEW the parking time restrictions, as in Chelmsford Road and surrounding streets to the subject site, as shown in Clause 2 above and provide a report for the consideration of the Council at the conclusion of the three (3) months.

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**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, APPROVES the application submitted by Mark Burns on behalf of the owners, Vincent and Fitzgerald Pty Ltd, for the Proposed Reconsideration of Conditions of Previous Planning Approval for a Recreational Facility at No. 315 (LOT: 530 D/P: 30376) Fitzgerald Street, North Perth, as shown on amended plans stamp dated 4 November 2013, subject to the following conditions:~~

- ~~1. The maximum net lettable area of the recreational facility shall be limited to 140 square metres;~~
- ~~2. The maximum total number of people for the site shall be limited to twenty five (25) people;~~
- ~~3. Classes shall be scheduled to allow a 45 minute interval between each class to enable sufficient time for patrons to arrive and leave the recreational facility;~~
- ~~4. The hours of operation shall be limited to 6am to 8pm on Monday and Wednesday, 6am to 8:30pm on Tuesday and Thursday, 6am to 7:30pm on Friday, and 9am to 10:30am Saturday; inclusive;~~
- ~~5. The approval for Recreational Facility is for a period of twelve (12) months only and should the applicant wish to continue the use after that period, it shall be necessary to re-apply to and obtain approval from the City prior to the continuation of the use;~~
- ~~6. WITHIN TWENTY-EIGHT (28) DAYS OF THE ISSUE DATE OF THIS ‘APPROVAL TO COMMENCE DEVELOPMENT’, an updated detailed Car Parking Management Plan for the Recreational facility shall be submitted to and approved by the City. The Parking Management Plan is to detail the following aspects:~~
  - ~~6.1 Operational Management – to minimise any potential impact on the surrounding locality from patrons parking at the premises and/or in the surrounding streets; and~~
  - ~~6.2 Communications Strategy – outlining a complaint handling system which provides:~~
    - ~~6.2.1 a telephone number and email address to log complaints and enquiries;~~

~~6.2.2 a procedure how complaints will be handled and associated timeframes for responding to such complaints; and~~

~~6.2.3 a record of complaints and enquires logged, and the applicant's response, is to be provided as requested or on a 12 monthly basis to the City of Vincent; and~~

~~7. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City.~~

**ADVICE NOTES:**

~~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 Fitzgerald and Vincent Streets; and~~

~~2. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning.~~

**ADDITIONAL INFORMATION:**

**Ranger and Community Safety Services**

Parking Complaints

In regards to the 63 parking complaints received by Community Services the dates and the nature of contact made with Bikram Yoga management/owners since 2010 are as follows:

Date	Action Taken
8 October 2010	The City's Compliance Officer and a Ranger met with the proprietors of Bikram Yoga to discuss the conditions of the Planning Approval issued on 26 August 2009, and the impact of patrons allegedly parking illegally in the surrounding area.
28 July 2011	The Manager Planning & Building Services, Manager Ranger & Community Safety Services; and Compliance Officer met with the proprietors of Bikram Yoga to discuss recent issues relating to parking. The Officers re-iterated the conditions of their Planning Approval.
2012	<p>A Ranger tried to speak with management when dealing with a complaint for road obstruction.</p> <p>The Ranger expressed disappointment with the lack of help the instructor was prepared to offer as refused to go into the class to find the owner of the vehicle blocking the road. The instructor stated that they would not pause or interrupt the class as it detracted from the "Yoga" concentration and it was Policy not to.</p> <p>The instructor was happy to let their client receive the infringement and carry on with the class, and stated all persons are given a flyer when booking a class asking not to park on Chelmsford Road.</p> <p>The problem at the time was that no vehicles could get through Chelmsford Road and an infringement was not going to resolve the matter. This was before the 2 hour restrictions were implemented.</p>
15 October 2013	A Ranger had a telephone conversation with Mark Burns (who is a business partner of Bikram Yoga) in relation to an article on the front of the <i>Perth Voice</i> newspaper ('Chelmsford Road Parking Issues'). Mr Burns wanted information on how many parking complaints (if any) the City had received in relation to Bikram Yoga. Mr Burns was advised the City had received a lot of parking complaints in the local area of his business; however, were unable to identify if any of the vehicles were related to clientele of Bikram Yoga.

**PURPOSE OF REPORT:**

The application is referred to the Council for determination, given the proposal comprises of an increase in patronage to an existing Recreational Facility at No. 315 Fitzgerald Street, North Perth, which has attracted significant community interest due to the adjoining recreational facility (Bikram Yoga) which attracts frequent users to the locality. Twenty Six (26) comments were received, thirteen (13) objecting to the proposal, and thirteen (13) in support of the proposal.

**Appeal to the State Administrative Tribunal (SAT)**

Furthermore the applicant has lodged an appeal with the State Administrative Tribunal (SAT) on the basis that the City had not determined the application within the 60 days statutory time frame.

**BACKGROUND:**

**History:**

Date	Comment
6 July 1904	Construction of the North Perth Baptist Church and Hall commenced.
31 October 2006	The City approved, under Delegated Authority, a change of use from 'Office' to 'Recreational Facility' and associated signage.
1 March 2007	The City approved, under Delegated Authority, a signage addition to the existing Recreational Facility.
3 May 2011	The City recommended approval of the amalgamation of Lots: 527, 528, 529 and 530, to the Western Australian Planning Commission.
22 November 2012	The City approved, under Delegated Authority, a change of use from 'Recreational Facility' to 'Office'.
26 November 2013	The City recommended approval of the amalgamation of Lots: 527, 528, 529 and 530, to the Western Australian Planning Commission.
22 January 2014	At the Direction Hearing, the State Administrative Tribunal ordered that the City be invited to consider the application at its Meeting to be held on 11 February 2014. SAT reference No. DR 7 of 2014.
24 February 2014	Next mediation date at the SAT offices.

**DETAILS:**

The proposal is for the reconsideration of conditions of a previous change of use approval Serial 5.2006.330.1 granted on 31 October 2006 for a Recreational facility. The previous conditions of approval are as follows:

- “(i) *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;*
- (ii) *the sign located on the fence adjacent to Vincent Street and the sign located on the fence adjacent No. 317 Fitzgerald Street shall be removed within 28 days of the date of this approval;*
- (iii) *any new signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate planning application, and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage.*
- (iv) *the maximum gross floor area of the recreational facility shall be limited to 141 square metres, as shown on approved plans;*

- (v) *the maximum total number of employees shall be limited to three (3) at any one time;*
- (vi) *the maximum total number of students/clients shall be limited to eight (8) at any one time; and*
- (vii) *the hours of operation shall be limited to 6am to 8pm on Monday and Wednesday, 6am to 8:30pm on Tuesday and Thursday, 6am to 7:30pm on Friday, and 9am to 10:30am Saturday; inclusive."*

The Applicant is seeking re-consideration of the following conditions:

- Condition (v);
- Condition (vi); and
- Condition (vii).

The following changes are requested in this proposal:

- The maximum number of persons on site is to be 39;
- The operating hours are proposed as follows:  
Monday to Thursday 6:00 am to 9:00 pm  
Friday 6:00 am to 8:00 pm  
Saturday 7:30 am to 6:00 pm  
Sunday 9:00 am to 6:00 pm.

#### Applicant's Justification

The nature of the recreational use is yet to be determined, therefore the maximum number of persons on site including clientele and staff is proposed to be 39, this number being allowed under the City's Parking and Access Policy, due to the fact there are 7 car parking spaces provided.

The proposed "Operating Hours" are in keeping with and in fact less than the two other recreational facilities used for comparative purposes, being the City of Vincent's Beatty Park Leisure Centre and the approved adjoining North Perth Bikram Yoga facility. Thus, the proposed Operating Hours are considered fair and reasonable and beneficial to the citizens of the City of Vincent and the general public.

#### **State Administrative Tribunal - Order**

The State Administrative Tribunal, on the 24 January 2014 Ordered in part as follows (attached):

*"Pursuant to s 31 of the State Administrative Tribunal Act 2004 (WA) the respondent is invited to reconsider its decision at its meeting of 11 February 2014."*

<b>Landowner:</b>	Vincent and Fitzgerald Pty Ltd
<b>Applicant:</b>	Mark Burns
<b>Zoning:</b>	Residential R60
<b>Existing Land Use:</b>	Recreational Facility
<b>Use Class:</b>	Recreational Facility
<b>Use Classification:</b>	"AA"
<b>Lot Area:</b>	526 square metres
<b>Right of Way:</b>	N/A

**ASSESSMENT:**

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

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

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

Issue/Design Element:	On-Site Parking
Parking and Access Policy No. 7.7.1 Car parking requirement (nearest whole number) <ul style="list-style-type: none"> <li>Recreational Facility – (1 space per 4 persons (Approved for the Site))</li> </ul> 25 persons approved for the site = 6.25 car bays	6.25 car bays
Adjustment Factors <ul style="list-style-type: none"> <li>0.80 (The development is located within 400 metres of a bus route)</li> <li>0.85 (The development is located within 400 metres of an existing off-street public car park with in excess of 75 car bays)</li> </ul>	(0.68) = 4.25
Minus the car parking provided on site	7.0 car bay
<b>Resultant Surplus</b>	2.75 car bays

Assessment of the proposal against the City's Policy No. 7.7.1 relating to Parking and Access allows for a maximum of 39 persons on site due to adjustment factors and the car bays provided on site. However due to assessment against the Health (Public Buildings) Regulations and the Building Codes of Australia the City's Health Officers have found the site to be capable of 25 persons therefore the car parking calculation above conveys this.

Issue/Design Element:	Bicycle Bays
Parking and Access Policy No. 7.7.1 Bicycle Bay requirement (nearest whole number) <ul style="list-style-type: none"> <li>Recreation – (1 space per 60m2 NLA) – 140 square metres = 2.33 spaces required – 3.0 spaces required</li> </ul> 35%- Class 1 or 2 – 1.05 or 1 65%- Class 3 – 1.95 or 2	3.0
<b>Resultant Shortfall</b>	1 Class 1 or 2 Bicycle Bays; and 2 Class 3 Bicycle Bays

**CONSULTATION/ADVERTISING:**

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
<b>Comments Period:</b>	12 December 2013 to 22 January 2014		
<b>Comments Received:</b>	<p>Twenty Six (26) submissions were received, thirteen (13) objecting to the proposal and <u>twelve (12)</u> in support of the proposal. <u>In addition the Applicant also lodged a submission of support for his proposal.</u></p> <p><b><u>Submissions in favour</u></b> The submissions received in support of the proposal did not contain any comments.</p> <p><b><u>Submissions of Objections</u></b> It is significant to note that almost all of the objections contain comprehensive details about the problems experience in this locality.</p> <p>One submission included a survey of local residents in Chelmsford Road between Fitzgerald and Leake Streets requesting that parking restrictions be amended and implemented as soon as practicable (refer to Confidential Submission).</p> <p>In addition the survey recommended that “no parking and no stopping signs and line markings indicating resident driveways be repainted”.</p> <p>“No parking on verge” signs have been requested to be installed on both ends of Chelmsford Road.</p> <p><u>Refer to Confidential Attachment showing the addresses for objections and submissions of support.</u></p>		
<b>Summary of Comments Received:</b>	<b>Officers Technical Comment:</b>		
<p><u>Car Parking</u></p> <p>Will create increased overcrowding and traffic related issues, in particular the lack of car parking spaces. Users are currently parking illegally in laneways, access ways and in other people’s properties.</p>	<p>Supported – An increase in patron numbers will also proportionally contribute to an increase in traffic volumes in the immediate and surrounding vicinity of the recreational facility the surrounding area.</p>		
<p>Patrons of the recreational facility on the corner of Fitzgerald Street and Vincent Street park illegally on Chelmsford Road often blocking driveways. When the matter is raised with the recreational facilities, it is dismissed. The classes are generally short when the illegal parking occurs, and by the time the City’s Rangers arrive, the cars that are illegally parked have left.</p> <p>Parking on Chelmsford Road is severely constrained with residents unable to access their own properties. This restricts emergency vehicles from accessing properties.</p>	<p>Supported – The car parking in the area is constrained and can be better managed. As such a car parking management plan condition has been imposed.</p> <p><del>Noted Supported – The proposal has been limited by the maximum number of patrons allowed on site for each class, furthermore a car parking management plan has been and intervals of 45 minutes between classes have imposed.</del></p>		

Summary of Comments Received:	Officers Technical Comment:
<p>I strongly object to the proposal, as our neighbourhood is at breaking point. There is no reprieve from patrons of the recreational facilities parking in Chelmsford Road particularly in the section between Fitzgerald and Leake Streets. Cars park on both sides of the street making it extremely difficult to move through and often difficult to enter and exit properties. There has been continuous damage to sprinklers with parking on residents' lawn. The issue has occurred over the last 5 years with neighbourhood meeting convened and recommendations on the solutions submitted to the City. Careful consideration must be made in any approval that occurs to the recreational facilities as it will impact the surrounding residents. Residents of the street have been impacted since operation of the recreational facility commenced.</p> <p>There are significant parking issues. The part of Chelmsford Road, from Leake Street to Fitzgerald Street should be resident parking only.</p> <p>Patrons to the recreation facilities are arriving in cars with a single person in them.</p> <p>Parking congestion is a major issue for the residents of Chelmsford Road, a neighbourhood meeting has been conducted, which the Mayor attended. The meeting resulted in the conduction of a survey, consisting of 5 solutions. The residents have conveyed the most appropriate solution to be, <i>"No parking on the north side of the road at all times and one hour parking limit on the south side of the road at all times."</i> The second preferred solution being <i>"No parking on the south side of the road at all times and one hour parking limit on the north side of the road at all times."</i></p>	<p><del>Noted</del> <u>Supported</u> – It is considered that this proposal will have a significant adverse and detrimental affect on the amenity of the area. <del>to the local community, appropriate conditions relating to the car parking and operation of the recreational facility has been imposed.</del></p> <p><del>Noted</del> <u>Supported</u> – As above.</p> <p>Noted.</p> <p><del>Noted</del> <u>Supported</u> – <del>As above the Council will consider these solutions submitted by the affected residents. This matter has been referred to the City's Ranger Services for comments.</del></p>
<p>The following five points is a representation of the results of the survey:</p> <ol style="list-style-type: none"> <li>1. A no Parking Zone is established on the northern side of Chelmsford Road.</li> <li>2. A one hour parking restriction is established on the southern side of Chelmsford Road.</li> <li>3. A one hour parking restriction is established adjacent to No. 168 Chelmsford Road, which would cater for the parking of two vehicles.</li> </ol>	<p><del>Noted</del> <u>Supported</u> – As above.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>4. The no-parking strips adjacent to each resident's driveway to be increased by another metre to help ease the difficulties of residents either entering or leaving their properties. The painted "No Parking" and "No Stopping" signs on the roadway are also in need of a repaint.</p> <p>5. "No Parking on Verge without Approval" signs be installed on both ends of the northern side of Chelmsford Road.</p> <p>If a one hour parking restriction is established, then this restriction would not apply to occupiers granted residential parking permits or to visitors utilising granted visitors parking permits.</p>	
<p><u>Hours of Operation</u></p> <p>Most troubling is the changeover from one recreational event to the next – have up to double the number of users and their vehicles entering and exiting in a short period of time.</p> <p>Information relating to the operation of the premises is inconsistent with what is occurring. The facility does operate on Sundays currently and has been for some time. Furthermore the premises are approved for use of 8 persons whilst on average there are 20 persons at the premises.</p> <p>The parking problem occurs from as early as 5:30 am for 6 am sessions and the last patrons leaving as late as 9:45pm. With numerous consecutive sessions, patrons are leaving whilst others are arriving, which means the congestion occurs constantly throughout the day.</p>	<p>Supported – As above. A condition has been recommended that limits the number of patrons per class, and also a 45 minute interval between classes.</p> <p><b>Noted – The submission and information has been forwarded to the City's Compliance Services for further investigation.</b></p> <p><del>Supported. As above. A condition has been recommended that limits the number of patrons per class, and also a 45 minute interval between classes.</del></p>
<p>The hours proposed are too long, operating 7 days a week 365 days a year. There is no break for the residents in the locality, and no way of monitoring whether these hours are adhered to.</p>	<p><del>Noted – The proposal is within its limits for operation. The Sunday operation has been amended to align with appropriate hours in accordance with the Department of Commerce.</del></p>
<p><u>Pollution</u></p> <p>Increased pollution – litter and noise to neighbours.</p>	<p>Supported – An increase in patrons will lead to an increase in use of this area.</p>
<p>Substantial noise impacts from all movements of the people parking in the street from cars and people.</p>	<p>Noted.</p>

Summary of Comments Received:	Officers Technical Comment:
<p><u>Community Consultation</u></p> <p>Chelmsford Road is severely impacted by the car parking of Bikram Yoga's participants, due to the area of community consultation it seems that the communities concerns have not been properly canvassed.</p>	<p>Not Supported - This application has been advertised in accordance with the City's Policy No. 4.1.5 relating to Community Consultation, and does not involve Bikram Yoga, which is located at No. 158A Vincent Street. The current proposal relates to No. 315 Fitzgerald Street.</p>
<p><u>Car Parking Calculation</u></p> <p>The car parking adjustment factor relating to development located within 400 metres of a bus route should be removed as there is no evidence that the patrons of the premises utilise public transport.</p> <p>The car parking adjustment factor relating to development located within 400 metres of an existing off-street car park with an excess of 75 bays should be removed as there is no evidence of the operators being successful in directing their patrons to this car park.</p>	<p>Not Supported – Public transport is available, and is considered as an option to commute to the premises, and is therefore included as an adjustment factor.</p> <p>Not Supported – The off street car parking is an alternative to parking on site, and therefore is included as an adjustment factor.</p>
<p><u>Maximum Number of Persons Approved for the Site</u></p> <p>The proposed persons permitted is too large given the size of the building. Where are these people to park, as they will not be using public transport.</p>	<p>Supported – <del>The numbers proposed have been reduced to be in accordance with the maximum numbers approved for the site as calculated under the Health Regulations.</del></p>

Note: Submissions are considered and assessed by issue rather than by individual submitter for clarity.

**LEGAL/POLICY:**

The following legislation and policies apply to the proposed reconsideration of conditions:

- Planning and Development Act 2005;
- State Administrative Tribunal Act 2004 (WA);
- City's Policy No. 4.1.23 – State Administrative Tribunal Policies and Procedures;
- City of Vincent Town Planning Scheme No. 1; and
- Smiths Lake Precinct Policy No. 7.1.6.

**RISK MANAGEMENT IMPLICATIONS:**

Should the Council refuse the application for development approval, the matter will be further progressed at the SAT Mediation scheduled for 24 February 2014.

Should the Council approve the application for an increase in numbers approved for the site this may increase pressure on the locality however the recommended conditions are seen to alleviate the communities concerns and are also to be reviewed after 12 months.

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013-2017 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.*
  - 1.1.5 *Take action to improve transport and parking in the City and mitigate the effects of traffic."*

**SUSTAINABILITY IMPLICATIONS:**

The City's Strategic Plan 2013-2017 states:

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

*Take action to reduce the City's environmental impacts and provide leadership on environmental matters."*

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

<b>ENVIRONMENTAL</b>
Increasing the maximum number of patrons allowed on site will result in more cars accessing the subject site.

<b>SOCIAL</b>
Increasing the maximum number of patrons allowed on site will provide more recreational opportunities for the community. On the other hand, the increase in the number of patrons would result in an undue impact on the immediate residents, having to deal with greater amount of vehicular traffic movements.

<b>ECONOMIC</b>
An increase in patronage is considered to financially benefit the operators of the recreational facility.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS**

**Ranger and Community Safety Services**

The north-west corner of Fitzgerald Street and Vincent Street contains two recreational facilities. One is the existing Recreational Facility operating as Bikram Yoga at No. 158A Vincent Street, which is on another separate lot, and the above proposal at No. 315 Fitzgerald Street. The City has received numerous complaints from nearby residents relating to the patrons of the recreational facilities also parking along Chelmsford Road directly north of these recreational facilities.

Car parking is constrained within the locality surrounding No. 315 Fitzgerald Street with a high number of visitors to the recreational facilities on the corner of Vincent Street and Fitzgerald Street. There have been **63 complaints** relating to car parking on Chelmsford Road since January 2013. Of these **63 registered complaints, 44** relate directly to the section of Chelmsford Road which exists between Leake and Fitzgerald Streets. As this area is severely

constrained for parking, any increase in numbers to the recreational facility, without increasing on-site parking, would impact the amenity of surrounding streets and further constrain on street parking.

**The City's Ranger Services have advised that they are not supportive of an increase in patronage to the recreational facility due to the current complaints relating to car parking.**

**Parking Restrictions in Chelmsford Road (between Fitzgerald Street and Leake Street**

Currently this section of Chelmsford Road between Fitzgerald and Leake Streets has a two (2) hour time parking restriction on the North side only and the South side is unrestricted.

In view of the high number of complaints in the previous twelve (12) months it is recommended that the Council approve of the time restrictions in the immediate area, as requested in the survey by one of the residents.

This survey revealed the following:

"I have subsequently distributed a survey of possible solutions to our parking problems to all residents. Residents were invited to rank five options. These were:

Option A: No parking on the north side of the road at all times and one hour parking limit on the south side of the road at all times.

Option B: No parking on the south side of the road at all times and one hour parking limit on the north side of the road at all times.

Option C: One hour parking limit on both side of road at all times.

Option D: One hour parking limit on the north side of road at all times.

Option E: One hour parking limit on south side of road at all times.

Completed surveys have been received from fifteen property owners as well submissions from four children of one family who are all drivers living at 156 Chelmsford Road and two adults who are also living at 161 Chelmsford Road. The completed surveys form part of this submission.

Taking into account all returned survey forms, the most favoured option is: Option A (Score of 39), followed by Option B (score of 44), Option C (score of 46), Option D (Score of 69) with the least favoured option being Option E (score of 81).

If the survey results only include one completed survey from each property then the outcome is the same preference order, with the most favoured option being Option A (score of 27), followed by Option B (scored of 30), Option C (score of 33), Option D (score of 49) and the least favoured option being Option E (score of 56).

The survey returns from 159 and 161 Chelmsford Road also suggested residents only parking option. There is an existing "No stopping zone" adjacent to No. 167 Chelmsford Road and extending to approximately 4 metres on the western side of no. 165 Chelmsford Road.

It is proposed that there be a one hour restricted parking zone adjacent to Number 168 Chelmsford Road which would cater for the parking of 2 vehicles. This configuration would mean that traffic would not be impeded in this section of the road".

**Technical Services Comments:**

Using the above options, the Director Technical Services also undertook an independent survey and on 17 January 2014. Eighteen (18) letters were distributed to residents in the section of Chelmsford Road, North Perth, between Leake and Fitzgerald Streets.

Residents were asked to provide feedback regarding the implementation of one of the following five (5) parking improving options (as suggested by the resident who conducted the survey outlined above).

Option 1:

'No parking at all times' on the *north side* of the road and one (1) hour parking limit on the *south side* of the road at all times,

Option 2:

'No parking at all times' on the *south side* of the road and one (1) hour parking limit on the *north side* of the road at all times,

Option 3:

One (1) hour parking limit on *both sides* of road at all times,

Option 4:

One (1) hour parking limit on the *north side* of road at all times, or

Option 5:

One (1) hour parking limit on *south side* of road at all times.

At the close of consultation on 3 February 2014, eleven (11) responses were received (representing a response rate of 61%) with nine (9) in favour of Option 1 and two (2) in favour of Option 2.

Related Comments In Favour of Option 1:

- 4 x in favour with no further comment.
- "Given the nature of the issues, I would actually prefer "Residential Parking Only" however, although suggested by a couple of residents, this option was not canvassed as it was felt that it would be unlikely to be approved as it is currently the impact of one business imposing its parking needs on us. This option would be the most effective as areas restricted to residential parking only are most likely to deter parking for those who are non-residents as easily identifiable parking permits are required for both residents and visitors."
- "I don't mind much between Option 1 and Option 2. But my fellow residents have a preference for Option 1. At least once a week we call the rangers for cars illegally on our verge at the yoga. For every time we ring there is probably another 1-2 times we don't... We will need visitor parking permits"
- "We draw your attention to correspondence I sent on 14 January 2014 to the Mayor, Mr John Carey with recommended options to address the parking chaos that currently exists in Chelmsford Road between Leake Street and Fitzgerald Street."
- "Can we have the back laneway "No Stopping" stencilled signage refreshed when they do the road. The laneway and street verge signs have all been graffiti and bent. Can they be fixed as well?"

- “We fully support Option 1 as outlined in your letter dated 17 January 2014 with one exception. Whilst we are fully supported of no parking on the north side of Chelmsford Rd there is a special circumstance which applies directly to the front of our home. At the moment due to the constraints of the driveway at ... Chelmsford Rd (opposite our home) there is a no parking restriction on the south side i.e. in front of ... Chelmsford Rd. This is because you cannot fit any parking along on this section of the road due to the driveway and its corner location.”
- “Given this constraint and the no parking restrictions on the south side of the road we would like to see the parking continue on our side of the road only for the extent of our lot. This is a one off situation along this section of Chelmsford Rd”

Related Comments In Favour of Option 2:

- 1 x in favour with no further comment.
- “We do not approve entirely of these options but understand Vincent Council is making an effort to deal with this matter. However, it must be for the benefit of the surrounding residents affected, Resident only permits must be issued as a priority”

Officers Comments

In view of the high number of complaints in the previous twelve (12) months it is recommended that the Council approve of the time restrictions in the immediate area, as requested in the survey by one of the residents and as confirmed in the survey undertaken by the City.

**Planning Services**

In light of the Ranger Services comments above and the comments received during the community consultation period it is clear that any approval on the site will require monitoring and review therefore the proposal is recommended for conditional approval that is to be reviewed after 12 months.

**Health and Compliance Services**

The City's health services attain the total maximum number of people permissible for the site through assessment of the building in accordance with the Health (Public Buildings) Regulations 1992. The plan submitted indicates that the premises are providing a single toilet. In accordance with the Building Code of Australia, a single water closet can accommodate a maximum of 25 persons.

**Reconsideration of Conditions**

Officer Response to Change of Conditions

- “(v) *the maximum total number of employees shall be limited to three (3) at any one time;*
- (vi) *the maximum total number of students/clients shall be limited to eight (8) at any one time; and”*

Officer response:

The total maximum number of people permissible for the site is determined under the Health (Public Buildings) Regulations 1992. The City's Health Officers have assessed the plans submitted by the applicant and determined that the site to be capable of accommodating 25 persons at any one time. Therefore, if the Council is of the inclination to approve the application, the Officer recommendation is to limit the number of persons to 25, in lieu of the 39 being applied for.

*“(vii) the hours of operation shall be limited to 6am to 8pm on Monday and Wednesday, 6am to 8:30pm on Tuesday and Thursday, 6am to 7:30pm on Friday, and 9am to 10:30am Saturday; inclusive.”*

Officer response:

Proposed new operating hours are as follows:

Monday to Thursday 6:00am to 9:00pm

Friday 6:00am to 8:00pm

Saturday 7:30am to 6:00pm

Sunday 9:00am to 6:00pm

The operating hours proposed are an increase to the previously approved hours and are not supported, on the basis that they would result in undue impact on the amenity of residents. ~~However to alleviate car parking and amenity pressure on the locality, a 45 minute interval between classes is recommended, to ease the transition of patrons entering and leaving the recreational facility.~~

### **CONCLUSION:**

The increase in number of persons on site at No. 315 Fitzgerald Street will contribute to an increase to the local vehicular traffic in the immediate vicinity of the recreational facilities.

For the reasons detailed in the report the Chief Executive Officer recommends that the Application be REFUSED.

~~As to the conditions relating to the number of persons permitted and hours of operation applied to the premises in the Planning Approval issued 31 October 2006, these were in accordance with the applicant's submission, and were seen to not unduly affect the locality at that point in time.~~

The current proposal to remove the aforementioned conditions is considered allowable as the premises is capable, as per Health (Public Buildings) Regulations 1992, of holding 25 persons on site at any one time. Therefore in re-considering the previously imposed planning conditions through assessment against current legislation and policies, a 25 person limit has been recommended.

~~On the above basis, the proposed reconsideration of conditions is supportable in this instance. It is recommended that the proposal be approved subject to relevant conditions and advice notes which are to be reviewed 12 months after the date of approval.~~

**9.1.4 Investigation into prohibiting Multiple Dwellings in land zoned Residential R30 and Residential R30/40 in Mount Hawthorn, Leederville and North Perth**

<b>Ward:</b>	Both Wards	<b>Date:</b>	31 January 2014
<b>Precinct:</b>	Mount Hawthorn (P1) Leederville (P3) Smiths Lake (P4) North Perth (P8)	<b>File Ref:</b>	PLA0140
<b>Attachments:</b>	<a href="#">001</a> - Precinct Maps		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J O'Keefe, Senior Strategic Planning Officer D Mrdja, Acting Manager Strategic Planning, Sustainability and Heritage Services		
<b>Responsible Officer:</b>	P Mrdja, Acting Director Planning Services		

**OFFICER RECOMMENDATION:**

That the Council **APPROVES** the implementation of Option 2 and Option 4 as outlined in the 'Details' section of this report, as follows;

**Option 2 - Scheme Amendment to Town Planning Scheme No. 1 for selected areas zoned Residential R30 and R30/40 in Mount Hawthorn, Leederville and North Perth – Mount Hawthorn, Smiths Lake, Leederville and North Perth Precincts; and**

**Option 4 – Local Planning Policy Amendment.**

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**Moved Cr Topelberg, Seconded Cr Cole**

That the recommendation be adopted.

Debate ensued.

**AMENDMENT**

**Moved Cr Cole, Seconded Cr Buckels**

"That a new Clause 1.3 be inserted to read as follows:

- 1.3 the funding for the works to be carried from a source to determined by the Chief Executive Officer.

**AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)**

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

**COUNCIL DECISION ITEM 9.1.4**

That the Council **APPROVES** the implementation of Option 2 and Option 4 as outlined in the 'Details' section of this report, as follows;

- 1.1 **Option 2 - Scheme Amendment to Town Planning Scheme No. 1 for selected areas zoned Residential R30 and R30/40 in Mount Hawthorn, Leederville and North Perth – Mount Hawthorn, Smiths Lake, Leederville and North Perth Precincts;**
- 1.2 **Option 4 – Local Planning Policy Amendment; and**
- 1.3 **the funding for the works to be carried from a source to determined by the Chief Executive Officer.**

**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of the outcomes of the investigation into the potential to restrict Multiple Dwellings in the areas zoned Residential R30 in the Draft Town Planning Scheme No. 2, in the Mount Hawthorn, North Perth and Leederville Precinct. It is also noted that City Officers also investigated this restriction in areas zoned Residential R30 and R30/R40 in the City's Town Planning Scheme 1.

The suburb areas of Mount Hawthorn, Leederville and North Perth affect the following precincts in Town Planning Scheme No 1:

- Mount Hawthorn (P1)
- Leederville (P3)
- Smiths Lake (P4)
- North Perth (P8).

This report will detail the issues which have been raised as a result of this investigation and outline the options available to the Council going forward.

**BACKGROUND:**

As part of Item 9.1.10, the Council at its Ordinary Meeting on 17 December 2013 resolved as follows:

*“that investigations be undertaken into the potential to restrict multiple dwelling developments in areas zoned R30 in Mount Hawthorn, North Perth and Leederville in the City Draft Town Planning Scheme No. 2”.*

This resolution has evolved in response to several proposed multiple dwelling developments in R30 areas of Mount Hawthorn which are raising community concerns over the appropriateness of this type of development within medium density residential areas, primarily containing single houses.

This report summarises the 'investigation' undertaken into this matter as per the Council's resolution. It provides the following insights into the relevant issues facing the City and provides recommendations relating to a suitable outcome.

State Planning Policy 3.1, The Residential Design Codes (The R Codes) permits the development of multiple dwellings in areas zoned Residential R30 and above. This element was introduced by the R Codes in December 2010 in response to the radical increase in population and a housing supply which was not meeting the significant demand. In addition to this, State Government Policy, Directions 2031 and Beyond allocated dwelling targets to all local governments to achieve by 2013 to accommodate anticipated growth rates.

Across the Perth metropolitan area, the introduction of the permissibility of multiple dwellings in these medium density zones has resulted in many Councils responding to community concerns who feel this type of development is inappropriate in their streets and suburbs.

Several Councils are investigating measures to address the issues which has come about as a result of the R Codes allowing multiple dwellings in medium density residential zones. The City of Stirling has initiated a Scheme Amendment with the objective of prohibiting multiple dwellings in these areas. The State Government however, is of the view such a scheme amendment contradicts state government planning policy as this type of development is mandated by State Planning Policy, however they do concede this is an 'emerging issue'.

A meeting with senior officers from the Department of Planning has identified that the Western Australian Planning Commission are very 'interested' in this matter. The matter has been raised by several Local Governments making the issue being very topical. Only the City of Stirling has lodged a formal application to amend their Town Planning Scheme, prohibiting multiple dwellings in areas zoned Residential R50 and below. While an outcome on this matter is yet to be determined, the Department of Planning are interested to hear on what other solutions may be available to local governments to ameliorate the community issues on this topic.

**Previous Reports to Council:**

No previous reports have been provided to the Council on this matter.

**DETAILS:**

The following information describes the different options that are available to the Council to implement the necessary changes required to the City's Town Planning Scheme.

As part of the investigation, City officers have facilitated meetings with the relevant organisations and agencies, including the Department of Planning who have provided comment on various procedural matters. This report will provide an officers recommendation for consideration by the Council without prejudice.

OPTION 1 – Scheme Amendment to Town Planning Scheme No. 1 for all areas zoned Residential R30 and R30/40 in Mount Hawthorn, Leederville and North Perth – Mount Hawthorn, Smiths Lake, Leederville and North Perth Precincts.

In order to prohibit the development of Multiple Dwellings within areas zoned R30 and R30/40 in Mount Hawthorn, Leederville and North Perth, an amendment to the City's current Town Planning Scheme is required. This option suggests a blanket scheme amendment to prohibit multiple dwellings for all land zoned R30 and R30/R40 in Mount Hawthorn, Leederville and North Perth.

An amendment to a Town Planning Scheme generally has a timeframe of approximately 18 months from initiation to Gazettal.

The Department of Planning who have not given any indication whether an amendment such as this would be supported. The issue of Multiple Dwellings in medium density residential issues has been identified by them as an 'emerging issue' with several local governments initiating similar amendments to their scheme.

Because any proposed amendment to restrict Multiple Dwellings is inconsistent with State Planning Policy 3.1 – Residential Design Codes (which permits multiple dwellings in these zones), the amendment must first receive consent to advertise from the Western Australian Planning Commission. This is a step which is not normally required for a scheme amendment.

Adequate justification must be provided to the Western Australian Planning Commission to support the process of obtaining consent to advertise, which may include a deputation to the Statutory Planning Committee providing justification as to why it should be supported.

Based on the attempts by the City of Stirling to try and 'blanket restrict' Multiple Dwellings, it is unlikely that the Minister will support such an amendment due to the proximity of the suburbs to the City. Notwithstanding the above, in the event that the Council supports this option, it is recommended that a consultant be engaged to prepare a report to the Western Australian Planning Commission in support of this option.

OPTION 2 - Scheme Amendment to Town Planning Scheme No. 1 for selected areas zoned Residential R30 and R30/40 in Mount Hawthorn, Leederville and North Perth – Mount Hawthorn, Smiths Lake, Leederville and North Perth Precincts.

A slight variation to option 1 is to take a more strategic approach to the Scheme Amendment and only propose to prohibit multiple dwellings in selected areas (as opposed to all land zoned R30 and R30/40). This would require City staff to make a recommendation to the Council on which areas/streets should be included in the amendment area based on an informed assessment of the area.

Drawing on research undertaken by City staff in 2009 for the 'Streetscapes Policy', a series of recommendations will be made to the Council, suggesting which streets should be included in the amendment area.

Taking this approach may also gain more support from the Western Australian Planning Commission given it's a more considered approach and the City can focus on character retention as the central reason in restricting multiple dwellings.

Reviewing the research that was undertaken in 2009 will take some time and require resources, mostly in the form of additional staff. Furthermore, given the research was undertaken for a different purpose, additional effort must be made to educate residents of those streets of why their streets have been nominated. Should this option be selected, work would begin immediately on the review of the research.

Should this option proceed, it will run concurrently with the advertising of the new Town Planning Scheme, scheduled to begin on 11 March 2014 which will require the diversion of personnel resources during this time.

#### *Relationship with Town Planning Scheme No. 2*

It is noted that Draft Town Planning No 2 does not contain any provisions which prohibit the development of multiple dwellings. Because of this, the proposed Scheme Amendment to Town Planning Scheme No 1 would be inconsistent with the City's new Scheme.

The advertising of Draft Town Planning Scheme No 2 is due to commence on 11 March 2014 and has received formal consent to advertise from the Minister for Planning. The City no longer has the opportunity to include any additional provisions required to prohibit Multiple Dwelling developments in prescribed areas without delaying the entire process. Any additional amendments at this late stage, would require the modifications to be re-assessed by the Western Australian Planning Commission, a delay which could last up to six months. With Local Government amalgamations due to occur in July 2015, this delay should be avoided so as to not jeopardise the Gazettal of the new Town Planning Scheme prior to local government amalgamations.

The inconsistency between the two town planning schemes however, would not preclude the initiation of a Scheme Amendment to Town Planning Scheme No 1, proposing the required provisions needed to meet the Councils desire. The timeframes of both the Scheme Amendment and the City's Draft Town Planning Scheme No. 2, however will be required to run parallel to trigger the relevant provisions of the Town Planning Regulations which would allow the new Scheme to be automatically updated with the amendment, without any further consultation.

The 'automatic amendment' would only be applied to the new Scheme, should the amendment be supported by the Western Australian Planning Commission and ultimately the Minister for Planning.

#### OPTION 3 - Amend Town Planning Scheme No. 2 following advertising – Mount Hawthorn, Smiths Lake, Leederville and North Perth Precincts.

Advertising of Draft Town Planning Scheme No 2 is due to commence on 11 March 2014 and will run for approximately four months. During this time the public is invited to provide submissions to the City, commenting on the proposed amendments which may affect them.

The City's Officers will report back to the Council a summary of the submissions received with a comment for each as to whether the matter is supported or not supported and whether a modification to the Draft Town Planning Scheme No. 2 is required as a result of those submissions.

Notwithstanding these potential amendments to the document, the Council may also resolve to make their own amendments to the document, even without specific submissions being received in relation to the proposed amendment. The Council have already resolved to make specific changes to the Town Planning Scheme following its advertising.

Additional amendments, such as restricting multiple dwellings in the identified areas may be included as part of the final adoption of the Town Planning Scheme. The Western Australian Planning Commission will then be presented with the Council endorsed version of the document and asked to determine whether the modifications are supported.

Preliminary advice from the Department of Planning indicates that an amendment such as this would be considered 'significant' and would most likely require to be being re-advertised. Resolving to restrict the permissibility of multiple dwellings within these areas is considered to reduce development potential of those lots without providing the Community with a direct method of consultation would not be accepted by the Western Australian Planning Commission, nor should it be by the Council.

The re-advertising of the Town Planning Scheme will jeopardise the anticipated timeframe of having the new Town Planning Scheme both adopted by the Council and determined by the Minister, particularly in light of some of the problematic issues to be considered between the Council and the Western Australian Planning Commission.

Although the Council may wish to progress this option as a matter of course, it should be prepared to abandon this approach should it delay the overall progression of the Town Planning Scheme as this is the priority.

#### OPTION 4 - Local Planning Policy Amendment

The fourth option of this investigation involves drafting a series of local planning policy provisions dealing with the issues that arise from multiple dwelling developments in medium density residential areas.

The development provisions contained in the City's planning policies outline the standards which apply to multiple dwelling developments, however greater clarification between those located on major roads and town centres in high density areas and those in the residential areas in Mount Hawthorn, North Perth and Leederville is required.

A review of the summary of submissions presented by the two recent Mount Hawthorn multiple dwelling developments identifies a range of issues which could be adequately addressed through local planning policy provisions. A current gap in the City's policy framework is how the multiple dwelling policy deals with issues specific to residential communities. These are issues such as setbacks, boundary interfaces and height. Tailored policy provisions will assist in addressing such issues.

Policy can also provide the impetus and incentives for developers to achieve 'excellence' in design and due consideration of the streetscape and neighbouring properties. Depending on the existing lot typology within these areas, carefully tailored provisions can be drafted in such a way which will have the capacity to limit the number of dwellings on the lot, alleviating much of the community concern.

In addition to drafting and implementing policy provisions, this approach must be coupled with a public education campaign with residents in the affected areas. In order to soften the current attitude of residents against multiple dwelling developments in these areas, the distribution of information, other examples and an opportunity to provide comments is an important step.

The development of the required policy provisions however, is time consuming and will divert much needed resources away from the advertising of the new town planning scheme. It is recommended that a request for quote be prepared to engage town planning or architecture consultants to assist in this matter. It is recommended that a budget of \$10,000 be endorsed for the 2014/2015 budget for such services. The consultants will examine the City's current town planning framework, identify the gaps and recommend innovative policy and design solutions to the issues occurring in the City's suburbs. The scope should also include several workshops and information sessions with residents of these areas to ensure an inclusive and educative approach is undertaken.

The issue of multiple dwelling developments in medium residential areas has been labelled an 'emerging issue' by planning officers at the Department of Planning, with several other local governments initiating Scheme Amendments to restrict multiple dwellings in medium density residential areas.

If the City were to consider this option, it is anticipated that this Local Planning Policy will include elements that cannot be varied under Clause 7.3.1 of the R Codes. This would mean that the Western Australian Planning Commission would be required to approve the Local Planning Policy.

The development of a local planning policy represents a pro-active and strategic approach which is likely to obtain support of the Western Australian Planning Commission and would be a first in the Perth metropolitan region. It is likely that the Western Australian Planning Commission would welcome a local government investigating a more innovative solution than a blanket prohibition of multiple dwellings in these areas.

This option is considered the most achievable within the allocated timeframe and has the greatest chance of support from the Western Australian Planning Commission.

The comments and conclusion section of this report will summarise these options and make a recommendation on how to move forward.

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

- Planning and Development Act 2005;
- Town Planning Regulations 1967;
- Town Planning Scheme No. 1.

The Western Australian Planning Commission and Minister for Planning are the determining authorities for Scheme Amendments.

The development of a local planning policy is the responsibility of the local government. If the policy contradicts state planning policy, it requires to be endorsed by the Western Australian Commission.

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

Timing and the availability of resources are the two biggest risks in implementing any of the identified options.

It is priority of the City to have the new Town Planning Scheme adopted prior to Local Government amalgamations. Any delays or diversion of resources away from this project may result in not achieving this objective.

Without additional personnel, any of the selected options will provide a diversion of resources away from other projects in one form or another. The recommendation provided later in this report determines which option will have the highest level of success and greatest chance of completion by the time local government amalgamation occurs.

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013-2017 states:

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Option One

It is expected the implementation of Option One will incur a financial cost of approximately \$5,000. The City Officers will facilitate the initiation of the Scheme Amendment however; it is recommended a town planning consultant be appointed to prepare the supporting documentation for submission to the Western Australian Planning Commission.

Option Two

The cost of implementing Option Two incurs primarily staff resources. Undertaking a review of the 2009 'Streetscapes Policy' data to assist in identifying appropriate streets for inclusion in the Scheme Amendment will require staff resources to be diverted from the advertising of the City's Town Planning Scheme No. 2. It is expected this process could take up to 3 months.

Option Three

Implementing this Option contains the least financial burden to the City. Following advertising of the new Town Planning Scheme, officers will include in the Town Planning Scheme text a Clause which prohibits multiple dwelling developments in areas zoned Residential R30 and R30/40 in Mount Hawthorn, Leederville and North Perth.

Whilst there is no cost to the City to include a Clause such as this in the Town Planning Scheme text, the potential cost of readvertising will be significant to these areas. Plus the potential delay in delaying the new Scheme presents a greater cost to the City that can be demonstrated financially.

Option Four

Option Four represents a cost of approximately \$10,000 to the City. It is recommended that the preparation of a Local Planning Policy (Design Guidelines) for Multiple Dwellings in areas Zoned Residential R30 and R30/40, and potentially R40 is completed by a town planning or architecture consultant.

Drafting a Policy such as this will require significant staff resources not only in the development of the Policy itself but also in any of the consultation that will be required. Engaging an external consultant will prevent redirecting internal staff resources but also presents other benefits such as drawing on experience about these issues from across the metropolitan region and how other local governments are approaching this issue.

### **COMMENTS & CONCLUSION:**

This report has been prepared in response to a Council resolution to investigate prohibiting multiple dwellings in areas zoned Residential R30 and R30/40 in Mount Hawthorn, Leederville and North Perth.

#### Options

In response to the situation within the City of Vincent, this report has recommended four options for consideration by the Council and summarised as follows:

1. Initiate an Amendment to Town Planning Scheme No. 1 to prohibit multiple dwellings in all land zoned Residential R30 and R30/40 in Mount Hawthorn, Leederville and North Perth.
2. Undertake a survey of these areas, review of existing research and recommend a selection of streets to the Council to initiate a Scheme Amendment to prohibit multiple dwelling developments in those recommended streets.
3. Amend Draft Town Planning No 2 following its advertising to prohibit the development of multiple dwellings in areas zoned Residential R30 and below.
4. Develop a number of local planning policy provisions which provide a innovative design solution to the number of community concerns with this type of development in these areas coupled with inclusive and educative community sessions.

#### Officers Recommendation

It is the Officers' recommendation to implement a hybrid of Option Two and Option Four.

Using research undertaken in previous years as part of the then 'Streetscapes policy', a report will be prepared for the Council with a recommendation of which streets should be included as part of a Scheme Amendment to prohibit the development of multiple dwellings in these areas. This approach may allay concerns from the Western Australian Planning Commission as it is a more considered approach and not simply a blanket re-zoning which is contradictory to State Planning Policy.

In addition to this research being prepared, it is recommended to concurrently engage the services of a specialist town planning consultant who will assist with the drafting of specific local planning policy provisions which recommend design based solutions to the key issues raised by the community to do with these developments.

It is recommended to run these concurrently as an exercise in risk management. The development of policy provisions, if adopted, will be applied to **all** multiple dwelling developments in land zoned Residential R30 with the potential to include areas of R40 also.

Should the Scheme Amendment ultimately not be supported by the Western Australian Planning Commission, the policy will be well advanced and can be applied to the whole area regardless. Should the Scheme Amendment be supported, the 'design guidelines' will relate to the balance of R30 land which was not included in the original Scheme Amendment area.

In light of the above, it is recommended that the Council support the offices recommendation to implement Option 2 and Option 4 and a budget of \$10,000 be allocated to commence this work.

**9.1.7 Amendment No. 120 to Planning and Policy Policies – New Policy No. 7.5.8 relating to Temporary Viewing Platform**

<b>Ward:</b>	Both Wards	<b>Date:</b>	31 January 2013
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0266
<b>Attachments:</b>	<a href="#">001</a> – Draft Policy No. 7.5.8 relating to Temporary Viewing Platforms		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A D'Alessandro, Planning Officer (Strategic)		
<b>Responsible Officer:</b>	P Mrdja, Acting Director Planning Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **AUTHORISES** the Chief Executive Officer to advertise the proposed new Draft Policy No. 7.5.8 – Temporary Viewing Platforms, as shown in Appendix 9.1.7, 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; and
2. After the expiry period for submissions:
  - 2.1 **REVIEWS** the new Draft Policy No. 7.5.8 – Temporary Viewing Platforms having regard to any submissions received; and
  - 2.2 **DETERMINES** the new Draft Policy No. 7.5.8 – Temporary Viewing Platforms having regard to any submissions with or without amendments, to or not to proceed with the draft Policy.

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Moved Cr Topelberg, Seconded Cr Harley

That the recommendation be adopted.

Debate ensued.

**AMENDMENT 1**

Moved Cr Topelberg, Seconded Cr Harley

That clause 1 be amended to read as follows:

- “1. **AUTHORISES** the Chief Executive Officer to advertise the proposed new Draft Policy No. 7.5.8 – Temporary Viewing Platforms, as shown in Appendix 9.1.7, 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 subject to the following amendments:

- 1.1 Clause 2 being amended as follows:

“2. Approval Requirements

“A Development Application for a viewing platform will not be approved unless a Development Approval for its redevelopment exists for the subject site, in certain circumstances, advertising will be required for a period of fourteen (14) days, where it is considered that the temporary viewing platform will impact the public amenity of the area or if it does not comply with the visual privacy requirements of the R Codes, refer to Clause 3.2, Public Consultation will include Residential Properties that are likely to be impacted by the proposed temporary viewing platform in accordance with the Provisions of the R codes relating to visual privacy.”

~~Approval must exist for the subject site prior to lodging an application for a temporary viewing platform. Concurrent applications will be accepted, but a viewing platform will not be approved without an approval for the Development Application. In certain circumstances, advertising will be required for a period of 14 days, where it is considered that the temporary viewing platform will impact the public amenity of the area or if it demonstrates overlooking issues. Public consultation will include residential properties that are likely to be impacted by the proposed temporary viewing platform in accordance with the provisions of the R-Codes."~~

1.2 Clause 3.2 being replaced as follows:

"3.2 Privacy and Screening

"Each Floor of the proposed structure must comply with the visual privacy requirements of the R Codes as if each floor was considered an unenclosed active habitable space in an area coded lower than R 50 as outlined in the Residential Design Codes 2013, (i.e. screened to a height of 1.6 metres if it is within the 7.5m cone of vision). Each floor of the proposed structure must comply with the unenclosed outdoor active habitable spaces requirements of the Residential Design Codes 2013, (i.e. screened to a height of 1.6 metres if it within the 7.5m cone of vision)."

Debate ensued.

AMENDMENT 1 PUT AND CARRIED UNANIMOUSLY (8-0)

AMENDMENT 2

Moved Cr Harley, Seconded Cr Buckels

"That clause 1 be amended to read as follows:

- "1. AUTHORISES the Chief Executive Officer to advertise the proposed new Draft Policy No. 7.5.8 – Temporary Viewing Platforms, as shown in Appendix 9.1.7, 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 subject to the following amendments:

1.1 A new Clause 3.8 be inserted as follows:

"3.8 Power Lines

The builder of the viewing platform must consult with Western Power prior to its construction and implement any precautions necessary and required by that agency to ensure the safety of persons constructing and using the platform."

Debate ensued.

AMENDMENT 2 PUT AND CARRIED UNANIMOUSLY (8-0)

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

**COUNCIL DECISION ITEM 9.1.7**

That the Council;

1. **AUTHORISES** the Chief Executive Officer to advertise the proposed new Draft Policy No. 7.5.8 – Temporary Viewing Platforms, as shown in Appendix 9.1.7, 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 subject to the following amendments:
  - 1.1 **Clause 2** being amended as follows:
    2. ***Approval Requirements***

“A Development Application for a viewing platform will not be approved unless a Development Approval for its redevelopment exists for the subject site, in certain circumstances, advertising will be required for a period of fourteen (14) days, where it is considered that the temporary viewing platform will impact the public amenity of the area or if it does not comply with the visual privacy requirements of the R Codes, refer to Clause 3.2, Public Consultation will include Residential Properties that are likely to be impacted by the proposed temporary viewing platform in accordance with the Provisions of the R codes relating to visual privacy; and
  - 1.2 **Clause 3.2** being replaced as follows:
    - 3.2 ***Privacy and Screening***

“Each Floor of the proposed structure must comply with the visual privacy requirements of the R Codes as if each floor was considered an unenclosed active habitable space in an area coded lower than R 50 as outlined in the Residential Design Codes 2013, (i.e. screened to a height of 1.6 metres if it is within the 7.5m cone of vision); and
  - 1.3 **A new Clause 3.8** be inserted as follows;
    - 3.8 ***Power Lines***

The builder of the viewing platform must consult with Western Power prior to its construction and implement any precautions necessary and required by that agency to ensure the safety of persons constructing and using the platform.
2. **After the expiry period for submissions:**

  - 2.1 **REVIEWS** the new Draft Policy No. 7.5.8 – Temporary Viewing Platforms having regard to any submissions received; and
  - 2.2 **DETERMINES** the new Draft Policy No. 7.5.8 – Temporary Viewing Platforms having regard to any submissions with or without amendments, to or not to proceed with the draft Policy.

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**PURPOSE OF REPORT:**

The purpose of this report is for the Council to endorse the new Draft Policy No. 7.5.8 relating to Temporary Viewing Platforms for consultation.

## **BACKGROUND:**

As requested by the Council the following report for the new Policy relating to Temporary Viewing Platforms outlines the guidelines for developing temporary viewing platforms within the City. The City has received two Development Applications for temporary viewing platforms. The first Planning Application was withdrawn by the applicant, prior to the City determining the matter. The second application was for a Multiple Dwelling development with an associated temporary viewing platform at No. 65-67 Brewer Street, Perth, and was approved by the Council at its Ordinary Meeting held on 17 December 2013. In this same agenda item, the Council also resolved the following:

- "2. *AUTHORISES the Chief Executive Officer to develop a Local Planning Policy that provides requirements and standards for temporary viewing platforms.*"

The City has seen an influx of applications for multiple dwellings and as such more applications for temporary viewing platforms are expected.

As this is a relatively new method of promoting development there are limited examples to benchmark this Policy against.

## **DETAILS:**

The following headings illustrate the development requirements listed in the Policy and the reasons why these requirements are proposed to be applied.

### Objectives

The key objective of this Policy is to develop consistent guidelines for considering applications for temporary viewing platforms. Furthermore, the policy aims to ensure suitable provision is made for the safety of persons using the structure whilst limiting the impact of the temporary viewing platform on the amenity of the area.

### Clause 1 - Definitions

No uniform definition exists pertaining specifically to temporary viewing platforms. However 'temporary structures' are widely addressed in planning literature. The definition in the Policy was created based on various definitions for 'temporary structure', with the City of Melbourne Building and Construction Code of Practice definition providing the best example.

The definition was developed based on:

**"Temporary Structure** means a removable structure that has been erected for a limited period of time only at an authorised location to provide protection for the public and enable the safe carrying out of building works." (City of Melbourne, Building and Construction Code of Practice 1999).

A temporary viewing platform has been defined in the Policy as follows:

**"Temporary viewing platform:** means a removable structure that has been erected for a limited period of time, only at an approved location, for the sole purpose of demonstrating the prospective views of a new residential or mixed use development."

### Clause 2 - Approval Requirements

Both planning and building approval was required for the temporary viewing platform at No. 65-67 Brewer Street. As the only approved temporary viewing platform in the City of Vincent it has set a precedent for all future temporary viewing platforms in the City. It is recommended that all future temporary viewing platforms require planning and building approval from the City.

The Development Application for No. 65-67 Brewer Street included a 14 day advertising period to surrounding landowners. To ensure all neighbouring residents are considered during the development of temporary viewing platforms, it is proposed that the Policy include a provision requiring a 14 day advertising period for all neighbouring residents within a 200 metre radius. The advertising period will allow residents to provide feedback to the City, addressing overlooking concerns and potential impacts on the amenity.

#### Clause 3.1 - Security and Fencing

The Development Application for a temporary viewing platform for No. 65-67 Brewer Street was approved with a 1.8 metre security fencing around the base of the structure. During the development of this Policy it was considered appropriate to include a requirement for shade cloth to cover the fencing, reducing visibility into the subject site and improving the aesthetics of the structure. The security fence will be locked at all times outside of viewing hours to prevent unauthorised access or climbing of the structure.

#### Clause 3.2 - Privacy and Screening

In accordance with the unenclosed outdoor active habitable spaces requirement of the Residential Design Codes 2013 the structure is to be screened to a height of 1.6 metres in the direction of overlooking into any adjoining property. This section of the Policy will ensure any privacy concerns, albeit temporary, are addressed before approval is granted.

#### Clause 3.3 - Height

The primary purpose of temporary viewing platforms is as promotional tool for new residential or mixed use multiple dwellings. As a result, the heights of temporary viewing platforms are to be no higher than the overall height of the proposed or approved multiple dwelling.

#### Clause 3.4 - Duration of Temporary Viewing Platform

Planning condition No. 6 on the 65-67 Brewer Street temporary viewing platform approval specifies:

*"The temporary viewing platform and associated security fencing must be removed 2(two) months from the date of the issue of the Building Permit".*

During the development of this Policy it was considered that two months was too short in consideration of the fact applicants are required to have both planning and building approval before constructing the temporary viewing platform. As a result 3 months is recommended as the length of time for a temporary viewing platform to remain standing once the Building Permit has been issued.

The Policy also states that the viewing platform is for promotional purposes only and therefore shall be removed within 7 days of the completion of the sales campaign if this should occur before the 3 month period elapses.

#### Clause 3.5 - Days/Hours of Operation

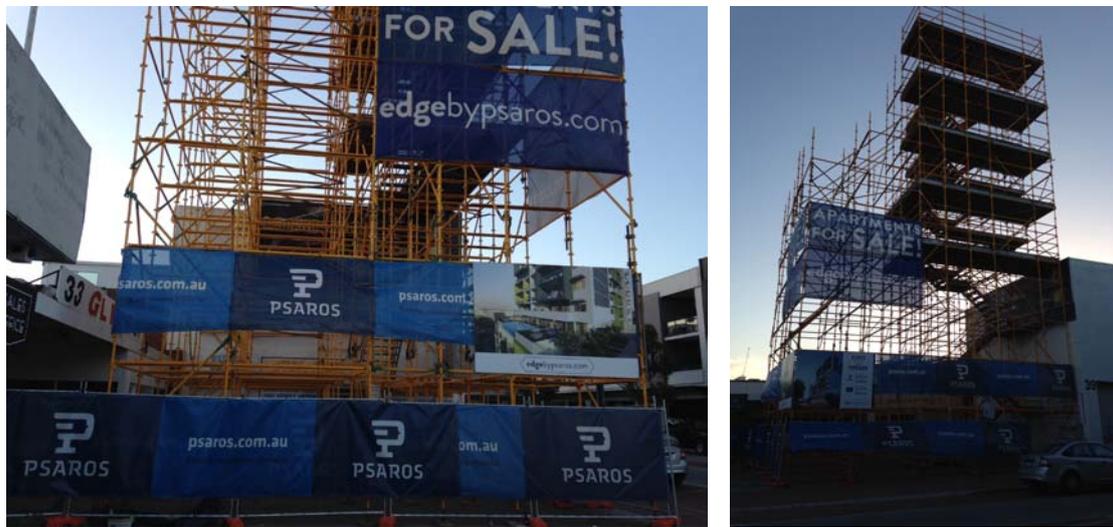
The Council's consideration of the 65-67 Brewer Street temporary viewing platform allowed, at the applicants request, for hours of operation to be limited to 1:00pm – 5:00pm on Saturdays and Sundays. Through the development of this policy it was considered that the opening hours should be extended further to 11:00am – 5:00pm on Saturday and Sunday. These are the recommended open days and times based on the precedent set in the 65-67 Brewer Street application. However it is recommended that the City allow for variations to these days and hours of operation to suit the needs of the applicant.

Clause 3.6 - Signage

The temporary viewing platform will be used by members of the public thus safety is a priority. Safety signage should be provided on the structure and will not be subject to planning approval. The Australian standard AS 1319 – 1994 Safety Signs for the Occupational Environment outlines the acceptable standards for safety signage.

It is recommended that promotional signage be considered on the temporary viewing platform, however shall be subject to planning approval, ensuring a high quality outcome with limited impact on local amenity.

A temporary viewing platform was recently approved by the City of Perth, at No. 29 Newcastle Street. This viewing platform included promotional signage which was subject to a separate application for approval. The promotional signage limits visibility into the site on the ground floor whilst also providing a more visually appealing sight than the structure itself. Images of the example at No. 29 Newcastle Street are shown below.



Clause 3.7 - Building Requirements

Through consultation with the City's building officers it is recommended that the temporary viewing platforms be erected by a qualified scaffolder and signed off by a certified structural engineer. The temporary viewing platform is to conform to Australian standard AS 1657 for fixed walkways and platforms.

**CONSULTATION/ADVERTISING:**

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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The amended Policy will be advertised in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1.

Consultation Period: Four consecutive weeks

Consultation Type: Four adverts in local paper, notice on the City's website, copies displayed at City of Vincent Administration and Civic Building and Library and Local History Centre, letters to the Western Australian Planning Commission, Precinct Groups and other appropriate government agencies as determined by the City of Vincent.

**LEGAL/POLICY:**

The following legal/policy documents are relevant to this report:

- City of Vincent Town Planning Scheme No. 1 and associated Policies;
- City of Vincent Policy No. 4.1.5 Community Consultation; and
- *Town Planning Regulations 1967.*

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** The City already has the ability to consider temporary viewing platforms under the provisions of the Town Planning Scheme No. 1, however this Policy will provide a clearer framework and ensure that applications are considered consistently.

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013-2017 states:

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

**SUSTAINABILITY IMPLICATIONS:**

The Policy Amendment has no direct sustainability implications relating to the City's Sustainable Environment Strategy 2013-2018.

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

ENVIRONMENTAL
Nil.

SOCIAL
This Policy will provide a clear framework for considering applications for temporary viewing platforms which will give greater certainty to the community when these applications are considered.

ECONOMIC
This Policy will provide a clear framework for developers and ensure that the process for preparing an application for temporary viewing platforms is more efficient.

**FINANCIAL/BUDGET IMPLICATIONS:**

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

'Town Planning Scheme Amendment and Policies'

Budget Amount:       \$73,000  
Spent to Date:        \$44,018  
Balance:                \$28,982

**COMMENTS & CONCLUSION:**

This Policy will provide a clear and consistent framework for considering applications for temporary viewing platforms. This will provide more certainty for the developer and the community.

In light of the above, it is recommended that the Council adopt the Officer Recommendation.

**9.2.2 Progress Report No. 6 – Strategies to Reduce Speed Limits on Higher Order Roads Within the City – Proposed Oxford Street "50 kph Speed Limit"**

<b>Ward:</b>	Both	<b>Date:</b>	31 January 2014
<b>Precinct:</b>	Mt Hawthorn (1); Mt Hawthorn Centre (2); Leederville (3); Oxford (4)	<b>File Ref:</b>	TES0089
<b>Attachments:</b>	<a href="#">001</a> – Appendix 9.2.2 - Showing Options		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	R Lotznicker, Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **NOTES;**

1.1 the request from the Director Technical Services to Main Roads WA to permanently lower the posted speed limit along Oxford Street between Scarborough Beach Road and Vincent Street from 60 kph to 50 kph for the reasons outlined in the report; and

1.2 Main Roads WA response seeking the Council’s formal endorsement for the abovementioned change; and

2. **ADVISES** Main Roads WA that it **ENDORSES** the proposal to permanently lower the posted speed limit along Oxford Street between Scarborough Beach Road and Vincent Street from 60 kph to 50 kph subject to either ‘one’ of the following options; (as shown on the attached plans)

2.1 Option 1: the existing 30kph zone north of Vincent Street remaining unchanged; or

2.2 Option 2: the proposed 50kph zone extending to Vincent Street; or

2.3 Option 3: the existing 30kph zone north of Vincent Street being reduced to 20m North of Vincent Street

**Moved Cr Topelberg, Seconded Cr Buckels**

That the recommendation be adopted.

Debate ensued.

**AMENDMENT 1**

**Moved Cr Topelberg, Seconded Cr Wilcox**

“That Clauses 2.1 and 2.3 be deleted as follows:

~~2.1 Option 1: the existing 30kph zone north of Vincent Street remaining unchanged; or~~

~~2.3 Option 3: the existing 30kph zone north of Vincent Street being reduced to 20m North of Vincent Street~~

Debate ensued.

Cr Harley departed the Chamber at 8.31pm.

**AMENDMENT 1 PUT AND CARRIED (5-2)**

**For:** Mayor Carey, Cr McDonald, Cr Pintabona, Cr Topelberg and Cr Wilcox  
**Against:** Cr Buckels and Cr Cole

(Cr Harley was absent from the Chamber and did not vote.)

Debate ensued.

Cr Harley returned to the Chamber at 8.35 pm.

**AMENDMENT 2**

**Moved Cr Cole, Seconded Cr Buckels**

“That a new Clause 2.1 be inserted to read as follows:

**2.1 Option 1: the existing 30kph zone north of Vincent Street being reduced to 20 metres north of Vincent Street; or**

Cr Harley departed the Chamber at 8.35pm.

Debate ensued.

**AMENDMENT 1 PUT AND CARRIED (5-2)**

**For:** Mayor Carey, Cr Buckels, Cr Cole, Cr McDonald and Cr Topelberg  
**Against:** Cr Wilcox and Cr Pintabona

(Cr Harley was absent from the Chamber and did not vote.)

**MOTION AS AMENDED PUT AND CARRIED (6-1)**

**For:** Presiding Member Mayor John Carey, Cr Buckels, Cr Cole, Cr McDonald, Cr Topelberg and Cr Wilcox  
**Against:** Cr Pintabona

(Cr Harley was absent from the Chamber and did not vote.)

Cr Harley returned to the Chamber at 8.36pm.

**COUNCIL DECISION ITEM 9.2.2**

That the Council;

1. NOTES;
  - 1.1 the request from the Director Technical Services to Main Roads WA to permanently lower the posted speed limit along Oxford Street between Scarborough Beach Road and Vincent Street from 60 kph to 50 kph for the reasons outlined in the report; and
  - 1.2 Main Roads WA response seeking the Council’s formal endorsement for the abovementioned change; and
2. ADVISES Main Roads WA that it ENDORSES the proposal to permanently lower the posted speed limit along Oxford Street between Scarborough Beach Road and Vincent Street from 60kph to 50kph subject to the existing 30kph zone north of Vincent Street being reduced to a distance of 20metres north of Vincent Street.

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**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of Main Roads WA (MRWA) proposal to impose a 50 kph speed limit in Oxford Street, Leederville, from Scarborough Beach Road to just north of Vincent Street.

**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of Main Roads WA (MRWA) proposal to impose a 50 kph speed limit in Oxford Street, Leederville, from Scarborough Beach Road to just north of Vincent Street.

**BACKGROUND:**

**Ordinary Meeting of Council - 24 August 2004:**

The Council adopted a Notice of Motion seeking, in part, a review of "60 kph speed limits in the Town, with particular reference to whether a lower speed limit would be appropriate for roads passing through or in close proximity to concentrations of activity and sensitive uses such as primary schools..."

**Ordinary Meetings of Council - 24 April 2007 and 11 November 2007:**

The Council subsequently received two (2) progress reports advising of the then Town's unsuccessful endeavours to have MRWA review the 60 kph speed limit on higher order roads.

**December 2007:**

MRWA contacted the then Town's Technical Services Directorate and advised that they had re-considered their stance and were prepared to trial the use of "speed cushions" in selected locations as a means of reducing traffic speed. Furthermore, they were considering two (2) locations within the then Town to conduct the first such trial in the Perth metropolitan area, being Beaufort Street, Mount Lawley/Highgate or Fitzgerald Street, North Perth.

**Ordinary Meeting of Council – 13 May 2008:**

The Fitzgerald Street speed cushion trial commenced in June 2008, with the interim results showing a sustained 10-15 kph drop in the 85<sup>th</sup> percentile speed through the trial zone.

If, at the end of the trial it is judged a success, MRWA will introduce an 'appropriate' speed limit, which is expected to be 40 kph.

**Ordinary Meeting of Council – 14 April 2009:**

The Council received a report on the proposed Beaufort Street Variable Speed Zone trial whereby the posted speed would be set at either 40 kph or 60 kph depending upon the time day and taking into consideration pedestrian activity and traffic volumes.

**Ordinary Meeting of Council – 8 October 2013:**

The Council resolved to write to MRWA advising that the existing speed cushions in Fitzgerald Street will be made permanent and request that consideration be given to permanently lowering the posted speed along Fitzgerald Street between Burt Street and Raglan Road to 40 kph.

**Ordinary Meeting of Council – 17 December 2013:**

The Council endorsed MRWA's proposal to make the '40 kph Variable Speed Zone' permanent in Beaufort Street.

**DETAILS:**

**Request to lower the posted speed limit from 60 kph to 50 kph along Oxford Street – between Scarborough Beach Road and Vincent Street:**

In a continuing initiative of reviewing “60 kph speed limits in the City with particular reference to whether a lower speed limit would be appropriate for roads passing through or in close proximity to concentrations of activity and sensitive uses such as primary schools...” the City’s Officer wrote to MRWA on 3 October 2013 regarding Oxford Street south of Scarborough Beach Road.

MRWA were advised that several years ago the City of Vincent changed the above section of Oxford Street from a four (4) lane undivided road to a two (2) lane divided road with a central median and embayed parking.

As part of the works and earlier discussions with MRWA it was considered that the change to the road layout would lend itself to reducing the posted speed from 60 kph to 50 kph speed limit at all times as the perceived benefits of the lower speed limit are:

- Reduction in vehicle travel speeds in a high pedestrian activity zone; and
- Improved safety for pedestrians, cyclists and other vulnerable road users.

Therefore, as the changes have been in place for in excess of five (5) years the City formally requested that MRWA give consideration to a permanent speed reduction in this section of Oxford Street.

MRWA were provided with the following vehicle classifier results from 2011 where it is evident that the 85% speed is well below the posted speed of 60 kph.

ROAD	DATE		LOCATION	85% SPEED
	START	FINISH		
Oxford Street	23-Jun-11	30-Jun-11	Anzac-Salisbury	51.8
Oxford Street	23-Jun-11	30-Jun-11	Bourke-Galway	52.9
Oxford Street	23-Jun-11	30-Jun-11	Britannia-Franklin	54
Oxford Street	23-Jun-11	30-Jun-11	Marian-Tennyson	56.9

**MRWA Response 4 December 2013:**

*“Thank you for your letter dated 3 October 2013, in which Council is seeking Main Roads consideration for a speed limit reduction on Oxford St, between Anzac Rd and Vincent St. Main Roads acknowledge reasons provided in support of this request, and are appreciative of the existing vehicle speed data which has assisted with the review.*

*I wish to advise that a preliminary desktop assessment has been completed, and conclusions from this assessment is that a speed reduction for Oxford St appear to be justified and reasonable in light of current developments and associated activity generated by these developments. Furthermore, existing traffic calming treatments have afforded this section of Oxford St with the appearance of a slower speed environment, and vehicle speed data provided by Council has supported this observation.*

*Part of the assessment process involved a drive-by along the section being considered, at the proposed speed limit. Having driven the section of Oxford Street at 50 km/h, it was concluded that the proposed speed limit appeared reasonable and in keeping with the environment.*

*Therefore, Main Roads has no objection to the City's suggestion of applying a posted 50 km/h speed limit on Oxford Street. However, the department recommends that the extent be applied from Scarborough Beach Rd to Vincent St.*

*As with all proposed speed limit amendments affecting Council controlled roads, Main Roads seeks formal endorsement for the abovementioned change."*

**Discussion:**

This matter was presented to the Council during the January/February 2014 delegation period where there was discussion regarding the extent of the proposed 50kph. Therefore it is now recommended that the Council endorses the proposal to permanently lower the posted speed limit along Oxford Street between Scarborough Beach Road and Vincent Street from 60 kph to 50 kph subject to either 'one' of the following options (as shown on the attached plan):

- Option 1: the existing 30kph zone north of Vincent Street remaining unchanged; or
- Option 2: the proposed 50kph zone extending to Vincent Street; or
- Option 3: the existing 30kph zone north of Vincent Street being reduced to 50m North of Vincent Street

MRWA have been advised and are awaiting the Council's decision on the matter.

**CONSULTATION/ADVERTISING:**

MRWA and the WA Police will be advised of the Council's decision.

**LEGAL/POLICY:**

While Oxford Street is under the care and control of the City, MRWA is responsible for speed zoning, regulatory signage and line marking of all of the State's roads.

**STRATEGIC IMPLICATIONS:**

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

*"Improve and maintain the natural and built environment and infrastructure;*

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

- (f) *In partnership with the State Government and stakeholders, investigate options for a light rail system in the City, or alternative similarly dedicated service, to increase 'cross town' public transport."*

**FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable.

**COMMENTS:**

The City has for some considerable time been advocating lowering the posted speed limit on appropriate sections of District Distributor Roads within its jurisdiction.

It is recommended that the Council endorse the MRWA proposal to reduce the posted speed limit on Oxford Street south of Scarborough Beach Road from 60 kph to 50 kph as discussed in the report.

**9.2.4 Proposed Introduction of Clearway Restrictions in Oxford Street, Leederville, Bourke Street to Richmond Street and Vincent Street, Perth, Throssell Street to Fitzgerald Street**

<b>Ward:</b>	South	<b>Date:</b>	31 January 2014
<b>Precinct:</b>		<b>File Ref:</b>	PKG0001; TES0089; PKG0015
<b>Attachments:</b>	<a href="#">001</a> – Plan No. 3099-PP-01 <a href="#">002</a> – Plan No. 3100-PP-01		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	C Wilson, Manager Asset and Design Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES** the introduction;
  - 1.1 of a Morning, 7.30 to 9.00AM and Afternoon, 4.15 to 6.00PM Clearway restriction on the southern side of Vincent Street, Perth, between Throssell and Fitzgerald Streets, as shown on attached Plan No. 3099-PP-01 and
  - 1.2 of a Morning, 7.30 to 9.00AM Clearway restriction on the eastern side of Oxford Street, Leederville, between Bourke and Richmond Streets, as shown on attached Plan No. 3100-PP-01 and
2. **AUTHORISES** a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new Clearway restriction signs.

Moved Cr Harley, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

Cr McDonald departed the Chamber at 8.36pm.

Debate ensued.

Cr McDonald returned to the Chamber at 8.38pm.

Debate ensued.

**AMENDMENT**

Moved Cr Harley, Seconded Cr Buckels

“That Clause 1.2 be deleted as follows:

- ~~1.2 of a Morning, 7.30 to 9.00AM Clearway restriction on the eastern side of Oxford Street, Leederville, between Bourke and Richmond Streets, as shown on attached Plan No. 3100-PP-01 and~~

**AMENDMENT PUT AND CARRIED (6-2)**

**For:** Mayor Carey, Cr Buckels, Cr Cole, Cr Harley, Cr McDonald and Cr Wilcox

**Against:** Cr Pintabona and Cr Topelberg

**MOTION AS AMENDED PUT AND CARRIED (7-1)**

**For:** Mayor Carey, Cr Buckels, Cr Cole, Cr McDonald, Cr Pintabona and Cr Topelberg and Cr Wilcox

**Against:** Cr Harley

**COUNCIL DECISION ITEM 9.2.4**

**That the Council;**

- 1. APPROVES the introduction;**
  - 1.1 of a Morning, 7.30 to 9.00AM and Afternoon, 4.15 to 6.00PM Clearway restriction on the southern side of Vincent Street, Perth, between Throssell and Fitzgerald Streets, as shown on attached Plan No. 3099-PP-01 and**
- 2. AUTHORISES a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new Clearway restriction signs.**

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**PURPOSE OF REPORT:**

The purpose of this report is to inform the Council of the outcome of the public consultation with residents and businesses regarding the proposal installation of Clearway restrictions in Vincent Street, Perth, between Throssell and Fitzgerald Streets, and Oxford Street, Leederville, between Bourke and Richmond Streets.

**BACKGROUND:**

As a symptom of the ever increasing traffic congestion problem within the Perth metropolitan area the City regularly receives complaints from residents and motorists alike about traffic jams and 'rat running'.

**Vincent Street**

In respect of the southern side of Vincent Street between Throssell and Fitzgerald Streets it is not currently subject to Clearway restrictions. However traffic congestion on approach to the Fitzgerald Street signalised intersection is increasing and it is now common for traffic to back up beyond Throssell Street in the peak periods.

As a consequence Throssell and Glendower Streets are being used as a 'rat run' to avoid the intersection. This in-turn led to the City installing traffic calming measures in Throssell Street to both deter 'rat running' and reduce traffic speed. This had the added benefit of formalising the on-road parking and making the road environment safer in general in light of the large number of visitors to the north western quadrant of Hyde Park since the installation of the water playground.

Therefore it is proposed to introduce both a morning and afternoon Clearway restriction along the southern side of Vincent Street, from Throssell Street to Fitzgerald Street. The Clearway restrictions would apply between the hours of **7.30am to 9.00am & 4.15pm to 6.00pm Monday to Friday only**. The existing 1P parking restrictions would apply from 9.00am to 4.15pm.

**Oxford Street**

The eastern side of Oxford Street from Bourke Street to Richmond Street is currently not subject to a morning (AM) clearway parking restriction. However the section from Richmond Street to Vincent Street is, and has been, for many years. As a result if there is a vehicle parked in the section north of Richmond Street it is now a common occurrence for traffic to back up beyond the Bourke Street roundabout in the morning peak period. Further, there is evidence of an increasing number of motorists on Bourke Street (a Local Distributor Road) using Burgess, Scott and Fleet Streets (Access Roads), via Richmond Street, to avoid the Bourke/Oxford intersection and joining the traffic stream at Richmond Street at start of the existing clearway.

Therefore it is proposed to extend the existing morning clearway, which currently starts at Richmond Street (to Vincent Street), through to Bourke Street. As a result there would be no parking along the eastern side of Oxford Street between the hours of 7.30am to 9.00am Monday to Friday only. The existing timed parking restrictions would apply from 9.00am and the bus stop would remain as is.

Other than signage the only additional work required would be dashed lane lines to create the second or kerb-side lane.

Both locations were referred to the City's *Integrated Transport Advisory Group* and its internal *Car Parking Strategy Implementation Working Group* where it was agreed to consult with the residents and businesses and to report the outcome to the Council.

In November 2013 the City conducted simultaneous (separate) consultations with the residents and business of both streets.

#### **DETAILS:**

##### **Community Consultation:**

##### **Vincent Street:**

In accordance with the Council's Community Consultation Policy the City wrote to all the residents and businesses on the southern side of Vincent Street, between Throssell and Fitzgerald Streets on 21 November 2013.

Twenty eight (28) letters were sent out to which the City received one (1) response by the close of the consultation period on 6 December 2013.

A summary of the comments received are below.

- Parking near "Hyde Park" is already inadequate. We have a young family and would have to pack strollers etc to transport our child from the car to our home on arrival from work. Neither my husband or myself want to see the section of road at the front of our house turned into three lanes and we certainly do not want to lose access to parking...my suggestion would be to change the intersection at Vincent and Fitzgerald St into a "no-right turn" intersection between the hours of 7.30-9.00am, 4.15-6.00pm...

##### Officers Comments

It is acknowledged that from the above comments that the proposed Clearway will impact upon the amenity of the residents concerned.

However, there is an argument that the proposed Clearway will have a number of benefits for the wider community. It will reduce traffic congestion in peak periods, and therefore driver frustration, at a major intersection, which in-turn should reduce the incidence of rat running in Throssell and Glendower Streets.

In respect of the suggestion to make Vincent Street no right turn west bound at Fitzgerald Street it would have a significant and detrimental impact upon Ethel Street. The Leake Street intersection, to the west of Fitzgerald Street already has a *No Right Turn* restriction so Ethel Street would become the primary route for motorists wanting to access Fitzgerald Street north bound.

### **Oxford Street**

In accordance with the Council's Community Consultation Policy the City wrote to all the businesses on both sides of Oxford Street, between Bourke and Richmond Streets on 21 November 2013.

Twenty nine (29) letters were sent out to which the City received one (1) response by the close of the consultation period on 6 December 2013.

The only respondent was in favour with no further comment.

#### Officers Comments

The proposed morning Clearway will have a number of benefits for the wider community. It will reduce traffic congestion in the morning peak period, and therefore driver frustration, which in-turn should reduce the incidence of rat running in Burgess, Scott and Fleet Streets (via Richmond Street to Oxford Street).

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

Consultation was undertaken in accordance with the Council's Community Consultation Policy No. 4.1.5. All residents will be informed of the Council's decision.

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

Not applicable.

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

**Low:** A reduction in traffic congestion and improved amenity for those residents of the streets subject to 'rat running'.

#### **STRATEGIC IMPLICATIONS:**

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

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

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

1.1.5(a) *Implement the City's Car Parking Strategy and associated Precinct Parking Management Plans."*

#### **SUSTAINABILITY IMPLICATIONS:**

A reduction in traffic congestion should result in fewer carbon emissions.

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

The inclusive cost to install signage and line-marking (both locations) is estimated to be \$1,200.

#### **COMMENTS:**

Clearways are common place throughout the City on the District Distributor Road network as an effective means of reducing traffic congestion. The two (2) sites identified in the report have in the past, and continue to generate regular complaints, both from the motorists caught in the congestion and the residents of the adjoining streets being used to avoid the congestion.

Therefore it requested that the Council approve the installation of Clearways in both Vincent and Oxford Streets as per the Officer Recommendation.

### 9.3.6 Review of the Annual Budget 2013/14

<b>Ward:</b>	Both	<b>Date:</b>	31 January 2014
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0025
<b>Attachments:</b>	<a href="#">001</a> – Budget Review Amendment Listing <a href="#">002</a> – Statement of Financial Activity – Revised Budget		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	M Rootsey, Director Corporate Services		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

#### OFFICER RECOMMENDATION:

That the Council;

1. APPROVES BY AN ABSOLUTE MAJORITY the;
  - 1.1 adjustments to the 2013/14 Annual Budget, as reported in Appendix 9.3.6(a);
  - 1.2 Revised Budget 2013/14, as reported in Appendix 9.3.6(b); and
2. SUBMITS a copy of the 2013/2014 mid year Budget Review and Council decision to the Department of Local Government, in accordance with Regulation 33A of the Local Government (Financial Management) Regulations 1996.

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#### COUNCIL DECISION ITEM 9.3.6

Moved Cr Harley, Seconded Cr Wilcox

That the recommendation be adopted.

Cr Buckels departed the Chamber at 8.45 pm.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY (7-0)**

(Cr Buckels was absent from the Chamber and did not vote.)

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#### PURPOSE OF REPORT:

The purpose of this report is review the progress of the Annual Budget 2013/14 and to recommend adjustments to account for any major variances, funding reallocations, additional requirements or reflect Council decisions and provide amended estimates for the annual budget.

#### BACKGROUND:

The Local Government Act (Amended 2005) requires that a Local Government to undertake a review of its budget at least once a year, in the period between January and March of a financial year.

The budget review must then be submitted to the Department of Local Government and Resource Development within the thirty (30) days of the end of the period.

No prescribed format has been requested by the Local Government Department as to the format of the budget review.

**DETAILS:**

A review has been undertaken as at 31 December 2013 to adjust for any major variances, funding reallocation, additional items required and the inclusion of previous decisions of the Council.

The amendments to the Budget are categorised as follows:

1. Items that have already been approved by Council since the adoption of the Budget:

These new items or adjustments have been approved by an Absolute Majority by the Council; these items are listed in appendix 9.3.6(a) of the report.

2. Permanent Differences:

Permanent differences occur when there is likely to be a difference between the current budget and the expected outcome to the 30 June next. On occasions, if these variances are certain, the budget may be amended to reflect the change, however this is not a requirement and the difference may remain to the end of the year. These variances will have an impact upon the expected budget surplus or deficit outcome and would be reported in the review if they are material.

3. Timing Differences:

A timing variance occurs when a project or budget allocation is likely to be delayed past the end of the financial year. These postponed projects will likely be re-budgeted in the next year and will require carryover funding

**BELOW ARE VARIANCE COMMENTS ON THE ANNUAL BUDGET 2013/14 BY NATURE AND TYPE FOR EXPENDITURE INCURRED TO DATE:**

**Operating Expenditure:**

	Budget 2013/14	YTD Budget 31/12/2013	YTD Actual 31/12/13	% Variance
Employee Costs	(21,870,485)	(10,993,780)	(11,233,940)	2%
Materials & Contracts	(14,890,610)	(7,551,389)	(7,127,372)	-6%
Utility Charges	(1,825,725)	(939,288)	(968,705)	3%
Interest Expenses	(1,142,450)	(580,346)	(580,433)	-
Insurance Expenses	(846,880)	(423,102)	(433,533)	2%
Depreciation	(8,985,780)	(4,492,715)	(4,801,836)	7%
Other Expenditure	634,380	206,503	185,972	-10%
<b>Total</b>	<b>\$(48,927,550)</b>	<b>\$(24,774,114)</b>	<b>\$(24,959,847)</b>	<b>1%</b>

As at 31 December 2013 the operating expenditure was 1% over the year to date operating budget.

Employee Costs

The employee costs are currently 2% over budget, however no budget amendment is required.

Materials and Contracts

This category is currently 6% under budget and can be accounted for as timing differences on operational expenditure in the following areas:

- Software and Parking Licence payments;
- Consumables – expenditure e.g. Printing and Stationery;
- Recycling collections costs; and
- Plant, Hire & Equipment Maintenance costs.

Utilities Charges

Utilities charges are currently 3% over budget, this can be attributed to the issues with the geothermal heating for the indoor pool at the Beatty Park Leisure Centre, which has necessitated the use of the boiler more than had been anticipated.

Interest Charges

Interest Charges are in line with budget, no amendment is required.

Insurance Expenses

Insurance expenditure is 2% above budget, however no budget amendment is required.

Depreciation

The depreciation costs are currently 7% over budget. This is due to an increase of the Roads revaluation following an update of the ROMAN system, however does not require an amendment.

Other Expenditure

This category is under budget by 10% the plant recovery is lower than estimated and will be increased in line with the timing of the Capital Works programme.

**Operating Revenue:**

	Budget 2013/14	YTD Budget 31/12/13	YTD Actual 31/12/13	% Variance
Operating Grants, Subsidies & Contributions	1,250,880	414,952	523,389	26%
Fees & Charges	18,420,960	9,094,045	9,776,350	8%
Interest Earnings	941,650	672,949	572,938	-15%
Other Revenue	1,078,295	572,998	556,821	-3%
<b>Total</b>	<b>\$21,691,785</b>	<b>\$10,754,944</b>	<b>\$11,429,498</b>	<b>6%</b>

	Budget 2013/14	YTD Budget 31/12/13	YTD Actual 31/12/13	% Variance
<b>Rates</b>	<b>\$25,222,320</b>	<b>\$25,159,402</b>	<b>\$25,175,778</b>	<b>0%</b>

The operating revenue is 6% over the year to date budgeted revenue as at 31 December 2013.

Operating Grants, Subsidies and Contributions

Grants/Subsidies and Contributions are currently 26% above budget estimates this is due to the timing of the receipt of grants In addition to the prepayment of the Federal Grant for General Assistance and Road Grants.

Fees and Charges

These are 8% above budget at this stage this can be attributed to a combination of the following:

- Higher than estimated membership numbers at the Beatty Park Leisure Centre, the budget was based on 2,800 members whereas actual membership at 31 December 2013 is 3,450;
- Increased attendances at the Beatty Park Leisure Centre; and
- Increased Development Applications Approvals (DA's) as a result of increased number of DA's received.

Interest Revenue

Revenue from interest on investments is 15% lower than budgeted expectations; this is a result of the reduction in interest rates that have occurred during the current financial year after the adoption of the Budget.

Other revenue

This category is currently 3% under the budget, no budget amendment is required.

Rates

The income from Rates is in line with budget estimates.

Proceeds on Asset Disposals

	Budget 2013/14	YTD Budget 31/12/13	YTD Actual	% Variance
Proceeds on Asset Disposal	<b>\$2,401,104</b>	<b>\$627,500</b>	<b>\$418,569</b>	<b>-33%</b>

This category is currently below budgeted expectations due to a timing difference on the trade-ins on the light vehicle fleet.

Non-operating Grants, Subsidies and Contributions

	Budget 2013/14	YTD Budget 31/12/13	YTD Actual	% Variance
Non-operating Grants, Subsidies & Contributions	<b>\$4,385,768</b>	<b>\$775,060</b>	<b>\$412,490</b>	<b>-47%</b>

The variance in this area can be attributed to the cancellation of the Federal Funding for the CCTV project and timing difference on expenditure for Main Roads funded projects.

Transfer from Reserve Funds

	Budget 2013/14	YTD Budget 31/12/13	YTD Actual	% Variance
Transfer from Reserve Funds	<b>\$4,251,500</b>	<b>\$2,654,500</b>	<b>\$727,499</b>	<b>-73%</b>

The variance is attributed to the timing on the commencement of some major capital works, which are Reserve funded and also on the purchase of major plant e.g. Rubbish Trucks.

Capital Expenditure

	Budget 2013/14	YTD Budget 31/12/13	YTD Actual	% Variance
Capital Expenditure	<b>\$16,899,001</b>	<b>\$8,099,463</b>	<b>\$2,759,286</b>	<b>-34%</b>

The variances on the Capital Expenditure for each category are outlined below:

Buildings 55% below budget:

The underrun is due in the main to the following:

- Cheriton Street awaiting the receipt of Lotterywest Grant funding for the project to further proceed;
- Loton Park Tennis Club awaiting renewed plans from the club; and
- Volleyball WA court fencing increase in the scope of the work requested, which requires a significant increase in funding.

Infrastructure 64% below budget:

The main reasons that this section is currently under budget is due to the timing on the following projects:

Streetscape Enhancements:

- Leederville Town Centre, Streetscape and Park enhancement – delay due to the requirement to re-scope the project and re-tender the works. Tender was approved at the OMC 17 December 2013; and
- Newcastle – Carr Street - Federal Funding has been cancelled for this project.

Slab Footpath Programme

- Charles St - Carr to Newcastle – timing on this project has been on hold.

Parks Services

- Charles Veryard – Lighting upgrade – timing on commencement of the project; and
- Birdwood Square – Lighting upgrade – timing on commencement of the project.

Parks Development

- Walters Brook Redevelopment Stage 1/2 - this Project is to commence this month.

Plant & Equipment 76% under budget:

The underrun is due to the timing of the purchase of both the side loader rubbish truck and the front end loader. In addition there has been a delay in awarding the tender for the EMV Compliant machines which are now expected to be installed in March 2014.

Furniture & Equipment 59% below budget:

- The Administration Network upgrade is now anticipated to be completed later in the year;
- The iPads for Rangers were funded from the Optus equipment pool of funds; and
- In addition, the map cabinet for the Local History Centre was not pursued as one previously used in the Heritage Services section was available.

Transfers to Reserve Funds

	Budget 2013/14	YTD Budget 31/12/13	YTD Actual	% Variance
Transfer to Reserve Funds	<b>\$(3,699,340)</b>	<b>\$(2,161,366)</b>	<b>\$(2,199,132)</b>	<b>2%</b>

This category is 2% above budget, no amendment required, transfer to reserves will be reviewed in accordance with the financial position as at 31 December 2013.

**ANNUAL BUDGET ADJUSTMENTS DETAILED BELOW:**

**Capital Expenditure:**

	Annual Budget 2013/2014	Annual Budget as at 31/12/2013	Revised Budget 2013/14	Budget Amendment
Furniture and Equipment	201,750	124,750	195,250	(6,500)
Plant and Equipment	3,504,166	1,692,966	3,619,562	115,396
Land and Buildings	1,229,000	636,000	973,000	(256,000)
Infrastructure	12,198,585	5,738,247	12,544,378	345,793
<b>TOTAL:</b>	<b>\$17,133,501</b>	<b>\$8,191,963</b>	<b>\$17,332,190</b>	<b>\$278,889</b>

Furniture and Equipment - \$(6,500):

The budget has been amended to reflect the alternate arrangements that have been made for the Ranger iPads and the map cabinet for the Local History Centre.

Plant and Equipment - \$115,396:

The budget adjustments reflect the inclusion of the twenty five (25) EMV Parking Machines adopted in the Budget review as at 30 September 2013, which has been offset by the cancellation of the CCTV cameras for Leederville following the cancellation of the Federal Funding for that project.

It has also allowed for the inclusion of the Loftus Centre gym equipment, which is funded from the Reserve and has no impact on the overall budget position.

Land and Buildings - \$(256,000):

This budget has been amended for the reallocation of the funds for the Beaufort Street Precinct Unisex Toilets, to the Oxford Street Reserve project and the Mount Hawthorn Community Centre, replace roof - which was carried forward, but completed in the last financial year.

In addition the Auckland/Hobart Reserve, install unisex toilet is not proceeding.

Infrastructure - \$425,993:

The Council approved the following adjustments at the Budget Review as at 30 September 2013, the reduction in the following budgets:

- Lord/Harold Street – Traffic works
- Reduce the budgeted funds for Weld Square Stage 3

Funds have been included to be able to undertake the construction of the Right of Way at Woodstock, Matlock and Coogee Streets.

Also funds have been added to the Britannia Reserve Masterplan budget to enable the scope as approved by Council to be undertaken.

In addition funds have been reallocated from the Wayfinding Strategy to provide more funds for the Bike Path project. Similarly funds have been redirected from the Beaufort Street Precinct, unisex toilet and Nature Playground location to be determined, projects to provide additional funds for the Oxford Street Reserve project.

Funds have also been proposed to be reallocated from the Hobart Street car parking and Charles Street footpath upgrade jobs with the transfer from the Transport Sustainability Initiative Reserve to fund Stage 1 of the Bike Plan.

**Detailed comments on the individual Capital Expenditure Budget items are listed below:**

1. **Include Capital Expenditure Budget for Right of Way (ROW) Woodstock, Matlock and Coogee Streets - \$65,000:**

Comment:

This budget line item was adopted at the Ordinary Meeting of Council held 5 November 2013, Item 9.2.1, to construct ROW in the area described to be funded from reductions in the ROW Rehabilitation and Nova Lane ROW upgrade accounts.

2. **Include Capital Expenditure Budget for Vincent Street Bike Lane Project - \$93,200:**

Comment:

This budget line item was adopted at the Ordinary Meeting of Council held 17 December 2013, Item 9.2.7, to fund Bike Lane Project to be funded from Way Finding Strategy.

3. **Include Capital Expenditure Budget for Oxford Street Reserve Development - \$275,000:**

Comment:

This budget line item was adopted at the Ordinary Meeting of Council held 17 December 2013, Item 9.2.14, to fund the Oxford St Reserve Development from the Nature Playground (location to be determined) and Beaufort Street Unisex toilets, both which are not proceeding.

**4. Increase Capital Expenditure Budget for Britannia Reserve Masterplan implementation - \$35,000:**

Comment:

This budget line item was adopted at the Ordinary Meeting of Council held 17 December 2013, Item 9.2.4, to fund the new total of work to be carried out in Stage 1.

**5. Include Capital Expenditure Budget for Mount Hawthorn Nature Playground with Water Element - \$300,000:**

Comment:

This item was adopted at the Ordinary Meeting of Council held 17 December 2013, Item 9.2.3 to fund Nature Playground with Water Element to be funded from the budget for Water Playgrounds (location to be determined).

**6. Include Capital Expenditure Budget for Newcastle Street – Carr to Loftus Street trees - \$15,000:**

Comment:

This item was adopted at the Ordinary Meeting of Council held 17 December 2013, Item 9.2.1, to fund the installation of Street trees in the above street; this is to be funded from the Greening Plan.

**7. Reduce Capital Expenditure Budget for Right of Way Rehabilitation - \$(35,000):**

Comment:

This item was adopted at the Ordinary Meeting of Council held 5 November 2013, Item 9.2.1, monies used to fund ROW at Woodstock, Matlock and Coogee Street.

**8. Reduce Capital Expenditure Budget for Nova Lane ROW upgrade - \$(30,000):**

Comment:

This item was adopted at the Ordinary Meeting of Council held 5 November 2013, Item 9.2.1, monies used to fund ROW at Woodstock, Matlock and Coogee Street.

**9. Reduce Capital Expenditure Budget for Nature Playground (location to be determined) - \$(135,000):**

Comment:

This item was adopted at the Ordinary Meeting of Council held 17 December 2013, Item 9.2.14, monies used to fund the Oxford Street Reserve Development.

**10. Reduce Capital Expenditure Budget for Beaufort Street Precinct Unisex toilet - \$(140,000):**

Comment:

This item was adopted at the Ordinary Meeting of Council held 17 December 2013, Item 9.2.14, monies used to fund the Oxford Street Reserve Development.

**11. Reduce Capital Expenditure Budget for the Greening Plan - \$(45,000):**

Comment:

This item was adopted at the Ordinary Meeting of Council held 17 December 2013, Item 9.2.5 & 9.2.1, the monies are to be used to fund the following projects:

- Adopt a Verge Initiative; and
- Newcastle Street – Carr to Loftus Street, Street trees.

**12. Reduce Capital Expenditure Budget for CCTV cameras for Leederville, nib stadium and other areas - \$(130,000):**

Comment:

This item is not proceeding as the Federal funding for this project has been cancelled.

**13. Reduce Capital Expenditure Budget for the Ranger iPads- \$(10,000):**

Comment:

Capital budget for this item under Furniture & Equipment not required as the purchase was funded from the fund for equipment purchases as part of the contract with Optus.

**14. Reduce Capital Expenditure Budget for a Map Cabinet for the Local History Centre - \$(2,500):**

Comment:

Capital budget for this item in Furniture & Equipment was not required as a cabinet previously in the Heritage area became available.

**15. Reduce Capital Expenditure Budget for Water Playground (location to be determined) - \$(300,000):**

Comment:

This item was adopted at the Ordinary Meeting of Council held 17 December 2013, Item 9.2.3 to fund Nature Playground with Water Element to be funded from the budget for Water Playgrounds (location to be determined).

**16. Include Capital Expenditure Budget for Bike Plan - \$489,800:**

Comment:

This budget item has been included to provide additional funds to initiate the commencement of the Bike Plan, and was adopted at the OMC 17 December 2013. This item is to be funded by the utilising the funds held in the Parking Funded Transport Initiative Reserve and funds from the Hobart Street car parking and Charles Street footpath works.

**17. Include Capital Expenditure Budget for Loftus Centre Gymnasium Equipment - \$64,000:**

Comment:

This budget line item is included to fund replacement equipment in the Centre; this is funded from the Loftus Centre Reserve Fund and therefore has no impact on the financial position of the City.

**18. Reduce Capital Expenditure for Green Street footpath - \$(60,000):**

Comment:

This project is not proceeding due to the technical difficulties with the job.

**19. Reduce Capital Expenditure Budget for Charles Street footpath – \$(95,000):**

Comment:

This project has been carried forward for three years and it is unlikely to proceed in the near future and therefore the funding is to be removed from the budget.

**20. Reduce Capital Expenditure Budget for Hobart Street car parking - \$(60,000):**

Comment:

This project was not approved by the Council and as a result the funds are no longer required and can be reallocated.

**21. Reduce Capital Expenditure Budget for Clieveden Street Drainage - (\$50,000):**

Comment:

This project was completed late in the previous financial year but funds were carried forward.

**22. Reduce Capital Expenditure Budget for Walcott Street embayed parking - (\$20,000):**

Comment:

This project is not proceeding as work is no longer required.

**23. Reduce Capital Expenditure Budget for Depot resurfacing - (\$35,000):**

Comment:

This work will not proceed in this financial year.

**24. Include Capital Expenditure Budget for Shade Structure at Ellesmere/Seldon Street Reserve - \$39,000:**

Comment:

Community request for a shade structure to be constructed for this Reserve.

**25. Increase Capital Expenditure Budget for the North Perth Town Centre Artwork - \$25,000:**

Comment:

These funds are required for concept design, installation, landscaping and consultants cost if the value of the art work is to be maintained at \$100,000.

**26. Include Capital Expenditure Budget for the artwork Games Sculpture - \$6,000:**

Comment:

This item was approved at the Ordinary Meeting of Council held 10 September 2013 Item 9.4.2 to provide additional funds for the installation, lighting and added security for the above artwork.

**27. Include Capital Expenditure Budget for Electric Pool Bikes - \$6,396:**

Comment:

These funds are granted from the Heart Foundation for the purchase of Electric Pool Bikes to be used for persons with disabilities.

**28. Include Capital Expenditure Budget for Ashby Street – Coogee Street to the Boulevard Roads to Recovery Project - \$26,893:**

Comment:

Additional project funded from Federal Government Roads to Recovery funds.

**Detailed comments on individual Operating Budget items are listed below:**

**1. Include Operating Expenditure Budget for a New Pensioner Service – Gardening and Cleaning - \$21,000:**

Comment:

This item was adopted at the Ordinary Meeting of Council held 3 December 2013 Item 14.2, to provide a new service for gardening and cleaning to be funded from the reduction in the Transport Assistance Donation account and other specific service provider accounts.

**2. Include Operating Expenditure Budget for additional hours for the Mayor's Executive Assistant - \$19,800:**

Comment:

This item was adopted at the Ordinary Meeting of Council held 3 December 2013 Item 10.1 this is to fund an increase from the three (3) to four (4) days for the Mayor's Executive Assistant to work.

**3. Include Operating Expenditure Budget for the appointment of Heritage Protection Area Consultants - \$23,590:**

Comment:

This item was adopted at the Ordinary Meeting of Council held 17 December 2013 Item 9.1.10 this was to fund the engagement of consultants to investigate the establishment of Heritage Protection Areas in the City of Vincent.

**4. Include Operating Expenditure Budget for Adopt a Verge Initiative - \$30,000:**

Comment:

This budget line item was adopted at the Ordinary Meeting of Council held 17 December 2013, Item 9.2.5 to fund a new initiative; this project is to be funded from the Greening Plan budget.

**5. Reduce Operating Expenditure Budget for the Community Bus - Operations - \$100,000:**

Comment:

This item was adopted at the Ordinary Meeting of Council held 19 November 2013 Item 9.4.2, the Council resolved not to proceed with this project.

**6. Reduce Operating Expenditure Budget for the Way finding Strategy - \$93,200:**

Comment:

At the Ordinary Meeting of Council held 17 December 2013 Item 9.2.7 the Council made the decision not to proceed any further with the Way finding strategy and to reallocate the budgeted funds to the Bike Plan projects.

**7. Reduce Operating Expenditure Budgets for the following accounts:**

- **People Who Care MOU - \$5,000**
- **Volunteer Task Force - \$,6000**
- **Sundry Donations - \$2,500**
- **Special Welfare Assistance - \$5,000**
- **Transport Assistance Donation - \$10,000**

Comment:

The reductions were adopted at the Ordinary Meeting of Council held 17 December 2013 Item 14.2, the amendments to these budget items are to be utilised to fund the new pensioner service for gardening and cleaning.

**8. Reduce Operating Expenditure Budgets for the following accounts:**

- **Harmony Event - \$15,000**
- **Electric Relaxation - \$5,500**
- **Festival D' Femme - \$15,000**
- **Hawkers Market - \$9,400**
- **Jazz Festival - \$10,000.**

Comment:

The changes to the budgets listed above were adopted at the Ordinary Meeting of Council held 17 December Item 14.4 the funds are to be used for Festival & Events to be held during the 2013/14 financial year. These changes have no impact on the overall budget but are a reallocation of priorities within the Festival and Events budget.

**9. Reduce Operating Expenditure Budget for Wetland Interpretation Programme - \$8,000:**

Comment:

The reduction in balance of this account was adopted at the Ordinary Meeting of Council held 3 December 2013 Item 9.4.4.

**10. Reduce Operating Expenditure Budget for the following Strategic Planning accounts:**

- **Strategic Planning Consultants - \$10,000;**
- **Aboriginal Monitoring Account - \$10,000; and**
- **Strategic Planning Heritage Publicity & Promotion Account - \$6,000.**

Comment:

These accounts were reduced to fund the appointment of the Consultants for the Heritage Protection Areas as resolved at the Ordinary Meeting of Council held 17 December 2013 Item 9.1.10.

**11. Increase Operating Revenue Budget by the amount listed below for the following Beatty Park Leisure Centre cost centres:**

- **Administration Revenue - \$500,000;**
- **Swimming Pool Revenue - \$174,400;**
- **Swim School Revenue - \$15,860;**
- **Café - \$26,500;**
- **Retail - \$17,000;**
- **Health & Fitness Revenue - \$194,650;**
- **Group Fitness Revenue - \$60,035;**
- **Crèche Revenue - \$29,610; and**
- **Cycling Fitness Revenue - \$17,180.**

Comment:

This increased revenue is based on the current membership numbers and attendance numbers for the redeveloped centre, as reported in the updated five (5) year financial forecast for the Centre.

**12. Increase Operating Revenue Budget for Development Application fees - \$100,000:**

Comment:

Budget for increase in Development Application fees to reflect the increase in the number of large development applications received in this financial year.

**13. Increase Operating Expenditure Budget for the Digital Arts Festival - \$40,000:**

Comment:

This funding was approved at the Ordinary Meeting of Council held 24 September 2013 Item 9.4.1 for the Digital Arts Festival.

**14. Reduce Operating Expenditure Budget for Artists in Residence - \$(40,000):**

Comment:

The reduction in the Artists in Residence Programme is to be used to fund the Digital Arts Festival as adopted at the Ordinary Meeting of Council held 24 September 2013 Item 9.4.1.

**Reserve Funds – Transfers from:**

**1. Increase Funding from the Parking Funded Transport Initiative Reserve Fund - \$334,800:**

Comment:

These Reserve Funds will be used to fund Stage 1 of the Bike Plan.

**2. Increase Funding from the Loftus Recreation Centre Reserve Fund - \$64,000:**

Comment:

These Reserve Funds are used to finance the purchase of the gymnasium equipment at the Loftus Recreation Centre.

**Capital Grants:**

**1. Reduce Grant Budget for CCTV Cameras for Leederville, nib Stadium and other areas by \$(130,000):**

Comment:

Grant funds were included in the budget, however the previously approved Federal Funding for these items has been cancelled.

**2. Include Grant Budget for Electric Pool Bikes - \$6,396:**

Comment:

Grant funds received from the Heart Foundation for the purchase of Electric Pool Bikes to be used for persons with disabilities.

**3. Include Grant Budget for Roads to Recovery - \$26,893:**

Comment:

Roads to Recovery grant funds for additional project Ashby Street – Coogee Street to the Boulevarde.

A summary table of the complete Budget Review transactions are included in appendix 9.3.6(a).

**CONSULTATION/ADVERTISING:**

Not Applicable.

**LEGAL/POLICY:**

The Local Government Act 1995 (Amended 2005) requires that a budget review be undertaken each financial year, in the period between January and March of a financial year.

**RISK MANAGEMENT:**

**High:** Failure to undertake a Budget review in the period between January and March in any financial year would be a breach of the Local Government Act (1995).

**STRATEGIC IMPLICATIONS:**

Plan for the Future Strategic Plan 2013-2017 - Key Result Area 4 – Leadership, Governance and Management:

*“4.1 Provide Good Strategic Decision-Making, Governance, Leadership and Professional Management:*

*4.1.2(a) Adopt “best practice” to manage the financial resources and assets of the City.”*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

A commentary on the variances in the Nature and Type report as at 31 December 2013 has been included as part of the budget review process.

The majority of amendments recommended in this budget review have already been approved by the Council during the course of this financial year. In addition an earlier budget review was adopted by the Council at the Ordinary Meeting of Council held 5 November 2013.

As a result of the proposed amendments it is estimated that there is an improvement in the financial position that will offset the position at the year end.

**COMMENTS:**

The City is required, under the Local Government Act (1995) to conduct a review of its budget between January and March each financial year. The City is able to carry out further budget reviews and if required, may conduct a further review at the end of March 2014.

**9.4.1 Paddington Ale House, No. 141 (Lot 6; D/P: 98568) Scarborough Beach Road, Mount Hawthorn – Extended Trading Permit (ETP) for Special Occasion or Function**

<b>Ward:</b>	North	<b>Date:</b>	31 January 2014
<b>Precinct:</b>	Mt Hawthorn Centre (2)	<b>File Ref:</b>	PHI0362; PRO1137; ENS0053
<b>Attachments:</b>	<a href="#">001</a> – Map of Licensed Premises		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	C D'Agostino, Acting Senior Environmental Health Officer L Di Nella, Acting Manager Health and Compliance Services		
<b>Responsible Officer:</b>	J Anthony, Acting Director Community Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** the report regarding the Extended Trading Permit (ETP) for Special Occasion or Function for the Paddington Ale House located at No. 141 (Lot 6; D/P: 98568) Scarborough Beach Road, Mount Hawthorn;
2. **DOES NOT OBJECT TO** the application for the ETP for Special Occasion or Function for the Paddington Ale House, for the additional hour from 10:00pm to 11:00pm on Sunday, 16 March 2014, given the premises' history of compliance and low risk nature of the event; and
3. **AUTHORISES** the Chief Executive Officer to submit a formal letter of no objection for the ETP for Special Occasion or Function to the Director of Liquor Licensing, Department of Racing, Gaming and Liquor.

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**COUNCIL DECISION ITEM 9.4.1**

**Moved Cr Wilcox, Seconded Cr Topelberg**

That the recommendation be adopted.

Debate ensued.

Cr Pintabona departed the Chamber at 8.46 pm.

Debate ensued.

Cr Buckels returned to the Chamber at 8.48 pm.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY (7-0)**

(Cr Pintabona was absent from the Chamber and did not vote.)

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## **PURPOSE OF REPORT:**

The purpose of this report is to advise the Council that the Paddington Ale House located at No. 141 Scarborough Beach Road, Mount Hawthorn has applied to the Department of Racing, Gaming and Liquor (DRGL) for an ETP for Special Occasion or Function for an additional hour from 10:00pm to 11:00pm on Sunday, 16 March 2014.

Due to recent amendments to the City's *Community Consultation Policy No. 4.1.5* amended on 3 December 2013, all new ETP applications require community consultation. This is the first application being reported to Council as part of this new process. In previous years, one-off ETPs did not require community consultation and the surrounding residents were notified directly by the applicant as a condition of their support by the City.

## **BACKGROUND:**

Paddington Ale House's current trading hours as per Liquor Licensing are as follows:

- Between 6:00am and 12:00 MIDNIGHT Monday to Saturday; and
- Between 10:00am and 10:00pm Sundays.

The City has recently received an application from the Paddington Ale House to extend their trading hours on multiple dates throughout the year. The dates are as follows:

- Sunday, 26 January, Sunday, 2 March, Sunday, 16 March, Sunday, 20 April, Sunday, 1 June & Sunday, 28 September 2014 between the hours of 10.00pm and 11.00pm.

All of the above dates, apart from Sunday, 16 March, have been supported by the City as they have been approved in previous years and are over long weekends. However, Sunday, 16 March has not been applied for previously and is not on a Public Holiday (the event to be held is for Saint Patrick's Day celebrations).

The premises is located within the suburb of Mount Hawthorn which contains ten (10) licensed premises, five (5) of which are located within a 200 metre radius of the Paddington Ale House, some of which are shown on the map of licensed premises as shown in Appendix 9.4.1. These licensed premises include:

- 1 x Sporting Club Licence;
- 1 x Hotel Licence;
- 3 x Liquor Store Licences;
- 2 x Restaurant Licences;
- 2 x Small Bar Licences; and
- 1 x Wholesaler Licence.

## **DETAILS:**

### **History of Compliance**

A search of the City's records over the past twelve months revealed that the City has received three complaints relating to Paddington Ale House, two relating to the food premises and one relating to parking.

There were no complaints received relating to noise or anti-social behaviour, however the City's Officers were undertaking sound level monitoring from a nearby residence as a result of a complaint regarding amplified music received by the Department of Racing, Gaming and Liquor.

The Officer's measurements determined that the noise levels emitted from the premises were compliant with the *Environmental Protection (Noise) Regulations 1997*. As a result, the complaint made to the Department of Racing, Gaming and Liquor was subsequently closed.

### Amenity of the Locality

The immediate vicinity of this venue includes Commercial, District Centre and Residential Zones. The closing time sought in the ETP would potentially result in a maximum number of 470 people leaving the venue an hour later than the existing 10.00pm closing time.

### CONSULTATION/ADVERTISING:

In accordance with the City's *Community Consultation Policy No. 4.1.5*, consultation was undertaken to owners and occupiers of all properties within 200 metres of the premises. The comment period was from the 20 to 28 January 2014.

The Policy typically requires Community Consultation to be undertaken for fourteen (14) days. However, given the short notice provided by the DRGL on the application, should a fourteen (14) day Consultation been undertaken, the matter would not be able to be reported to Council until 25 February 2013 and a response provided to the Department of Racing, Gaming after this time. It was expected that by this time, the Extended Trading Permit would have already been approved by the DRGL.

Given the low risk nature of the event and low number of complaints received regarding the Paddington Ale House in the past, the City's Health Services obtained delegated approval to undertake seven (7) day consultation rather than the fourteen (14) days, so that the item was able to be reported at the Ordinary Meeting of Council to be held on Tuesday, 11 February 2014.

Of the 254 letters distributed, a total of twenty four (24) letters were returned to the City. Of the remaining 230, one (1) response was received in favour of the application and a total of six (6) objections were received. However four (4) of these responses did not provide any comments along with the objection.

Details of the comments received objecting to the proposal are as follows:

Summary of Comments Received	Officers Comment
<p><u>Issue - Parking:</u></p> <p><i>"Parking?"</i></p>	<p>Not supported. There will not be an increased number of patrons at the premises as the maximum number of patrons is not being increased as part of this application. As a result parking should be no different to the normal situation experienced in the area.</p>
<p><u>Issue – Anti-social behaviour:</u></p> <p><i>"We will not be able to get to sleep until even later, but it may also contribute to additional antisocial behaviour associated with a longer period of serving alcohol and a potentially different clientele."</i></p>	<p>Noted however a search of the City's records has revealed that the City has not received any recent complaints over the past twelve months relating to anti-social behaviour from patrons of the Paddington Ale House. In addition, should the extended trading permit be granted by the Department of Racing, Gaming and Liquor, it will be a condition that licensed security personnel will be required to be present for the duration of the extended trading period. This will assist with alleviating any anti-social behavioural issues, should they arise. The applicant will also be required to notify all neighbouring properties of the ETP and provide contact details should any complaints be made for the duration of the event</p>

**LEGAL/POLICY:**

- Liquor Control Act 1988;
- Health (Public Building) Regulations 1992; and
- Environmental Protection (Noise) Regulations 1997.

**RISK MANAGEMENT IMPLICATIONS:**

The proposed extension of hours may contribute to noise and antisocial behaviour complaints in the local area. However, given the venue's compliance and sound level measurements taken in the past, a one hour extension of their existing approval is not expected to have a significant negative impact on the local community.

**STRATEGIC IMPLICATIONS:**

In keeping with the City's *Strategic Plan 2011 –2016*, the following Objectives state:

*"Economic Development*

- 2.1.1 *Promote business development and the City of Vincent as a place for investment appropriate to the vision for the City.*

*Community Development and Wellbeing*

- 3.1.2 *Promote and foster community safety and security."*

**SUSTAINABILITY IMPLICATIONS:**

It is essential within mixed land use areas that the City balances the needs of both residents and businesses.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

Given the low risk nature of the proposed extended hours and low number of complaints that have been received regarding the Paddington Ale House in the past, it is proposed that the 'Officer Recommendation' be supported by the Council.

**9.5.2 Delegated Authority Register – Amendments For Cat Act 2011**

<b>Ward:</b>	Both	<b>Date:</b>	31 January 2014
<b>Precinct:</b>	All	<b>File Ref:</b>	ADM0038
<b>Attachments:</b>	<a href="#">001</a> – New Delegations – Cat Act 2011		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **APPROVES BY AN ABSOLUTE MAJORITY** pursuant to Section 5.42 of the *Local Government Act 1995*, the delegations of the exercise of its powers and duties to the Chief Executive Officer, as detailed in the Delegated Authority Register 2013/2014, as shown in Appendix 9.5.2 (electronic attachment 001).

**COUNCIL DECISION ITEM 9.5.2**

**Moved Cr Harley, Seconded Cr Cole**

That the recommendation be adopted.

Cr Pintabona returned to the Chamber at 8.50pm.

**MOTION PUT AND CARRIED UNANIMOUSLY  
BY ABSOLUTE MAJORITY (8-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to obtain the Council approval of amended delegations to the Chief Executive Officer for the remainder of the 2013/2014 year.

**BACKGROUND:**

The Local Government Act 1995, at Section 5.42, allows for a Council to delegate to the Chief Executive Officer its powers and duties.

The purpose of delegating authority to the Chief Executive Officer is to provide for the efficient and orderly administration of the “day to day” functions of the City’s Administration. The CEO exercises the delegated authority in accordance with the Delegated Authority Register and Council policies.

The Chief Executive Officer has reviewed the current Delegated Authority Register and it is advised that the following delegations require amendment. Changes are shown by strikethrough and underlining;

**Chief Executive Officer's Comment:**

**Cat Act 2011 Delegations**

The Cat Act 2011 came into effect on 1 November 2013. To ensure that the efficient and orderly administration of the Legislation can be carried out, it is recommended that the following new Delegations be approved by the Council;

- 5.24 Cat Act - Registrations
- 5.25 Breeder Approval
- 5.26 Appointment of Authorised Person

**LEGAL/POLICY:**

Section 5.42 of the Local Government Act 1995 gives power to a Council to delegate to the CEO the exercise of its powers and functions; prescribes those functions and powers which cannot be delegated; allows for a CEO to further delegate to an employee of the City; and states that the CEO is to keep a register of delegations. The delegations are to be reviewed at least once each financial year by the Council and the person exercising a delegated power it to keep appropriate records.

Section 5.46(2) of the Local Government Act 1995 requires the Council to carry out a review of its delegations at least once every financial year.

The person to whom a power or duty is delegated is to keep records in accordance with the Act and Regulations.

Section 5.41 of the Local Government Act specifies the functions of the Chief Executive officer. Sub section (g) specifies that the Chief Executive Officer is responsible for the employment, management, supervision, direction and dismissal of employees (other than designated Senior Employees).

Policy No. 4.1.7 – *Organisational Structure and Designation of Senior Employees* is applicable.

**RISK MANAGEMENT:**

Not Applicable.

**STRATEGIC IMPLICATIONS:**

The use of delegations is in keeping with the Council's Strategic Plan 2011-2016 – Leadership, Governance and Management, Objective 4.1.2 – *“Manage the Organisation in a responsible, efficient and accountable manner.”*

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The amended Delegations have resulted from a review of the City's enforcement of various statutes and a minor change of the City's Organisational Structure.

Accordingly, it is recommended that the Council approve of the Amended Delegations.

**9.5.3 Draft Policy No. 4.2.14 - "Local Government Elections" - Adoption**

<b>Ward:</b>	Both	<b>Date:</b>	31 January 2014
<b>Precinct:</b>	All	<b>File Ref:</b>	
<b>Attachments:</b>	<a href="#">001</a> – Draft Policy 4.2.14 - Adoption		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	John Giorgi, JP, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, JP, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES BY AN ABSOLUTE MAJORITY** the adoption of the Draft Policy No. 4.2.14 – “*Local Government Elections*”, as shown in Appendix 9.5.5;
2. **Subject to clause 1 above being approved:**
  - 2.1 **ADVERTISES** the Draft Policy for a period of fourteen (14) days, seeking public comment;
  - 2.2 **AFTER** the expiry of the period of submissions, **AUTHORISES** the Chief Executive Officer to:
    - 2.2.1 **review** the Draft Policy No. 4.2.14 – “*Local Government Elections*”, having regard to any written submissions; and
    - 2.2.2 **determine to proceed with, or not to proceed with, the Draft Policy No. 4.2.14 – “*Local Government Elections*”;** and
3. **AUTHORISES** the Chief Executive Officer to include the above Policy in the City’s Policy Manual if no submissions are received from the public, or report to the Council to consider any submissions received.

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**COUNCIL DECISION ITEM 9.5.3**

**Moved** Cr Pintabona, **Seconded** Cr Cole

That the recommendation be adopted.

Debate ensued.

**PROCEDURAL MOTION**

**Moved** Cr Cole, **Seconded** Cr Harley

That the item be DEFERRED and reported to the Ordinary Meeting of Council on 25 February 2014.

**PROCEDURAL MOTION PUT AND CARRIED (6-2)**

**For:** Mayor Carey, Cr Cole, Cr Harley, Cr McDonald, Cr Pintabona and Cr Wilcox  
**Against:** Cr Buckels and Cr Topelberg

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**PURPOSE OF REPORT:**

The purpose of this report is to adopt the Draft Policy No. 4.2.14 – “*Local Government Elections*”, to cover matters relating to Local Government Elections.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 17 December 2014 Item 9.5.5, it was resolved as follows:

*“PROCEDURAL MOTION*

*Moved Cr Harley, Seconded Cr McDonald*

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

At the Ordinary Meeting of Council held on 29 October 2013 a Notice of Motion from Cr Topelberg was considered, whereby the Council resolved as follows:

*“That the Council REQUESTS;*

1. *the Chief Executive Officer to create a Guide for the conduct of Local Government Elections at the City of Vincent, including but not limited to:*
  - 1.1 *advertising and promotional strategies of the City;*
  - 1.2 *matters relating to polling day; and*
2. *a report be provided to the Council prior to the close of nominations for the next Local Government Election, for any vacancy at the City of Vincent.”*

**DETAILS:**

**Draft Policy:**

In researching this matter, it is considered appropriate that the Council adopt a Policy (instead of Guidelines) concerning Local Government Elections. The Policy will cover such matters as:

1. Type of Election – Postal or “in person”
2. Conduct of Elections – Western Australian Electoral Commission or the City of Vincent.
3. Plebiscites
4. Model Resolutions for Elections
5. Promotion/Advertising of Elections
6. Election Day Protocols
7. Swearing in Ceremony
8. Council Member Inductions and Professional Development.

**CONSULTATION/ADVERTISING:**

The Council has a policy of advertising for a period of fourteen (14) days seeking comments from the public.

**LEGAL/POLICY:**

Policies are not legally enforceable, however they provide guidance to the City's Administration and Council Members when considering various matters.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** The failure to have a Council Policy will not result in any breach of legislation, providing all Legal requirements are complied with. However, the adoption of policies will improve information to the Council, City's Administration and the community.

**STRATEGIC IMPLICATIONS:**

This matter is in keeping with the Strategic Plan 2013-2017– Key Result Area “4: *Leadership, Governance and Management: 4.1.2 – Manage the Organisation in a responsible, efficient and accountable manner*”.

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

If adopted the Policy will have financial implications for the City – for additional advertising banners, posters etc. This can be dealt with during the Annual Budget Process.

**COMMENTS:**

The proposed Draft Policy No. 4.2.14 will formalise the Council's position and practice concerning conducting elections as a postal vote and using the WAEC to be responsible for the conduct of the Election. It will also formalise the City's current practices concerning pre and post Election day activities.

Approval of the draft Policy is therefore recommended.

**9.5.4 Donation to Lord Mayor's Distress Relief Fund – Perth Hills Bushfire Appeal**

<b>Ward:</b>	-	<b>Date:</b>	31 January 2014
<b>Precinct:</b>	-	<b>File Ref:</b>	FIN0008
<b>Attachments:</b>	-		
<b>Reporting Officer:</b>	John Giorgi JP, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi JP, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **APPROVES BY AN ABSOLUTE MAJORITY** a donation of \$3,500 (three thousand five hundred dollars) to the Lord Mayor's Distress Relief Fund – Perth Hills Bushfire Appeal, in accordance with the City's Policy No. 4.1.27 - "Disaster Appeals - Donations and Assistance".

**COUNCIL DECISION ITEM 9.5.4**

**Moved Cr Buckels, Seconded Cr Pintabona**

That the recommendation be adopted.

**MOTION PUT AND CARRIED UNANIMOUSLY  
BY AN ABSOLUTE MAJORITY (8-0)**

**PURPOSE OF REPORT:**

To approve of a donation to the Lord Mayor's Distress Relief Fund – Perth Hills Bushfire Appeal, as the area has been severely impacted by a bush fire.

**BACKGROUND:**

The City of Vincent has a Philosophy and Policy of providing assistance to those in need. On the weekend of the 11 and 12 January 2014 a major bushfire started in the Perth Hills resulting in 1 death and 55 residencies being destroyed.

The Western Australian Government will donate \$1 million to the Lord Mayors Distress Relief Fund.

**Previous Donations**

The City of Vincent has previously provided donations for disaster relief as follows:

<b>Date</b>	<b>Details</b>	<b>Amount</b>
January 1998	Lord Mayor's Distress Relief Fund for the Brookton/Pingelly Bush Fire	\$ 500
April 1999	<ul style="list-style-type: none"> <li>• Lord Mayor's Moora Flood Appeal</li> <li>• Lord Mayor's Exmouth Cyclone Appeal</li> </ul>	\$ 1,000 \$ 1,000
November 2002	Lord Mayor's Distress Relief Fund for the Victims of the Bali Bombing	\$ 5,000 *
January 2005	Tsunami Appeal to CARE Australia	\$ 5,000 *
November 2005	Earthquake Relief Appeal - Afghanistan, India, Pakistan and Kashmir	\$ 2,500
March 2006	Lord Mayor's Distress Disaster Relief Fund (General request for Donations)	\$ 500
April 2006	Premier's Disaster Relief Appeal Fund for the communities affected by Cyclone Larry in North Queensland	\$ 2,500
June 2006	Australian Red Cross - Indonesian Earthquake Appeal Fund	\$ 2,000

Date	Details	Amount
February 2007	Lord Mayor's Disaster Relief Fund – Dwellingup Fires Appeal	\$ 2,500
May 2008	CARE Australia – Myanmar (Burma) Cyclone Nargis Appeal	\$ 3,500
May 2008	Australian Red Cross - China Sichuan Earthquake Appeal 2008	\$ 3,500
February 2009	Australian Red Cross - Victorian Bushfire Appeal 2009	\$10,000
April 2009	Italian Earthquake Appeal 2009	\$ 3,000
December 2009	Bushfires Appeal 2009 - Toodyay	\$ 3,000
January 2010	World Vision Australia - Haiti Earthquake Appeal 2010	\$ 5,950 *
August 2010	Australian Red Cross - Pakistan Monsoon Floods Appeal 2010	\$ 6,158 *
December 2010	Lord Mayor's Disaster Relief Fund - Gascoyne and Mid West Floods Appeal	\$ 3,000
January 2011	Queensland Premier's Disaster Relief Appeal Fund - Queensland Floods	\$ 6,158 *
January 2011	Victorian Flood Appeals	\$ 3,000
March 2011	New Zealand Red Cross 2011 Earthquake Appeal	\$ 6,158 *
March 2011	Donation - Australian Red Cross Japan and Pacific Disaster Appeal 2011	\$ 6,158 *
December 2011	Lord Mayor's Distress Relief Fund – Margaret River Bush Fire	\$ 3,000
November 2013	Red Cross Appeal – Philippine Typhoon Appeal	\$ 6,343

\* *Maximum Amount*

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

The City Policy No. 4.1.27 - "Disaster Appeals - Donations and Assistance" (in part) states;

"OBJECTIVES

To provide guidance to the Council when considering requests for the provision of financial assistance and other support to alleviate the impact of disasters and other significant emergencies.

POLICY STATEMENT

1. Council to Approve Requests

All requests to provide financial assistance and other support to alleviate the impact of disasters and other significant emergencies shall be in response to an appeal launched by the Federal, State, Local Government or other bona fide agency and shall be reported to the Council for consideration and determination.

2. Financial Support

- (a) Financial support shall be limited to a maximum of \$6,343 to any one disaster or other significant emergency appeal.
- (b) In the event of more than one relief organisation/agency being involved in the Disaster Appeal, the Council shall determine the most appropriate relief organisation to receive the support.
- (c) Financial support will only be made to approved agencies/organisations and cash donations will not be made directly to individuals."

The maximum amount for a donation under this policy is \$6,343 (indexed annually by CPI).

**STRATEGIC IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The amount of \$3,500 would be expended from the Donation Account 2013/2014.

**COMMENTS:**

It is always difficult to quantify a donation in terms of dollars/victims, however in view of the extensive and wide damage caused, it is acknowledged that this is a disaster and accordingly a donation of \$3,500 is recommended.

**9.5.5 Prostitution Information - Review of "Naming and Shaming" Information on the City's Website**

<b>Ward:</b>	South	<b>Date:</b>	31 January 2014
<b>Precinct:</b>	Highgate	<b>File Ref:</b>	ENS0060
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	John Giorgi, JP Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, JP Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council;

1. **AUTHORISES** the:
  - 1.1 immediate removal of the names of two (2) persons convicted of street prostitution from the City's website;
  - 1.2 Chief Executive Officer to amend the City's website "Street prostitution" page to reflect the Council decision; and
2. **DOES NOT CONTINUE** with the publishing of the names of persons convicted of street prostitution within the City of Vincent on the City's website.

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**COUNCIL DECISION ITEM 9.5.5**

**Moved Cr Topelberg, Seconded Cr Buckels**

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND LOST (2-6)**

**For:** Cr Buckels and Cr Topelberg

**Against:** Mayor Carey Cr Cole, Cr Harley, Cr McDonald, Cr Pintabona and Cr Wilcox

**REASONS FOR REFUSAL OF OFFICER RECOMMENDATION:**

The Council believed that the website should maintain as part of the programme to prevent prostitution in the area.

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**PURPOSE OF REPORT:**

The purpose of the report is to advise the Council of the need to review information on the City's Website of persons convicted of offensives relating to street prostitution in Stirling Street.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 13 August 2013 at Item 10.1, it was resolved as follows:

*"That the Council;*

1. *NOTES that at the Ordinary Meeting of Council held on 11 June 2013 at Item 10.3, the Council resolved as follows:*

*“That the Council REQUESTS;*

1. *The City publish on its web site the names of all persons convicted of seeking the services of a prostitute in a public place, where the offence has taken place in the City of Vincent;*
  2. *The names are to remain on the website for a period of six (6) months from the date of conviction; and*
  3. *A review to the approach of publishing names be carried out in twelve (12) months.”*
2. *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(1)(e) of the Local Government Act 1995, three Elected Members, namely Councillors Topelberg, Maier and Buckels, being one third of the number of offices of members of the Council, SUPPORT this motion to change the Council decision;*
  3. *Councillor Joshua Topelberg MOVES a motion to CHANGE the decision by rescinding clause 3 (as above);*
  4. *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(1)(e) of the Local Government Act 1995 the Council APPROVES BY AN ABSOLUTE MAJORITY that Clause 3. be changed to read as follows; and*  
***“3. A review to the approach of publishing names be carried out at the Ordinary Meeting of Council to be held in February 2014.”***

At the Ordinary Meeting of Council held on 23 April 2013 Item 9.4.1, it was resolved as follows:

*“That the Council;*

1. *RECEIVES the Progress Report No. 2 as at 15 April 2013 concerning action taken to combat street prostitution in the Highgate area; and*
2. *APPROVES IN PRINCIPLE the reallocation of funds from a source to be identified by the Chief Executive Officer, as follows;*
  - 2.1 *\$17,186 for the installation of moveable CCTV/Automatic Number Plate Recognition (ANPR) to target street crawling activity; and*
  - 2.2 *\$3,250 for the purchase and installation of twenty six (26) signs - “Reporting Crime”; and*
  - 2.3 *the installation of CCTV and signage will be reviewed in six (6) months; and*
3. *CONSULTS with the local community for a period of fourteen (14) days and reports back to the Ordinary Meeting of Council to be held on 28 May 2013.”*

**DETAILS:**

**City's Website**

In accordance with the Council decision, names of persons convicted of offences relating to Street Prostitution have been placed on the City's Website for a period of six (6) months. After the expiration of six (6) months the names have been deleted. However as at the time of writing this report two (2) names are still listed on the City's Website. These are due to be removed from the City's website after the six (6) month expiration period, which will occur on 20 February 2014 and 29 March 2014 respectively.

In addition, WA Police advise that there is still one prosecution pending in the Magistrate's Court. This Court hearing is due in March 2014.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

This aligns with the City of Vincent *Strategic Plan 2011 – 2016*, where Objective 3.1.2 states:

*"Promote and Foster Community Safety and Security"*.

**RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable.

**COMMENTS:**

This report is being submitted to the Council in accordance with the Council Decision made on the 13 August 2013. As the number of complaints relating to street prostitution in Stirling Street has reduced to almost nil, no further convictions have been carried out.

The Chief Executive Officer recommends that the current names be deleted from the City's Website and no further names be published.

**9.5.6 Strategic Community Plan 2013-2023 – Progress Report No. 1**

<b>Ward:</b>	-	<b>Date:</b>	31 January 2014
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	001 – Special/Major Projects Summary Form – COUNCIL MEMBERS ONLY – Not for Public Distribution		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	John Giorgi, JP Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, JP Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **NOTES** the progress of its adopted Special Projects, as shown in Appendix 9.5.6. (Attachment 001).

**COUNCIL DECISION ITEM 9.5.6**

**Moved** Cr Pintabona, **Seconded** Cr Buckels

That the recommendation be adopted.

**MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to update the Council for the various adopted Major Projects.

**DETAILS:**

At the Ordinary Meeting of Council held on 19 November 2013, the Council resolved as follows;

*“That the Council;*

1. APPROVES BY AN ABSOLUTE MAJORITY to;
  - 1.1 ADOPT indicative timeframes and milestones for the various key result areas in the City’s Strategic Community Plan 2013-2023, as shown in Appendix 9.5.5 (attachment 001); and
  - 1.2 INCLUDE the following new projects into the Strategic Community Plan (which arose after the Adoption of the Strategic Community Plan) as follows;
    - 1.2.1

KRA No	Item	Indicative Timeline
1.1.4 (e)	Implement the Brookman/Moir Street Precincts Local Enhancement Project	2013-June 2015
1.1.4 (l)	Investigate locations and install water playground in Mount Hawthorn – northern part of the City	2013-June 2014
1.1.6 (g)	Finalise implementation of Woodville Reserve Masterplan	2013 -2014
2.1.4 (b)	Finalise implementation of Leederville Activity Centre Structure Plan	2013-December 2014
3.1.1 (b)	Implement major artwork for; <ul style="list-style-type: none"> <li>• Beatty Park Leisure Centre</li> <li>• Leederville Town Centre</li> <li>• North Perth Town Centre; and</li> <li>• Weld Square</li> </ul>	November 2013-Dec2014 Dec 2013 – June 2015 Nov 2013 – Dec 2014 January 2014-June 2015

2. **ADOPTS;**

2.1 *the detailed "Major Projects Summary Form (as updated on the 19 November 2013), - as shown in, Appendix 9.5.5 (Attachment 002);and*

2.2 *the "Strategic Projects – Executive Summary– Council Key Priorities 2014-2015", (as at the 19 November 2013), as shown in Appendix 9.5.5 (Attachment 003); and*

3. **AUTHORISES** *the Chief Executive Officer to amend the Community Strategic Plan to reflect the Council's Decision."*

At the Ordinary Meeting of Council held on 10 September 2013, the Council adopted a revised Strategic Community Plan – which reflected changes made by the Council over the previous twelve (12) months.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

The Council adopted a revised Plan for the Future at the Ordinary Meeting of Council held on 10 September 2013. The City's Strategic Community Plan forms part of the Plan for the Future. It is a legal requirement to have a Strategic Community Plan.

**RISK MANAGEMENT IMPLICATIONS:**

**HIGH:** It is important that the adopted indicative timelines and milestones be closely monitored. Failure to do so may result in some projects not being implemented in a timely manner

**STRATEGIC IMPLICATIONS:**

The Strategic Plan provides the elected Council and administration with its aims, goals and objectives (key result areas) for the period 2013-2023. The reporting on a regular basis is in accordance with the Strategic Plain 2013-2023Key Result Area.

This is in keeping with the City's Strategic Community Plan 2013-2023- "*Leadership, Governance and Management*", in particular, Objective 4.1.2 - "*Manage the Organisation in a responsible, efficient and accountable manner*".

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The report reveals that the Council's adopted Major Projects are progressing in accordance with the adopted timeline.

**9.5.7 2<sup>nd</sup> National Community Safety & Security Conference 2014**

<b>Ward:</b>	-	<b>Date:</b>	31 January 2014
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0031
<b>Attachments:</b>	<a href="#">001</a> – Confirmed Presentations as at 23/01/14		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	R Boardman, Director Community Services		
<b>Responsible Officer:</b>	John Giorgi, JP Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council APPROVES the Director Community Services, Robert Boardman and up to one (1) Council Member ....., to attend the 2nd National Community Safety & Security Conference – ‘Strategies and Solutions for Safer Communities’ produced by Local Government News to be held at Rydges World Square, central Sydney, Australia from Monday, 28 April to Tuesday, 29 April 2014, at an estimated total cost of \$2,047 (early bird registration by 28 February 2014).

Moved Cr Topelberg, Seconded Cr McDonald

That the recommendation be adopted.

Debate ensued.

**AMENDMENT**

Moved Cr Topelberg, Seconded Cr Harley

“That the Officer Recommendation be amended to read as follows:

That the Council APPROVES the Director Community Services, Robert Boardman and ~~up to one (1) Council Member .....~~, to attend the 2nd National Community Safety & Security Conference – ‘Strategies and Solutions for Safer Communities’ produced by Local Government News to be held at Rydges World Square, central Sydney, Australia from Monday, 28 April to Tuesday, 29 April 2014, at an estimated total cost of \$2,047 (early bird registration by 28 February 2014).

**AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)**

Debate ensued.

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

**COUNCIL DECISION ITEM 9.5.7**

That the Council APPROVES the Director Community Services, Robert Boardman to attend the 2nd National Community Safety & Security Conference – ‘Strategies and Solutions for Safer Communities’ produced by Local Government News to be held at Rydges World Square, central Sydney, Australia from Monday, 28 April to Tuesday, 29 April 2014, at an estimated total cost of \$2,047 (early bird registration by 28 February 2014).

**PURPOSE OF REPORT:**

The purpose of this report is to obtain the Council's approval for the Director Community Services, Rob Boardman, and up to one (1) Council Member to attend the 2nd National Community Safety & Security Conference – ‘Strategies and Solutions for Safer Communities’ from Monday, 28 to Tuesday, 29 April 2014 to be held in Sydney, Australia.

## **BACKGROUND:**

The Community Safety & Security Conference is the 2<sup>nd</sup> national gathering of community safety and security professionals and will provide knowledge and practical solutions for those working to improve public safety and security in local communities.

This event will place an emphasis on providing practical case studies and the latest expert advice on how to reduce crime and improve community safety at the grass-roots level in both metropolitan and rural communities.

To be staged in Sydney, the conference will showcase examples of successful crime prevention and community safety initiatives of Local Governments and other community-focused organisations. Valuable networking opportunities with professionals from across Australia will also be a key feature of the event.

## **DETAILS:**

### **Conference Topics**

- Designing and implementing community crime prevention strategies
- Use of CCTV, public lighting and other crime prevention technologies
- Effective alcohol management in entertainment precincts
- Public safety & the night-time economy
- Creating safer public spaces through improved urban design
- Achieving successful community engagement
- Tackling Graffiti and Vandalism
- Working with young people to reduce crime and anti-social behaviour
- Reducing violence in the community

### **Who Should Attend**

- Community Safety professionals
- Community Development and Community Services Managers
- Crime Prevention officers
- Community Engagement professionals
- Youth Services Managers
- Senior Local Government Managers
- Private Sector Security Professionals
- Police & Law Enforcement Agency representatives
- Town Planners / Urban Designers
- Councillors

### **Speaking Program**

The speaking program for the **2014 National Community Safety & Security Conference** is designed to cater for the interests of professionals working in a variety of roles in the fields of community safety, crime prevention and security within local communities.

Attendees can freely select from two speaking streams on each day of the conference in order to create their own ideal conference program.

Presentations, workshops and discussion panels will be contained within both speaking streams. Confirmed presentations are as shown in Appendix 9.5.8.

### Safe and Secure Public Places and Facilities

The **Safe & Secure Public Places and Facilities** stream - to stretch over both days of the conference - will examine how to make precincts, buildings and facilities used by the general public safer and more secure.

Preventing crime, ensuring public safety, providing a safe environment for staff and keeping facilities secure are key goals and common challenges for all managers of public areas and facilities within local communities.

Case studies, expert advice and discussion panels within this conference stream will examine leading practice and solutions for ensuring public places and facilities remain safe and secure.

This stream will be highly relevant to those responsible for security and safety management for:

- Tertiary/Education campuses and facilities
- Hospitals and healthcare facilities
- Public Transport infrastructure such as railway stations and bus stops
- Shopping centres and retail precincts and their surrounds
- Sporting grounds and places of entertainment and their surrounds
- Public events
- Etc

#### Panel Discussions: Answering Your Questions

A variety of panel discussions will be held during the course of this conference that will feature experts and experienced practitioners discussing key issues in detail.

Panel discussions will also allow delegates to ask questions and engage in the conversation in order to seek answers to the specific safety & security challenges they are confronting. Panel discussions will include:

#### *Achieving Successful Inter-agency Cooperation in Your Local Community*

Productive cooperation between local government, police, community organisations, retail groups and other agencies is a hallmark of successful local crime prevention and community safety measures.

This panel discussion will analyse how to ensure the range of stakeholder organisations involved in local community crime prevention and security are working well together to address common challenges.

#### *Technology for Safer Communities*

This panel discussion will examine latest forms of security technology used in local communities – such as public CCTV and communications technologies - how such technology can best be applied and the merits of its use.

#### *Safe & Secure Public Facilities*

Ensuring safer public infrastructure, buildings and facilities requires the development and implementation of effective security strategies and use of technologies.

This panel discussion will examine latest trends and solutions in best practice security practices for buildings and facilities used by the general public, templates/models for success, analysis of new forms of technology, effective use of contractors, etc.

#### *Conference Conclusions – Charting a Course for the Future*

The conference will conclude with a discussion panel that will analyse key findings and talking points for the conference. This discussion will assist delegates to identify the key action points they can take home with them in order to enhance public safety, prevent crime and optimise security in their local communities.

### Safer Design Session

The conference will feature a session analysing latest practice and case studies of successful Safer Design of urban areas and public precincts.

Improved urban design, better lighting, effective site assessment, CPTED principles, etc, will be among topics examined.

This session will be highly relevant to community safety managers and security managers of education/health/transport/retail and other public precincts, as well as urban design and town planning professionals.

### **Previous Conferences Attended by Director Community Services**

#### International Cities Town Centres and Communities Society Conferences

- 2007 *"Cities on the Edge"* held in Auckland, New Zealand.
- 2008 *"Creating a Gold Medal Community"* held at Sydney Olympic Park, Sydney.
- 2010 *"Interdependence – Web of Relationships, Internationally and Locally"* held at Coffs Harbour, New South Wales.
- 2011 *"Cities with People in Mind"* held in Hobart, Tasmania.
- 2012 *"Cities in Transition"* held on Gold Coast, Queensland

### **CONSULTATION/ADVERTISING:**

Nil.

### **LEGAL/POLICY:**

Policy No. 4.1.15 – *"Conferences"* – Clause 1.1(i) states:

- "(i) When it is considered desirable that the City of Vincent be represented at an interstate conference, up to a maximum of one Council Member and one Employee may normally attend, unless otherwise approved by the Council;"*

The Director Community Services' Contract of Employment entitles him to attend one interstate conference per annum.

### **RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

### **STRATEGIC IMPLICATIONS:**

In keeping with the City's *Strategic Plan 2011-2016* where the following Objectives state:

#### *"Provide a safe, positive and desirable workplace"*

- 4.2.1 *Promote employee performance, recognition, reward, satisfaction and wellbeing, and provide a safe and positive workplace:*

- 4.2.1(b) *Ensure the organisation enhances and promotes Employee satisfaction, health, safety and wellbeing and promotes strategies to attract and retain employees and encourage career development."*

### **SUSTAINABILITY IMPLICATIONS:**

Not Applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

**Cost Per Delegate**

Two Day Conference Registration Fee	\$ 850 (* first delegate Early Bird price)
Economy Airfare (approx)	\$ 600
Accommodation 3 nights @ \$199	\$ 597
Total:	\$ 2,047

\* Early Bird Registration closes 28 February 2014 – \$950 then applicable for first delegate.

Early Bird for second and third delegates is \$800 (or \$850 after 28 February 2014). For four or more Delegates, registration fee is \$750.

**Cancellation, Refunds & Transferring of Registrations**

All cancellations received in writing at least 21 days prior to the event start will receive a 90% refund. Cancellations received between 0 - 20 days prior to event start will receive no refund (0%). Registration is valid for the named attendee only - transferring of registrations during the conference is prohibited. Registrations can be transferred within your organisation without penalty at least 7 days prior to event start. After this date, all name changes will incur a \$50 administration charge.

**COMMENTS:**

It is recommended that approval be granted for the Director Community Services to attend the *2014 National Community and Security Conference* by Local Government News to be held in Sydney from Monday, 28 April to Tuesday, 29 April 2014.

**10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**10.1 NOTICE OF MOTION: Cr Joshua Topelberg - Request to Amend City of Vincent Planning Policy No. 3.8.4 - Development Guidelines for Multiple Dwellings**

**ITEM WITHDRAWN BY CHIEF EXECUTIVE OFFICER BY CR TOPELBERG**

**10.2 NOTICE OF MOTION: Mayor John Carey – Relating to Newcastle Street Proposal to Increase to Four Lanes**

That the Council ADVISES the City of Perth that it does NOT SUPPORT their proposal to change the section of Newcastle Street between Fitzgerald Street and Lord Street from two (2) traffic lanes to four (4) Traffic lanes for the following reasons;

1. In 2002 the Council supported, and contributed financially to, the changes to Newcastle Street based on advise provided by the former East Perth Redevelopment Authority this being one of their key objectives for the Northbridge project intended to improve the street environment and encourage the development of the proposed new land uses along Newcastle Street;
2. The loss of a significant number of existing nature trees currently planted in the verge/nibs and median strips; and
3. The loss of amenity through the potential increase in traffic and noise for the existing, and future, residential developments along Newcastle Street.

**ADMINISTRATION INFORMATION:**

At its Ordinary Meeting of 14 March 2000 the Council considered a report on the East Perth Redevelopment Authority's (ERPA) proposed Newcastle Street Upgrade Project and the funding implications for the (then) Town.

A further report was presented where the Council adopted in principle EPRA's upgrade proposals and subsequently allocated funds in the 2001/2002 budget as its contribution to the Newcastle Street Upgrading Project. Parry Street was also part funded in 2001/2002.

At the time the Council was advised that the Northbridge Urban Renewal Project under the auspices of ERPA had made significant progress in upgrading various precincts within the project area

The narrowing of Newcastle Street from four (4) lanes to two (2) lanes with embayed car parking was one of EPRA's key objectives for the Northbridge project and was intended to improve the street environment and encourage the development of the proposed new land uses along Newcastle Street.

Traffic Analysis of Modifications

To achieve the narrowing of Newcastle Street, EPRA undertook a detailed traffic analyses and investigations to determine the feasibility of the proposal which was subsequently signed off by MRWA

**Ordinary Meeting of 12 February 2002**

The Council adopted the Newcastle Street proposal (two (2) lanes) and approved the commencement of works upon the awarding of the tender by the East Perth Redevelopment Authority.

In late January 2014, Officers from the City of Perth met with the City's Director Technical Services and other officers to discuss the possibility of Newcastle Street being modified from two (2) lanes to four (4) traffic lanes.

As at the 4 February 2014, the City of Vincent has not received any formal proposal from the City of Perth.

**ADDITIONAL INFORMATION:**

On the 6 February 2014 a letter was received from the City of Perth, seeking the City's views on their draft plan, a copy of this letter is attached at Appendix [10.2A](#).

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**COUNCIL DECISION ITEM 10.2**

**Moved Cr Buckels, Seconded Cr Topelberg**

**That the motion be adopted.**

**Debate ensued.**

**MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

**10.3 NOTICE OF MOTION: Mayor John Carey - Request for a Report Relating to Multiple Dwellings Policy**

That the Council REQUESTS;

1. the Chief Executive Officer to investigate changes to the Design Guidelines for Multi-Dwelling Policy and Exercise of Discretion for Development Variations to encourage retention of existing mature trees on proposed development sites or planting of new mature trees in proposed landscaping plans; and
2. a report be provided to the Council no later than April 2014.

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**COUNCIL DECISION ITEM 10.3**

**Moved Cr Topelberg, Seconded Cr Buckels**

That the motion be adopted.

Debate ensued.

Cr Harley departed the Chamber at 9.07pm.

Debate ensued.

Cr Cole returned to the Chamber at 9.07pm.

Cr Harley returned to the Chamber at 9.10pm.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

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**10.4 NOTICE OF MOTION: Mayor John Carey - Rescission Motion Relating to Review of Municipal Heritage Inventory**

That the Council;

1. NOTES that at the Ordinary Meeting of Council held on 9 April 2013 (Item 9.1.4) it resolved as follows;

*“1. APPROVES a review by external heritage consultants of all Places that were identified in the 2004 MHI documentation, submitted by the original heritage consultants as part of the last review, but which were not entered on the City’s MHI and provide recommendations;*

*2. LISTS FOR CONSIDERATION an amount of \$25,000 in the Draft Budget2013/2014 to implement the review outlined in Clause 1 above; and*

*3. NOTES that the City’s Municipal Heritage Inventory is identified by the State Heritage Office as “under on-going review” and therefore is not in breach of Section 45 of the Heritage of Western Australia 1990 or Section 23 of the City’s Town Planning Scheme No.1. However, we may need to rescind this motion – which stipulates that 163 places must be assessed:”*

2. in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(1)(e) of the Local Government Act 1995, three Elected Members, namely Mayor Carey, Cr ..... and Cr....., being one third of the number of offices of members of the Council, SUPPORT this motion to change the Council decision;

3. Cr ..... MOVES a motion to CHANGE the decision by amending the Council Decision (as above); and

4. in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(1)(e) of the Local Government Act 1995 the Council APPROVES BY AN ABSOLUTE MAJORITY that the Council Decision be amended to as follows;

*“That the Council;*

*1) NOTES that in Accordance with Recommendation 9.1.4 passed on the 9<sup>th</sup> April 2013, that a review by external heritage consultants of all places that were identified in the 2004 MHI documentation, submitted by the original heritage consultants as per the 2004 review, but were not listed, has now been undertaken by Phillip Griffiths; and*

*2) AUTHORISES the Chief Executive Officer to limit the scope of the second phase of City of Vincent heritage assessment as outlined in the indicative time line presented to Council on the 3<sup>rd</sup> December 2013 to;*

*(a) commercial properties; and*

*(b) those new residential owners of identified properties since the last review as recommended by the Heritage Consultant and where consent by the new residential owner is provided.”*

**Moved Cr Cole, Seconded Cr Topelberg**

That the motion be adopted.

Debate ensued.

**AMENDMENT**

**Moved Cr Pintabona, Seconded Cr McDonald**

“That Clause 2 (b) be amended as follows:

- (b) those new residential owners of identified properties since the last review as recommended by the Heritage Consultant and where consent is not provided by the new residential owner no further action shall be taken is provided.”*

**AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)**

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

**COUNCIL DECISION ITEM 10.4**

That the Council;

1. **NOTES** that at the Ordinary Meeting of Council held on 9 April 2013 (Item 9.1.4) it resolved as follows;
  - “1. **APPROVES** a review by external heritage consultants of all Places that were identified in the 2004 MHI documentation, submitted by the original heritage consultants as part of the last review, but which were not entered on the City’s MHI and provide recommendations;
  2. **LISTS FOR CONSIDERATION** an amount of \$25,000 in the Draft Budget2013/2014 to implement the review outlined in Clause 1 above; and
  3. **NOTES** that the City’s Municipal Heritage Inventory is identified by the State Heritage Office as “under on-going review” and therefore is not in breach of Section 45 of the Heritage of Western Australia 1990 or Section 23 of the City’s Town Planning Scheme No.1. However, we may need to rescind this motion – which stipulates that 163 places must be assessed:”
2. in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(1)(e) of the Local Government Act 1995, three Elected Members, namely Mayor Carey, Cr Cole and Cr Topelberg, being one third of the number of offices of members of the Council, **SUPPORT** this motion to change the Council decision;
3. Cr Harley **MOVES** a motion to **CHANGE** the decision by amending the Council Decision (as above); and

4. in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(1)(e) of the Local Government Act 1995 the Council APPROVES BY AN ABSOLUTE MAJORITY that the Council Decision be amended to as follows;

*“That the Council;*

- 1) *NOTES that in Accordance with Recommendation 9.1.4 passed on the 9<sup>th</sup> April 2013, that a review by external heritage consultants of all places that were identified in the 2004 MHI documentation, submitted by the original heritage consultants as per the 2004 review, but were not listed, has now been undertaken by Phillip Griffiths; and*
  - 2) *AUTHORISES the Chief Executive Officer to limit the scope of the second phase of City of Vincent heritage assessment as outlined in the indicative time line presented to Council on the 3<sup>rd</sup> December 2013 to;*
    - (a) *commercial properties; and*
    - (b) *those new residential owners of identified properties since the last review as recommended by the Heritage Consultant and where consent is not provided by the new residential owner no further action shall be taken.”*
-

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

Nil.

**12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES**

**12.1 WALGA Nominations - Local Government Advisory Board; Alliance for the Prevention of Elder Abuse; Bush Fire Brigade Volunteer Advisory Committee; Heritage Council of Western Australia; Road Safety Council; DFES Bush Fire Service Capital Grants Committee; DFES State Emergency Service Capital Grants Committee; WA Local Government Grants Commission**

<b>Ward:</b>	-	<b>Date:</b>	31 January 2014
<b>Precinct:</b>	-	<b>File Ref:</b>	ORG0045
<b>Attachments:</b>	<a href="#">001</a> – WALGA Nomination Details		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	M McKahey, Personal Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That:

1. \_\_\_\_\_ and \_\_\_\_\_ be nominated as WALGA Metropolitan Member - Local Government Advisory Board (Panel of 12 Required) (Approval by Minister);
2. \_\_\_\_\_ and \_\_\_\_\_ be nominated as WALGA Metropolitan Deputy Member - Local Government Advisory Board (Panel of 12 Required) (Approval by Minister);
3. \_\_\_\_\_ be nominated as WALGA Member - Alliance for the Prevention of Elder Abuse;
4. \_\_\_\_\_ be nominated as WALGA Member - Bush Fire Brigade Volunteer Advisory Committee;
5. \_\_\_\_\_ be nominated as WALGA Member - Heritage Council of Western Australia (Panel of 3 Names) (Approval by Minister);
6. \_\_\_\_\_ be nominated as WALGA Member - Road Safety Council (Panel of 3 Names) (Approval by Minister);
7. \_\_\_\_\_ be nominated as WALGA Metropolitan Member - DFES Bush Fire Service Capital Grants Committee (Ministerial Appointment - Panel of 4 required);
8. \_\_\_\_\_ be nominated as WALGA Metropolitan Member - DFES State Emergency Service Capital Grants Committee (Ministerial Appointment - Panel of 4 required);

9. \_\_\_\_\_ be nominated as WALGA Metropolitan Member - WA Local Government Grants Commission (Approval by Minister) (Panel of 3 names requested for Metropolitan Member); and
10. \_\_\_\_\_ be nominated as WALGA Metropolitan Deputy Member - WA Local Government Grants Commission (Approval by Minister) (Panel of 3 names requested for Metropolitan Member).

**DETAILS:**

Please see Appendix 12.1 for further details.

Nomination Forms are available [here](#)

**NB:**

**NOMINATIONS CLOSE BY 5PM THURSDAY 20 FEBRUARY 2014**

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**Moved Cr Topelberg, Seconded Cr Harley**

That the motion be adopted.

Debate ensued.

Cr Wilcox departed the Chamber at 9.12pm.

Debate ensued.

*The Presiding Member Mayor Carey called for Nominations and the following were received:*

1. Mayor Carey be nominated as WALGA Metropolitan Member - Local Government Advisory Board (Panel of 12 Required) (Approval by Minister);

**MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (7-0)**

(Cr Wilcox was absent from the Chamber and did not vote.)

**COUNCIL DECISION ITEM 12.1**

That:

1. Mayor Carey be nominated as WALGA Metropolitan Member - Local Government Advisory Board (Panel of 12 Required) (Approval by Minister).
-

### **13. URGENT BUSINESS**

#### **13.1 NOTICE OF MOTION - URGENT BUSINESS - Mayor Carey- Relating to the Structural Reform Process**

That the Council:

1. Expresses significant concern regarding the WA Government's proposed "boundary alignment" which would see the City of Vincent abolished on July 1 2015 and the City of Perth govern from 1 July 2015 to 19<sup>th</sup> October 2015, on the basis of;
  - 1.1 This is not a fair and equal merger between both Councils when one Council is simply abolished;
  - 1.2 It is undemocratic to leave City of Vincent ratepayers without local elected representation for a period of four months and in a critical stage of decision making which will guide the structure and policies of a new City of Perth; and
  - 1.3 Recommendations from the Local Implementation Committee will have no legal recognition or authority with the current City of Perth council if it chooses to ignore such advice;
2. AUTHORISES the;
  - 2.1 Mayor and Chief Executive Officer to hold a town hall meeting to provide a community forum for residents and ratepayers regarding the proposed boundary alignment and the transitional arrangements (the government proposals) post 1 July 2015;
  - 2.2 Mayor to write to the Minister for Local Government and the Member for Perth to express concerns about the government proposals and invite them to the town hall meeting;
  - 2.3 Mayor to send a written invitation to all residential households of the City of Vincent, inviting them to a town hall meeting and this to be funded from a source, as determined by the Chief Executive Officer;
  - 2.4 Mayor and the Chief Executive Officer to re-establish the '*Vincent to Perth*' campaign committee with the first meeting to be held week commencing 17 February;
  - 2.5 Mayor and the Chief Executive Officer to begin Stage 1 of the Metropolitan Local Government Reform process;
  - 2.6 Chief Executive Officer, in consultation with the Mayor, to engage a Consultant to assist with the City of Vincent's '*Vincent to Perth*' campaign, and the development of strategy and production of material as required, for at least a one month period;
  - 2.7 Chief Executive Officer to write the City of Perth to request the establishment of the Local Implementation Committee;
  - 2.8 Chief Executive Officer to develop a new governance model for a proposed ward structure to be presented for consideration at a further meeting of Council and to be based on the key democratic principle of one vote, one value and a multi ward system;
3. REQUESTS the Chief Executive Officer to;
  - 3.1 seek legal advice regarding the boundary alignment process for the City of Vincent; and
  - 3.2 provide a report to each council meeting as a standing Agenda Item on the communication and progress between the City of Vincent and City of Perth, in regards to the amalgamation process; and

4. **NOTES that the Chief Executive Officer has already lodged a grant application for \$50,000, available from the Department of Local Government and Communities, to assist with the forced merger process.**

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**Moved Cr Harley, Seconded Cr McDonald**

That the motion be adopted.

Debate ensued.

**AMENDMENT 1**

**Moved Cr Harley, Seconded Cr McDonald**

“That Clause 2.8 be amended as follows:

- 2.8 ~~Chief Executive Officer to develop a new governance model for a proposed ward structure to be presented for consideration at a further meeting of Council and to be based on the key democratic principle of one vote, one value and a multi ward system~~ **establishes a working committee of the Chief Executive Officer, the Mayor, Deputy Mayor and two other nominated Councillors to examine options for a proposed Ward Structure in line with the City of Vincent Community Expectations and to be presented for consideration by the Chief Executive Officer at the first Ordinary Meeting of Council to be held in March 2014 and to be based on the Key Democratic Principle of one vote, one value and a multi ward system;**

Debate ensued.

**AMENDMENT 1 PUT AND CARRIED UNANIMOUSLY (8-0)**

Debate ensued.

**AMENDMENT 2**

**Moved Cr Harley, Seconded Cr Cole**

“That a new Clause 3.3 be inserted to read as follows:

- 3.3 identify a funding from a source to be determined by the Chief Executive Officer; and

**AMENDMENT 2 PUT AND CARRIED UNANIMOUSLY (8-0)**

Debate ensued.

**AMENDMENT 3**

**Moved Cr Topelberg, Seconded Cr Harley**

“That Clause 1 be amended as follows:

1. Expresses **absolute opposition to the significant concern regarding the WA Government’s proposed “boundary alignment” which would see the City of Vincent abolished on July 1 2015 and the City of Perth govern from 1 July 2015 to 19<sup>th</sup> October 2015, on the basis of;**

Debate ensued.

**AMENDMENT 3 PUT AND CARRIED UNANIMOUSLY (8-0)**

**AMENDMENT 4**

**Moved Cr McDonald, Seconded Cr Topelberg**

**“That a new Clause 1.4 be inserted to read as follows:**

- 1.4 It excludes the Banks Precinct as part of the City of Vincent to City of Perth merger; and

**AMENDMENT 4 PUT AND CARRIED UNANIMOUSLY (8-0)**

**AMENDMENT 5**

**Moved Cr Harley, Seconded Cr Buckels**

**“That a new Clause 5 be inserted to read as follows:**

5. **ENDORSES** Cr Cole as the general Council Member representative on the Working Party for the Governance Model.

**AMENDMENT 5 PUT AND CARRIED UNANIMOUSLY (7-0)**

(Cr Wilcox was absent from the Chamber and did not vote.)

Cr Wilcox returned to the Chamber at 9.15pm.

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

**COUNCIL DECISION ITEM 13.1**

**That the Council:**

1. Expresses absolute opposition to the WA “boundary alignment” which would see the City of Vincent abolished on July 1 2015 and the City of Perth govern from 1 July 2015 to 19<sup>th</sup> October 2015, on the basis of;
  - 1.1 This is not a fair and equal merger between both Councils when one Council is simply abolished;
  - 1.2 It is undemocratic to leave City of Vincent ratepayers without local elected representation for a period of four months and in a critical stage of decision making which will guide the structure and policies of a new City of Perth; and
  - 1.3 Recommendations from the Local Implementation Committee will have no legal recognition or authority with the current City of Perth council if it chooses to ignore such advice;
  - 1.4 It excludes the Banks Precinct as part of the City of Vincent to City of Perth merger; and
2. **AUTHORISES** the;
  - 2.1 Mayor and Chief Executive Officer to hold a town hall meeting to provide a community forum for residents and ratepayers regarding the proposed boundary alignment and the transitional arrangements (the government proposals) post 1 July 2015;
  - 2.2 Mayor to write to the Minister for Local Government and the Member for Perth to express concerns about the government proposals and invite them to the town hall meeting;
  - 2.3 Mayor to send a written invitation to all residential households of the City of Vincent, inviting them to a town hall meeting and this to be funded from a source, as determined by the Chief Executive Officer;
  - 2.4 Mayor and the Chief Executive Officer to re-establish the ‘*Vincent to Perth*’ campaign committee with the first meeting to be held week commencing 17 February;

- 2.5 Mayor and the Chief Executive Officer to begin Stage 1 of the Metropolitan Local Government Reform process;
  - 2.6 Chief Executive Officer, in consultation with the Mayor, to engage a Consultant to assist with the City of Vincent's '*Vincent to Perth*' campaign, and the development of strategy and production of material as required, for at least a one month period;
  - 2.7 Chief Executive Officer to write the City of Perth to request the establishment of the Local Implementation Committee;
  - 2.8 establishes a working committee of the Chief Executive Officer, the Mayor, Deputy Mayor and two other nominated Councillors to examine options for a proposed Ward Structure in line with the City of Vincent Community Expectations and to be presented for consideration by the Chief Executive Officer at the first Ordinary Meeting of Council to be held in March 2014 and to be based on the Key Democratic Principle of one vote, one value and a multi ward system;
3. REQUESTS the Chief Executive Officer to;
    - 3.1 seek legal advice regarding the boundary alignment process for the City of Vincent; and
    - 3.2 provide a report to each council meeting as a standing Agenda Item on the communication and progress between the City of Vincent and City of Perth, in regards to the amalgamation process;
    - 3.3 identify a funding from a source to be determined by the Chief Executive Officer; and
  4. NOTES that the Chief Executive Officer has already lodged a grant application for \$50,000, available from the Department of Local Government and Communities, to assist with the forced merger process; and
  5. ENDORSES Cr Cole as the Council Member representative on the Working Party for the Governance Model.
-

**PROCEDURAL MOTION**

At 9.15pm **Moved Cr Harley, Seconded Cr McDonald**

That the Council proceed “behind closed doors” to consider confidential item 14.1, as this matter contains information concerning

- “(e) a matter that, if disclosed, would reveal;
- (i) a trade secret;
- (ii) information that has a commercial value to a person; or
- (iii) information about the business, professional, commercial or financial affairs of a person;” and

Confidential Item 14.2, as this matter relates to:

- “(d) *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

Confidential Item 14.3 as this matter relates to;

- (a) “a matter affecting an employee or employees;” and

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

Mayor Carey departed the Chamber at 9.14pm.

There were no members of the public present.

Executive Assistant (Minutes Secretary) – Jerilee Highfield departed the meeting.

Media – Anne Gardner and David Bell departed the meeting.

Mayor Carey returned to the Chamber at 9.15pm.

**PRESENT:**

Mayor John Carey Presiding Member

Cr Roslyn Harley (*Deputy Mayor*) North Ward

Cr Matt Buckels North Ward  
Cr Emma Cole North Ward  
Cr Laine McDonald South Ward  
Cr John Pintabona South Ward  
Cr Joshua Topelberg South Ward  
Cr Julia Wilcox North Ward

John Giorgi, JP Chief Executive Officer  
Jacinta Anthony Acting Director Community Services  
Rick Lotznicker Director Technical Services  
Mike Rootsey Director Corporate Services  
Petar Mrdja Acting Director Planning Services

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

**14.1 CONFIDENTIAL REPORT: NOTICE OF MOTION: Cr John Carey Rescission Motion to Change Part of the Council decision New Beatty Park Leisure Centre Logo/Brand**

<b>Ward:</b>	Both	<b>Date:</b>	31 January 2014
<b>Precinct:</b>	All	<b>File Ref:</b>	CMS0003
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	John Giorgi, JP Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, JP Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council;

1. pursuant to section 5.23(2) of the Local Government Act 1995 and clause 2.14 of the City of Vincent Local Law Relating to Standing Orders, proceeds “behind closed doors” at the conclusion of the items, to consider the confidential report, circulated separately to Council Members, relating to a new Beatty Park Leisure Centre Logo/Brand, as this matter contains information concerning:

“(e) a matter that, if disclosed, would reveal;

- (i) a trade secret;
- (ii) information that has a commercial value to a person; or
- (iii) information about the business, professional, commercial or financial affairs of a person;” and

2. **AUTHORISES** the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.

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**COUNCIL DECISION ITEM 14.1**

**Moved** Cr Harley, **Seconded** Cr Cole

That the recommendation be adopted.

**MOTION PUT AND CARRIED (7-1)**

**For:** Mayor Carey, Cr Cole, Cr Harley, Cr McDonald, Cr Pintabona, Cr Topelberg and Cr Wilcox  
**Against:** Cr Buckels

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**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning:

(e) a matter that, if disclosed, would reveal;

- (i) a trade secret;
- (ii) information that has a commercial value to a person; or
- (iii) information about the business, professional, commercial or financial affairs of a person.

**LEGAL:**

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

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

*"2.14 Confidential business*

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

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

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

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

**14.2 CONFIDENTIAL REPORT: No. 15 (Lot 2; D/P 11161) Doris Street, North Perth – Proposed Carport and Front Fence Addition to Existing Single House – Review State Administrative Tribunal (SAT) DR 360 of 2013**

<b>Ward:</b>	North	<b>Date:</b>	31 January 2014
<b>Precinct:</b>	North Perth ; P8	<b>File Ref:</b>	PRO6063; 5.2013.201.1
<b>Attachments:</b>	Confidential: Property Information Report and Development Application Plans Confidential: Applicant's Submission		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	Remajee Narroo, Acting Co-ordinator Statutory Planning		
<b>Responsible Officer:</b>	P Mrdja, Acting Director Planning Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. Pursuant to Section 5.23(2) of the Local Government Act 1995 and clause 2.14 of the City of Vincent Local Law Relating to Standing Orders, proceeds "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Council Members, relating to Review (Appeal) State Administrative Tribunal (SAT) DR 360 of 2013 for Proposed Car port and Front Fence Addition to Existing Single House at No. 15 (Lot 2; D/P 1161) Doris Street, North Perth, and as shown on plans stamp dated 12 June 2013 and 12 July 2013, as this matter relates to:

*"(d) 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

2. **AUTHORISES** the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.

---

**COUNCIL DECISION ITEM 14.2**

**Moved Cr Topelberg, Seconded Cr Buckels**

**That the recommendation be adopted.**

**MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

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**DETAILS:**

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

**LEGAL:**

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

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

*"2.14 Confidential business*

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

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

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

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

John Giorgi, JP, Chief Executive Officer, Jacinta Anthony, Acting Director Community Services, Rick Lotznicker, Director Technical Services, Mike Rootsey, Director Corporate Services and Petar Mrdja, Acting Director Planning Services departed the Meeting at approximately 9.30pm and did not return.

**14.3 CONFIDENTIAL ITEM: Chief Executive Officer's Contract of Employment**

Ward:	-	Date:	31 January 2014
Precinct:	-	File Ref:	
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Person:	Mayor John Carey		
Responsible Person:	Mayor John Carey		

**Chief Executive Officer John Giorgi has declared a financial interest in Item 14.3. The extent of his interest being that it relates to his Contract of Employment.**

**MAYOR'S MOTION:**

That the Council:

1. **RESOLVES** not to extend the current term of the Chief Executive Officer and notify the Chief Executive Officer in writing in accordance with Section 9.2 (b) of his contract;
2. **AUTHORISES** the Mayor on behalf of the Council to enter negotiations with the Chief Executive Officer to resolve the transition period which fulfils the City of Vincent's obligations under the Local Government Act 1995, its subsidiary legislation, the contract with the Chief Executive Officer and ensures ratepayers interests are protected; and
3. **AUTHORISES** the Mayor, in liaison with the Director of Corporate Services, to engage a Human Resources Consultant with proven experience in management negotiations to assist and represent the Mayor and Council if required, in accordance with the City of Vincent's Purchasing Policy.

Moved Cr Topelberg, Seconded Cr Harley

That the recommendation be adopted.

Debate ensued.

Cr Pintabona asked a number of questions and requested that these be recorded in the Minutes.

Debate ensued.

**AMENDMENT:**

Moved by Cr Pintabona, Seconded by .....

"That Clauses 1 and 2 be deleted and new Clauses 1 and 2 be inserted as follows:

1. **APPROVES** a new Contract of Employment for the Executive Officer, the Chief Executive Officer John Giorgi until 30 June 2015 be drafted by the City of Vincent's Solicitors based on the current terms and conditions for the following reasons:
  - 1.1 retention of an experienced Chief Executive Officer during the current Structural Reform process with proven experience on the Amalgamation process in 1994;
  - 1.2 the Chief Executive Officer's satisfactory performance report which was just received in October 2013 indicated 75%;

- 1.3 the Chief Executive Officer's extensive corporate, governance and local government knowledge;
  - 1.4 the stability and leadership to the City of Vincent residents and its employees; and
  - 1.5 to ensure that the Council's recently adopted Major Projects and Priorities be delivered and achieved within the approved timeframes;
2. **AUTHORISES** the Mayor and the Chief Executive Officer to finalise the Contract of Employment as required by the Local Government Act;..."

**AMENDMENT LAPSED FOR WANT OF A SECONDER**

Debate ensued.

**PROCEDURAL MOTION:**

**Moved** by Cr Pintabona, **Seconded** by .....

That the item be DEFERRED for consideration to obtain further information.

**PROCEDURAL MOTION LAPSED FOR WANT OF A SECONDER**

Debate ensued.

**PROCEDURAL MOTION:**

**Moved** by Cr Topelberg, **Seconded** by Cr Wilcox

That Standing Orders be suspended.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

Discussion ensued.

**PROCEDURAL MOTION:**

**Moved** by Cr Topelberg, **Seconded** by Cr Harley

That Standing Orders be resumed.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

Debate ensued.

The Presiding Member, Mayor John Carey, requested that a procedural motion be moved to extend the meeting time, as the Council's Policy relating to Council Meetings requires meetings to cease by 10.00pm.

**PROCEDURAL MOTION:**

**Moved** by Cr Topelberg, **Seconded** by Cr Cole

That the Meeting be extended to 10.30pm.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

**PROCEDURAL MOTION:**

**Moved** by Cr Topelberg, **Seconded** by Cr Buckels

That Standing Orders be suspended.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

Discussion ensued.

**Moved by Cr Topelberg, Seconded by Cr Harley**

**That Standing Orders be resumed.**

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

**MAYOR CAREY'S MOTION PUT AND CARRIED (7-1)**

**For:** Mayor Carey, Cr Buckels, Cr Cole, Cr Harley, Cr Wilcox, Cr McDonald,  
Cr Topelberg  
**Against:** Cr Pintabona

**COUNCIL DECISION ITEM 14.3**

**That the Council:**

1. **RESOLVES not to extend the current term of the Chief Executive Officer and notify the Chief Executive Officer in writing in accordance with Section 9.2 (b) of his contract;**
2. **AUTHORISES the Mayor on behalf of the Council to enter negotiations with the Chief Executive Officer to resolve the transition period which fulfils the City of Vincent's obligations under the Local Government Act 1995, its subsidiary legislation, the contract with the Chief Executive Officer and ensures ratepayers interests are protected; and**
3. **AUTHORISES the Mayor, in liaison with the Director of Corporate Services, to engage a Human Resources Consultant with proven experience in management negotiations to assist and represent the Mayor and Council if required, in accordance with the City of Vincent's Purchasing Policy.**

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**DETAILS:**

Mayor John Carey has requested that this Item remain Confidential as it relates to a matter relating to an employee. In accordance with Section 5.23 of the Local Government Act. The questions asked by Cr Pintabona behind closed doors are to be included in the Confidential Minutes.

**LEGAL:**

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

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

*"2.14 Confidential business*

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

The confidential Motion is provided separately to Council Members.

In accordance with the legislation, the Motion 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 10.20pm **Moved Cr Topelberg, Seconded Cr Buckels**

That the Council resume an “open meeting”.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

**15. CLOSURE**

**There being no further business, the Presiding Member, Mayor John Carey, declared the meeting closed at 10.20pm with the following persons present:**

Mayor John Carey	Presiding Member
Cr Roslyn Harley ( <i>Deputy Mayor</i> )	North Ward
Cr Matt Buckels	North Ward
Cr Emma Cole	North Ward
Cr Laine McDonald	South Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward

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 11 February 2014.

Signed: .....Presiding Member John Carey.

Dated this ..... day of ..... 2014.

**PROCEDURAL MOTION**

At 10.20pm **Moved** Cr Topelberg, **Seconded** Cr Buckels

That the Council resume an "open meeting".

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

**15. CLOSURE**

**There being no further business, the Presiding Member, Mayor John Carey, declared the meeting closed at 10.20pm with the following persons present:**

Mayor John Carey	Presiding Member
Cr Roslyn Harley ( <i>Deputy Mayor</i> )	North Ward
Cr Matt Buckels	North Ward
Cr Emma Cole	North Ward
Cr Laine McDonald	South Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward

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 11 February 2014.

Signed: .....Presiding Member John Carey.

Dated this ..... day of ..... 2014.