



**CITY OF VINCENT**

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*"Enhancing and celebrating our diverse community"*

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# MINUTES

**22 JULY 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 22 July 2014, commencing at 6.00pm.

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

The Presiding Member, Mayor John Carey, declared the meeting open at 6.04pm 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:**

Nil.

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

2.1 Cr Wilcox on approved leave of absence from Thursday 1 May 2014 to Thursday 31 July 2014 (inclusive), due to personal commitments.

2.2 Director Community Services, Mr Rob Boardman on approved sick leave.

**(c) Present:**

Mayor John Carey	Presiding Member
Cr Roslyn Harley ( <i>Deputy Mayor</i> )	North Ward
Cr Matt Buckels	North Ward from 6.20pm until 9.15pm
Cr Emma Cole	North Ward
Cr Laine McDonald	South Ward
Cr James Peart	South Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Mike Rootsey	Acting Chief Executive Officer
Rick Lotznicker	Director Technical Services
Jacinta Anthony	Acting Director Community Services
Bee Choo Tan	Acting Director Corporate Services
Gabriela Poezyn	Director Planning Services
Jerilee Highfield	Executive Assistant (Minutes Secretary until approximately 9.15 pm)
Julie Lennox-Bradley	Acting Executive Assistant (Minutes Secretary until approximately 9.15 pm)
<u>Employee of the Month Recipient</u>	
Megan Pallister and Cyril Boutsis	Ranger and Community Services (until approximately 7.15 pm)
<u>Media</u>	
David Bell	Journalist – "The Perth Voice" (until approximately 9.30 pm)

Approximately 17 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. Geraldine Box of 129 Alma Road. – Item 9.2.1 stated the following:
  - Mayor, Councillors and fellow residents, thank you for the opportunity to speak in relation to the Vincent Bike Network Plan on this Agenda. My comments concern the overall plan and as it relates to Vincent, Bulwer Streets and Oxford Street. Firstly I would like to congratulate the Council on undertaking the development of this plan and the other work it's doing in transforming our streets into efficient and welcoming spaces that better accommodate all users, to do this requires Council to transform unwelcoming traffic dominated corridors into safer more attractive public spaces accommodating all. Many Local Governments both in Australia and around the World are currently involved in this transformation of our streets so that multiple users can access what are in reality public spaces, this requires a refocussing of road use away from singular use by vehicles to multiple use by pedestrians, cyclists, public transport and private motor vehicles.
  - Why are so many Councils doing this, numerous studies around the world have shown there are many benefits for increasing both pedestrian and cycling activity within a city, whilst improvements in health, environment, noise pollution and liveability are commonly recognised there is also an identifiable improvement in the commercial viability of the neighbourhoods where these transformations have occurred and where they have resulted in a decrease in vehicular activity and an increase in pedestrian and cyclist movements.
  - A report in 2012 by the New York City Department of Transportation showed that they have been successful in transforming the City streets and large arterial traffic dominated unwelcoming corridors into complete streets with dedicated lands for cyclist landscape pedestrian islands and more efficient road side regulations, they undertook pre during and post measurements across a range including safety health environmental quality liveability and economic vitality it's the last one I wish to focus upon as it is often this area which is cited as losing out when individual vehicles access only becomes only one means of transport in an area.
  - Businesses actually reported an increase in their performance in their transformations and after when they occurred, forty nine (49) percent increase in retail sales compared to three (3) percent burrow wide in areas that were not involved in the transformation, the value of real estate grew more highly in the transformed areas when compared with other areas of New York which had not undergone this transformation.
  - As similar positive rise in economic outcome was seen in Melbourne, local government of Carlton following improvements to bike paths and bike parking. The economic benefit there was measured in square metreage and spending outcome.
2. Marty Hughes of 6 Barnett Street North Perth – Item 9.2.1 stated the following:
  - So I would like to commend the Council on the foresight of the plan and their excellent community consultation they have undertaken. Just a couple of quick points from me:
  - I have lived in Vincent for 15 years and have seen congestion traffic congestion get worse over that time I've just come back from London a couple of days ago where I've seen and witnessed firsthand the investment that London Council are putting into bike paths and bike investment at a massive huge cost to them because they have allowed congestion to get so bad so the foresight to be looking at this plan now from a Vincent prospective is really good and it is something that we need to you know I really support the idea that we go ahead with so that we can all move around Vincent safely.

- Secondly I have got two kids aged nine (9) and seven (7) and I really want to enable them over the next few years as they get older and hit teenage to be able to move around to the Town of Vincent to move from Leederville to Mt Hawthorn, to Mt Hawthorn to Perth and all the places in between without having to rely on Mum's taxi to take them there so I really think that this bike path will help increase the independence of my children and it will allow them to do that in a safe way. I am a keen cyclist myself on Sunday I got hit by a car thankfully I am standing here and quite ok but I was riding on the road and I truly believe had I been on a bike path then this accident would not have happened on Sunday.
  - And lastly, last point so I understand that some parking bays will be lost as part of this plan but I think that inner city towns like ours belong to people not cars and I think the loss of some cars for the increase in well being and the environment and just the freedom of our residents to move around the town of Vincent really massively out ways any loss of car bays so thanks for the opportunity and great job so far.
3. Jeremy Murray of 3 Prescott Court Parkwood – Item 9.2.1 stated the following:
- Mayor and Councillors thank you for the opportunity to address the Council and provide input to Agenda Item number 9.2.1, the Vincent Bike Plan. I am the Chief Executive Office of Bicycling Western Australia. Bicycling Western Australia is over four thousand members and network of more than eleven thousand people who are engaged and interested in the activity of bike riding. We represent the interests of all bike riders and work to improve riding conditions throughout Western Australia. Firstly I would like to commend the Council on the adoption of the Vincent Bike Plan 2013. A bike plan is a vital first step in understanding the needs of bike rider and enabling the community to see how bike riding is an important part of the overall transport mix. We know from our work and research around the world that the introduction of on road bike lanes and shared bike facilities will have a dramatic impact on the level of cycling participation in the City and also on the liveability of the City. Bicycling Western Australia fully support the installation of the on road and shared bike infrastructure that is proposed for Vincent and Oxford Streets and we know it will go a long way towards making bike riding safer and more accessible for the whole community. Vincent as an inner city Council is in a unique position in that attracts both commuter traffic travelling to and from the Perth CBD and also local destinational riders.
  - The introduction of the proposed facilities will make it easier and safer for local residents to ride to local destinations such as cafes, shopping centres and schools. This can have a dramatic impact vehicle numbers throughout the City and indeed and parking at popular destinations. Commuters will usually take the most direct route and this is offered by Vincent and Oxfords Streets as they link to the principle shared path network that connect to the Perth CBD.
  - The proposed infrastructure coupled with the reduction in speed limits on Oxford Street will provide both a convenient and safer riding environment for residents and commuters. One suggestions would be that monitoring and counting of the bike movements is vital so that we can accurately measure the impact of any of the proposed projects that are implemented. The benefits of the proposal are many and have been outlined in the Vincent Bike Plan this is also an opportunity for the City of Vincent to take a leadership position among the local government authorities particularly inner city local government authorities in relation to bike riding Cycling infrastructure and the promotion of riding.
  - I urge the Council to approve the implementations of stage one and two of the Vincent Bike Plan as presented in the Agenda of tonight's meeting. Thank you.

4. Michael Bennett of 40 Richmond Street, North Perth – Item 9.2.1 stated the following:
  - I would like to add my support to the points made by previous speakers about the Bike Network Plan. I guess one huge advantage to this plan is that it may be something about congestion which is really becoming a problem I noticed coming back a year ago to North Perth after four years interstate that congestion really has got worse over that time and I think measures do need to be taken now to address that problem so if this plan goes anywhere near addressing the important issue of congestion it's got my support.
  - The other point I would make is that as the Federal Government steps away from the effective action on climate change other levels of Government need to step up, this won't make a huge contribution to addressing climate change but it's one measure amongst others will make a permanent difference to the level of greenhouse gas emissions from cars on the road, so I think that is another important reason to support the initiative.
5. Gary Shier of 7 Seabrook Street, Mt Hawthorn – Item 9.2.1 stated the following:
  - I was here a fortnight ago and spoke to the Council about the Bike Plan generally tonight I just want to focus on Oxford Street, one million dollars – one kilometre of road and I am not going to see a reduction in congestion there is going to be more cars coming into this area. We have a road that leads to the two freeway entrances North and South of Oxford Street so I think they are going to go down there. More people will live here more cars will be here. I guess the point I really wanted to make tonight is that I've been riding around my neighbourhood for twenty six (26) years, once was City of Perth now City of Vincent I don't need a bike lane on Oxford Street to do that I wouldn't take a seven or nine year old onto Oxford Street with a bike line because there is no magic wall to stop the cars from knocking the rider down.
  - On foresight I have been riding over twenty five (25) years as I told people, I rode at Swan Valley and Bicycling WA Cyclist last month, but you can't escape the fact that one hundred and forty three (143) signature petition was signed asking that no car bays be lost in the implementation of the bike lane, they also wanted the medium strip removed so they could have the bike lanes but a previous Council some years ago had that choice they opted for the medium strip not the bike lane. Nevertheless there is a one hundred and forty three (143) people who don't support Oxford Street bike lanes as it is currently proposed.
  - Another seventy five (75) signature petition was tabled again people opposing the bike lane because of various reasons they suggest that there is already an alternate routes which there are and they are on the bicycle network and also on Department of Transport bike maps. So there are over two hundred (200) people who have expressed opposition to this plan now it is very difficult from the Agenda to get how many people actually support it we know that there were eighty six (86) responses on Oxford Street specifically, what I can read was thirty six (36) supported A, thirty six (36) supported B, total seventy two (72).
  - Over two hundred (200) opposed, seventy two (72) supported for my recording it is nearly three to one opposing this plan just on Oxford Street I am talking about not the whole plan just you want to do to Oxford Street, so I feel that if you are listening to your community you need to actually respect what they are saying to you and this plan can't go ahead as proposed. Maybe you might want to have a re-think about how this might work but the community is telling you if you do go ahead with it then you are not serving the people you actually dictating to them you are telling them this is what you should have, this is what you need and they are saying but thats not what we want. Last Thursday I was at a restaurant in Mt Hawthorn with seven (7), eight (8) other people only one person had heard of the bike plan despite all the promotional activity and he was a cyclist cause I told him, the other six (6) don't ride a bike they may have seen a brochure they may have seen something in the paper but they are not cyclist they didn't read it they are not

interested, and as I said at the last meeting the low response rate to me suggest there is not cyclists in Vincent, they are not interested in your Bike Plans, but I am only interested at this stage in Oxford Street, thanks.

5. Debbie Saunders of 320 Oxford Street, Mt Hawthorn – stated the following:
- I am amazed by the report about the bike plan and would like to ask who wrote the table of submissions, because it is illegible? You cannot understand what people have written in their submission and it is a totally stupid way to set out something you are meant to be comparing.

*The Presiding Member Mayor Carey advised Ms Saunders that he wished to remind her to not make any remarks.*

- It is my opinion that it is stupid.

*The Presiding Member stated that is fine but you are inferring about staff being stupid.*

- Ms Saunders stated that I am saying it is stupid.

Mr Stuart Lofthouse made a comment, however it was not clearly picked up in the recording.

*The Presiding member asked Mr Stuart Lofthouse that he could show some respect.*

*Mr Stuart Lofthouse stated to show respect to you? For you? For all of you, who have been saying will I put in a petitions its...*

*The Presiding Member asked Mr Lofthouse to show basic courtesy and respect.*

*Mr Stuart Lofthouse stated "I am showing you respect".*

*The Presiding Member asked Mr Lofthouse to please show some respect and I am asking you, you will have an opportunity to speak and we will listen and I am asking that every person here has an opportunity to speak. And not a running commentary from yourself.*

*Mr Brad Wright of the public commented that the Mayor to continue on and he has had enough of his crap.*

*The Presiding Member stated, "I am sorry but is this how we want to conduct ourselves.*

- Ms Saunders stated that this is what we get in return.

*Mr Brad Wright of the public stated just get on with it.*

*The Presiding Member stated that he was calling Mr Wright to order.*

*Mr Brad Wright stated "it doesn't make a hell of a lot of difference to me"*

*The Presiding Member stated that he would like to call Ms Saunders to order.*

- Ms Saunders stated, "why is there an email received on the 16 of July sent on behalf of the Director Technical Services stating that the Oxford Street section is going to Council next month, wasn't the agenda written at this stage"?

*The Presiding Member stated that he would take this on notice.*

- Ms Saunders stated that she did not want it taken on notice, cause you know if it was or wasn't.

*Mr Stuart Lofthouse stated we get the answer three weeks after you have voted, its all part of your plan.*

*The Presiding Member stated that he was calling Mr Lofthouse to order and he asked them to please refrain and everyone will have opportunity to speak.*

*Mr Stuart Lofthouse stated it's not about that.*

*The Presiding Member stated I disagree with Gary but I listened respectfully and that is the way we should conduct debate. This is a civil society.*

*Mr Lofthouse stated to the Presiding Member that not everyone gets the same, you look down. If you want to continue the conversation.*

*The Presiding Member asked Ms Saunders to please proceed*

- Ms Saunders stated, and when the report was done wasn't the agenda already done for this meeting. It appears to be a deliberate attempt to deceive the public and if that isn't the case and you're going to use the old excuse of the administration error, then why is there so many incompetent people working at this Council?"

*The Presiding Member asked Ms Saunders to sit down.*

*Ms Saunders yelled at the Presiding Member that she is not going to sit down. It is a legitimate question.*

*The Presiding Member stated as the Chair I am asking you to sit down.*

*Mr Lofthouse stated that you are a bit precious sunshine.*

*Ms Saunders stated that she is not finished.*

*The Presiding Member asked Ms Saunders to sit down.*

*Ms Saunders stated that she is not finished.*

*The Presiding Member stated that he will now put the meeting into Recess for fifteen minutes, with your unacceptable conduct.*

*Ms Saunders yelled at the Presiding Member that it is not unacceptable.*

*The Presiding Member asked Ms Saunders and Mr Lofthouse to leave the Chamber.*

*Ms Saunders yelled at the Presiding Member No.*

*The Presiding Member stated that you have denigrated people in the Council.*

*Ms Saunders stated that No she had not, and that she had not done anything wrong.*

*The Presiding Member at 6.17pm, called the Meeting to be in recess for fifteen minutes.*

*The Council Members and the Presiding Member departed the Chamber at 6.17pm.*

*Further comments were made by Mr Lofthouse, Mr Wright and Ms Saunders as members were leaving the chamber. Further comments were made between the members of the public present. The Acting Director Community Services then approached Ms Saunders to reiterate that as the Presiding Member had asked Ms Saunders and Mr Lofthouse to leave that they are required to comply. Again Ms Saunders refused to leave at this time two City of Vincent rangers present reiterated the requirement to leave and support the Acting Director Community Services, who again advised that they are now illegally in the chamber. Mr Lofthouse stands and then sits again stating "then you will have to remove me". One of the City's rangers then approaches Mr Lofthouse to discuss the matter directly. Mr Lofthouse asks the officer to identify himself, which the officer does. The Acting Chief Executive officer advises that the Police will need to be called if they do not leave. Ms Saunders states "then call the police". The second ranger then approaches Mr Lofthouse and shortly thereafter the disagreement occurred.*

*During the recess an argument and a confrontation occurred between City Staff and Ms Saunders and Mr Lofthouse. The Presiding Member requested the Police be called to come and escort them out of the Chamber.*

*The Presiding Member and Councillors returned to the Chamber at 6.37pm.*

*The Presiding Member called for a further fifteen minute recess.*

**Moved Cr Buckels, Seconded Cr Harley**

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

**(Cr Wilcox was on approved leave of absence.)**

*The Presiding Member reopened the meeting at 7.00pm*

7. R Morup of Sasse Avenue, Mt Hawthorn – (Petition) stated the following:
- Mr Mayor, Councillors thank you for the opportunity to speak and residents thank you also. I am here to speak on the petition which I put together with the help of my neighbours.
  - A couple of weeks ago Council considered a proposal on Linton Street for multiple dwellings and that kind of sparked the community to put together this petition recognising that as we were advised by Council they didn't really have much legal option but to approve it, the only reason they couldn't approve it was because of the non compliant front setback. I guess the issues we are trying to communicate to the Council is that our concerns extend beyond design and as Councillors and living in this area I am sure you would appreciate that the streetscapes the low level of traffic and the open street that allow for people to ride their bikes safely with good visibility for kids to play out on the pavement, that is a big part of living in the Mt Hawthorn area.
  - So really what we are trying to convey or what we are asking is for the Council to be able to have greater regard for that in their planning positions. Over the weekend my neighbours Barry, Angela and myself, we walked the neighborhood and we collected signatures from 83 homes and out of 89 so 83 support only 6 declined to sign the petition, which is pretty strong showing. Now what we are asking is that the Council initiate the amendment which I really appreciate the Council's taking great efforts to quickly bring this to your attention today.
  - What we are asking is if you would support that in the modified form as is proposed that fine by us. I guess really we just want you guys to have the opportunity to say yes or no and to be able to say no on the basis of local community street scape and community expectations. One thing I will mention though that I have noticed by looking at the town planning scheme number 2 it contains it still identified multiple dwellings as a permitted use in residential it's a PU, so we have had this issue for quite some time and it does appear we have been spared multiple dwellings in the Mt Hawthorn area by how the R Codes are written now the R Codes have been changed to allow multiple dwellings the Council actually doesn't really have any control so I guess what we are really trying to say address the multiple dwelling issue, we would really appreciate that but also have a look at your scheme and say well hang on a second are we as a local government affectively protecting the values that the community holds so dear, if your scheme doesn't have those legal provisions.
- 8 Dudley Maier of 51 Chatsworth Road Highgate – stated the following:
- I would like to support everything that Geraldine said.
  - I came to the meeting two weeks and asked a number of questions I am a bit concerned with some of the answers. The first two questions related to developments on Beaufort Street the planet site and another site 607, in both cases the staff have said that there wasn't much of the parking short fall in one case they actually said there was a prior shortfall was much bigger. Both cases they went from shop and office to an eating house now a shop requires 1 bay for 20 square metres an office requires 1 bay for 50 square metres and an eating house requires 1 bay for 5 patrons which is about 5 square metres so the parking demand has gone up massively yet the staff claim that the parking calculations don't show that so I had some more questions that I would just like to ask some simple questions.
  - Second one is about question 4, which is about the alternate use of on road parking bays and the staff mentioned it was on the web site well I never saw that but they also said it was advertised in the Guardian of April 1<sup>st</sup>, so I dug up my April 1<sup>st</sup> Guardian well it's not on page 7, which is a nice colourful add, it's not on page 9, its not on page 16 it's here on page 31 at the very back so and it's the only time it was advertised. I know that other people wanted to

comment I am not sure that I would have commented but I think it's the most meaningless tick the box consultation I have ever seen.

- Question 8 dealt with confidential attachments for Strategic Plan and basically the response is that they were confidential because they may include proposed changes/deletions to projects listed prior to reporting matters formally to Council if that's the case then why should they be kept confidential in the future.
- The other one is I notice on the Agenda its 9.5.1 Council Member allowances and I notice there are some amendments. I think Council really needs to look at the information and communication allowance of \$3,500. I think that's excessive and in some ways could be a tort. Thank you.

9. Helen Jimbie of 2/10 Murial Place stated the following:

- Here to express my support tonight on Agenda Item 9.2.1 particularly phase two the section on Oxford Street. My husband and I cycle down that section of Oxford Street sometimes up to three to four times per day and regularly in the morning peak and the afternoon peak. We are sometimes experiencing delays of up to five (5) minutes in terms of getting out of our cul-de-sac and actually onto Oxford Street itself. We really welcome a provision of a bike lane along Oxford Street to facilitate us doing our day to day shopping and getting about the City in the manner at which we prefer. Whilst I appreciate and support democracy in our community and the gathering of petitions and signatures
- I do think that it's worth bearing in mind that only six (6) of those signatories are actually affected by what is happening along Oxford Street where as a number of residents particularly in my cul-de-sac in Murial Place are fully supportive and are regular cyclists and will be users of that path. Also very eloquently put by another resident is the economic benefit to business's in the removal in the provision of parking, pedestrians and cyclists are known to make more regular trips. Like I said myself and my husband case in point, will be using Leederville business's 3 or 4 times a day because it's easy for us to access so by bike and by foot. So I appreciate the Council's vision and foresight in putting this plan forward and I hope phase two Oxford Street goes ahead implemented as planned.

10. Fiona of 5/476 Fitzgerald Street stated the following:

- I really just wanted to reiterate what other people have said about the value I see in a bike lane and the Bike Plan altogether I agree it shows incredible foresight especially for local governments in WA. I think you are leading the way really. I am a resident that walks, cycles, runs, drives everything really hop skip jump etcetera and the friendlier that we make our streets the more people use them I think it's been proven. I don't think I've read it's been proven that the business benefits are excellent for those kind of active travel social spaces places for people.
- We have all heard the rhetoric we think we just now need to make it happen I am a big proponent of safe cycling and safe driving it's not nice being driving when you are not really sure what is happening on the road either and I think that clear bike lanes and signage and community programs and the Bike Plan such as this make that very clear.

There being no further speakers, Public Question Time closed at approx. 7.10.pm.

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

[3.1](#) Letter sent to Ms D Saunders relating to her various questions taken on notice at the Special Meeting of Council held on 1 July 2014.

[3.2](#) Letter sent to Mr D Maier relating to his various questions taken on notice at the Ordinary Meeting of Council held on 8 July 2014.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

- 4.1 Cr Cole requested leave of absence from Wednesday 10 September 2014 to Friday 10 October 2014 (inclusive), due to personal commitments.
- 4.2 Cr Peart requested leave of absence for Tuesday 23 September 2014, due to personal commitments.

**Moved Cr Pintabona, Seconded Cr Peart**

**That Cr Cole and Peart's request for leave of absence be approved.**

**CARRIED UNANIMOUSLY (8-0)**

**(Cr Wilcox was on approved leave of absence.)**

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

- 5.1 Petition received from Mr R Morup of Sasse Avenue, Mount Hawthorn, along with ninety two (92) signatures on behalf of Mount Hawthorn residents, requesting that the City of Vincent and WA State Government initiate an amendment to the City of Vincent's Town Planning Scheme, that will provide Council with the legal ability to refuse "Multiple Dwelling" planning applications in the "Residential" zone that are opposed by local residents.

The Acting Chief Executive Officer recommended that this petition be received and referred to the Director Planning Services for investigation and report.

**Moved Cr Harley, Seconded Cr McDonald**

**That the petition be received as recommended.**

**CARRIED UNANIMOUSLY (8-0)**

**(Cr Wilcox was on approved leave of absence.)**

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

- 6.1 Minutes of the Special Meeting of Council held on 1 July 2014

**Moved Cr Buckels, Seconded Cr Peart**

**That the Minutes of the Special Meeting of Council held on 1 July 2014 be confirmed as a true and correct record.**

**CARRIED UNANIMOUSLY (8-0)**

**(Cr Wilcox was on approved leave of absence.)**

- 6.2 Minutes of the Ordinary Meeting of Council held on 8 July 2014

**Moved Cr Topelberg, Seconded Cr McDonald**

**That the Minutes of the Ordinary Meeting of Council held on 8 July 2014 be confirmed as a true and correct record.**

**CARRIED UNANIMOUSLY (8-0)**

**(Cr Wilcox was on approved leave of absence.)**

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

The Presiding Member Mayor John Carey read the following;

**7.1 Employee Of The Month Award For The City Of Vincent For June 2014**

As members of the public will know, the Council recognises its employees by giving a monthly award for outstanding service to the Ratepayers and Residents of the City. The recipients receive a \$120 voucher, kindly donated by the Bendigo North Perth Community Bank, and a Certificate.

The Employee of the Month Award for June 2014 is awarded jointly to Cyril Boutsis and Megan Pallister, Rangers in the City's Ranger and Community Safety Services Section.

Cyril and Megan were nominated jointly for this Award by the Co-ordinator Ranger Services, Peter Cicanese, for the following reasons:

Cyril Boutsis:

Cyril is nominated for the excellent customer service that he provides to the residents and general public within the City of Vincent.

Cyril came to the Ranger & Community Safety Services Section from the City's Engineering Section, with high regard and has been a hard working enthusiastic staff member who shows great respect to both his work colleagues and all members of the general public.

Recently an email of appreciation was received from a member of the public as follows:

*"I went to Hyde Park yesterday [and] noticed a large tree branch that looked like it may drop. I called your ranger; within 10 minutes, I received a call back, 5 minutes later, I met with him to point out the tree in questions, he cordoned the area off; spoke very nicely with me; it was a pleasure dealing with him.*

*I don't know his name but he was on duty on Sunday....great result...."*

Megan Pallister:

Megan is a very valuable member of the Ranger & Community Safety Services Section and always delivers a high level of customer service to the residents and ratepayers of the City. She is polite and helpful and always goes about her duties with minimal fuss or complaint.

An email of appreciation was also received recently about Megan, from a member of the public as follows:

*"I just wanted to drop you a short email to compliment the work of your ranger Megan.*

*When I called in relation to a stray dog on my street Megan came to our property really promptly and was lovely. I asked her to let me know if the dog was picked up because I didn't want it to be at any risk of being put down if the owners could not be found.*

*Not only did she reassure me that the dog would be taken to Shenton Park if the owners could not be found but she also promised to drop me a text message when it was picked up. The owner was looking for his dog later in the morning and we sent him to the pound to collect the dog. Within half an hour I got a text from Megan letting me know that the dog had been collected.*

*I really appreciated that - it was not necessarily part of her job but was really kind. I wanted you to know that your employee is doing a great job and deserved to be recognised for that".*

Both Cyril and Megan are worthy recipients of this Award.

Congratulations - and well done!!

**Received with Acclamation!**

**7.2 Launch of the Mary Street Piazza**

We are launching the trial this Friday at 6.00pm, this is a fantastic way to engage the local community because rather than just imposing it on the community what we are actually doing is a two and a half week trial closure. There will be activities, busking, family fun, yoga, mediation and book swaps. It will be open from the 25 July – 8 August and that's to test how it goes in relation to movement of traffic and how it works as a public space so rather than just go ahead with a design it will be an awesome opportunity to listen to the community'. There will be a blackboard there to write ideas and comments and from that if the community supports it then we will go forward with a design that I am confident that has community support.

**7.3 Adopt a Verge Program**

I am pleased to say our Adopt a Verge Program which was a personal initiative of mine was adopted by Council is now being recognised by the Councils as a leader, we had thirty five (35) verges completed in the first phase, twenty eight (28) in the second phase with ten (10) to go another twenty eight applications are on the board and will have a fourth round on April 2015. I look at the number of Councils Armadale, Fremantle, Irwin, Victoria Park, Belmont and other Councils enquiring about our scheme and noting how flexible it is and how it can accommodate as part of our greening program an easy way for residents to get involved.

**7.4 Meetings the Mayor has undertaken in the Months of June and July**

I am tabling tonight as part of my ongoing accountability to the community all the meetings that I have undertaken in the months of June and July. That will be now part of minutes. I also wish to mention tonight that I dealt with four hundred and six (406) individual resident enquiries since being Mayor in October, that have been a range of issues. What that means is for everyone of them I've personally dealt with that issue so it's not just a delegate to the staff it's where I have spoken to them, replied to them, written letters to them and dealt with them and it shows you as a full time Mayor what demand our community expects of having a Mayor.

**MAYOR CALENDAR OF EVENTS – JUNE/JULY 2014**

<b>DATE:</b>	<b>COMMUNITY EVENT / MEETING</b>
Tues 3 June	Special Council Meeting
Wed 4 June	TPS2 Consultation - Claisebrook Info Session 2
Thurs 5 June	Council Forum
Sat 7 June	Revelation Film Festival 2014 Program Launch
Sat 7 June	Mt Hawthorn Hub Engagement Plan Stall (Menziess Park)
Mon 9 June	Special Electors Meeting
Tues 10 June	Council Meeting
Wed 11 June	Councils for Democracy Meeting Metropolitan Mayors' Meeting – WALGA Offices TPS2 Consultation – Mt Hawthorn
Thurs 12 June	nib Stadium Advisory Committee Meeting Sustainability Advisory Group Meeting
Fri 13 June	City of Perth Vision Breakfast
Sat 14 June	TPS2 Consultation – Leederville Open Day Mt Hawthorn Hub Interactive Community Meeting
Mon 16 June	TPS2 Consultation – North Perth Info Session 2
Tues 17 June	Council Forum
Wed 18 June	TPS2 Consultation - Mount Lawley/Highgate Info Session 2
Thurs 19 June	Leederville Connect – Interactive Community Engagement Session
Fri 20 June	Councils for Democracy Meeting – City of Subiaco
Sun 22 June	125 <sup>th</sup> Anniversary Service – St Alban's Anglican Church
Mon 23 June	Presentation to Local Government Advisory Board – Town of Cambridge Arts Advisory Committee Meeting
Tues 24 June	Council Meeting
Wed 25 June	Public Transport Forum – Access to Churchlands S.H.S.
Tues 1 July	Special Council Meeting – Adoption of Annual Budget
Thurs 3 July	Revelation Film Festival – Opening Address
Thurs 10 July	Leederville Gardens Board Meeting
Fri 11 July	Councils for Democracy Meeting – City of Subiaco
Tues 15 July	North Perth Community Gardens Meeting
Tues 15 July	Council Forum
Thurs 17 July	Children and Young People Advisory Group Meeting
Tues 22 July	Council Meeting

**7.5 Debate in the Chamber**

I believe in a civil society of different views and ideas and it should be about a debate and a contest of ideas and that's what we really want to see, what we don't want to see is personal denigration of anyone. It's pivotal that as a Council that we protect our staff and that we sure a safe work environment that we sure a safe environment for our residents, for our staff and for all involved'. I understand that there will be those in the community that disagree with the decisions that I make and that this Council make and I respect that. I use the example recently, where a gentleman who had been a strong supporter of our Vincent to Perth campaign email me letting me know that I am writing a significant piece in the editorial of the Voice and I am going to be talking against your heritage listing. I am giving you the heads up I really disagree with you and the Council on this John, but what I admired about that and what I respected about that there was clearly a difference of ideas but there was no personal denigration, there was no conflict it was a about a debate about ideas, and if we really want a great civil society which encourages that debate then there must be mutual respect shown for all sides regardless of the views that are expressed, because if not then we end up in a chaos, where no one actually wants to participate in civil society, that people will not put their hand forward to run for local government, Mums, Dads

because they feel that it is such a toxic space that they don't want be involved in it. I look at the way that we have conducted ourselves as a Council. The way that we have dealt with people who have shown differences of view and I believe that we have done it properly and believe with respect but all we ask as a Council is this – that we have a respectful debate, that we treat with courtesy, that we do not personally denigrate people whether its emails, social media or so forth.

We would not tolerate that in our school grounds we would not that for our children we would not tolerate that in our workplaces and we should not tolerate it in a Council environment.

I am proud of the achievement we are doing as the City of Vincent tonight is very sad it makes me deeply sad but I think unfortunately it was unavoidable, but as Mayor I will continue to ensure that we have a safe working environment for our staff that we ensure respectful debate and that we will still allow a difference of opinion within the Council's among us, within our staff and within the wider community and I will continue to do that as Mayor.

7.6 **Personal thank you to Staff**

I would just like to say a personal thank you to staff and to all the Councillors for your note as you know I was on personal bereavement leave because I lost my sister to cancer. It has been a tough time because I have also lost a Mum and Dad in a seven year period but I actually genuinely want to thank the Council and the staff. I have been completely touched by your support and again it reflects to me the great nature of our Vincent community.

8. **DECLARATIONS OF INTERESTS**

Nil

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 Acting 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:**

Item 9.2.1

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

Items 9.4.1, 9.4.3, 9.5.1, 9.5.2 and 9.5.3

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

Nil

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	Nil
Cr Buckels	9.1.4, 9.1.7, 9.4.1
Cr Cole	Nil
Cr Harley (Deputy Mayor)	Nil
Cr McDonald	Nil
Cr Peart	Nil
Cr Pintabona	Nil
Cr Topelberg	9.1.5, 9.2.3
Cr Wilcox	On approved leave of absence

The Presiding Member, Mayor John Carey, requested that the Acting 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, 9.1.3, 9.1.6, 9.2.2, 9.3.1, 9.3.2, 9.4.2, 9.4.4, 9.5.4.

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

Item 14.1.

**New Order of Business:**

The Acting 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, 9.1.3, 9.1.6, 9.2.2, 9.3.1, 9.3.2, 9.4.2, 9.4.4, 9.5.4

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

Item 9.2.1

- (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 Topelberg, Seconded Cr Buckels**

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

**Items 9.1.1, 9.1.2, 9.1.3, 9.1.6, 9.2.2, 9.3.1, 9.3.2, 9.4.2, 9.4.4, 9.5.4.**

**CARRIED UNANIMOUSLY (8-0)**

**(Cr Wilcox was on approved leave of absence.)**

**9.1.1 No. 310 Pier Street, Perth – Perth Rectangular Stadium (nib Stadium) Draft Management Plan**

<b>Ward:</b>	South Ward	<b>Date:</b>	11 July 2014
<b>Precinct:</b>	Beaufort Precinct: P13	<b>File Ref:</b>	SC1478
<b>Attachments:</b>	<a href="#">001</a> - Perth Rectangular Stadium Draft Management Plan		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J OKeefe, Acting Manager Strategic Planning, Sustainability and Heritage Services		
<b>Responsible Officer:</b>	G Poezyn, Director Planning Services		

**OFFICER RECOMMENDATION:**

That the Council:

- AUTHORISES** the Acting Chief Executive Officer to **ADVERTISE** the Draft Perth Rectangular Stadium Management Plan to all properties within a hundred (100) metres of the stadium for a period of two (2) weeks;
- REQUESTS** the Acting Chief Executive Officer to write to the Department of Sports and Recreation advising the Council **SUPPORTS** the Perth Rectangular Stadium Draft Management Plan, should no objections be received during the advertising period;
- REQUESTS** a further report is provided to the Council following the close of advertising, should any submissions be received with a summary of those submissions.

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**COUNCIL DECISION ITEM 9.1.1**

**Moved Cr Topelberg, Seconded Cr Buckels**

That the recommendation be adopted.

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

**(Cr Wilcox was on approved leave of absence.)**

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**PURPOSE OF REPORT:**

The purpose of this report is for the Council to review the Perth Rectangular Stadium Draft Management Plan and provide comments to the Department of Sport and Recreation (DSR).

**BACKGROUND:**

The subject land has a long history of use as a sporting oval accommodating football, cricket, soccer and more recently, rugby sporting codes. Recreational use of the land commenced at the turn of the 20th century and from 1910 to 2002 the oval was home to the East Perth Football Club. In 1996 it became the home of Perth Glory Soccer Club and in 2010 also became the home for Western Force Rugby Union team.

In 2010 the State Government adopted a Master Plan for the oval which proposes to transform the facility to a 25,000 seat rectangular stadium, supporting soccer and rugby sporting codes. It is anticipated that the stadium will also continue to cater for intermittent cultural and entertainment events.

On 28 November 2011 the DSR submitted a planning application for Stage 1 of the redevelopment works for nib Stadium. This application involved the following works:

- The construction of a new east and south stand, and new seating in the lower bowl of the north stand, which would increase the seating capacity to 20,441;
- The upgrading of the sports lighting to meet Australian standards and high definition broadcast requirements;
- The replacement of the playing surface with a new pitch with subsurface drainage;
- The replacement and extension of ticketing booths;
- Conservation works to the north-west entry gates; and
- Other upgrades and maintenance works throughout the stadium.

The application was advertised for a period of 14 days and approximately 4000 letters were sent out. The City received 22 submissions supporting the application and 5 objections.

Given the cost of this development being approximately \$95 million, this application was referred to and subsequently approved by the Development Assessment Panel on 24 January 2012. The Building Permit was issued shortly after and the works were completed in mid 2013.

#### **DETAILS:**

This report relates to a Management Plan that the DSR have drafted in relation to completing the works to finalise development of a 25,000 seat rectangular stadium. The Management Plan identifies the overall vision for the Rectangular Stadium, urban design options, transport and cultural heritage studies and other matters relating to the operation and servicing of the venue. The Management Plan is consistent with the endorsed Master Plan for the former Perth Oval site.

The assessment of this Draft Management Plan has been done bearing in mind the number of roles played by the City. The land on which the stadium sits is vested in the City of Vincent, which means there is one role as the 'landowner' or 'Lessor' and there is that of a determining authority. Given the site is reserved as 'Parks and Recreation' under the Metropolitan Region Scheme, the City is not actually the approving authority for development on this site. The approving authority in this case would normally be the Western Australian Planning Commission.

It is noteworthy that despite the City not being the determining authority for the site, it retains its position as the Lessor and can exert its influence as part of this role. As the Lessor, the City will be engaged through the design/development of the stadium and also includes (as per the Lease arrangement):

- A position for the City of Vincent on the Stadium Advisory Committee; and
- A position for the City of Vincent on the Project Control Group.

The lease arrangement also specifically states in Clause 22 (b) (v) the Lessee must fully inform the Lessor of any proposed redevelopment and receive express permission from the Lessor to undertake any redevelopment.

Division 2 of the Metropolitan Region Scheme refers to reserved land owned or vested in a public authority. Under Clause 16(1a) development on such land reserved for Parks and Recreation can be carried out without the written approval of the WAPC where, inter alia, it is permitted development.

Clause 16(3)(e) identifies permitted development as including:

- (e) *works on land reserved for Parks and Recreation where the works are in accordance with a management plan endorsed by the Commission;*

Once endorsed by the Western Australian Planning Commission, the proposed future development identified by the Management Plan will be identified as 'permitted development' under Clause 16(3)(e) of the Metropolitan Region Scheme and be able to commence at a time of the choosing of the DSR.

The City was originally presented with the Draft Management Plan to provide comments to the DSR for consideration in February 2014. It has now been reviewed by City Officers with a second draft provided on 10 June 2014 incorporating the comments provided by the City.

Given the endorsement of the Management Plan will negate the requirement for the determination of a Development Application in the future, the City presented a number of items to the DSR for discussion, including:

- That building envelopes or overlays of future grandstand developments is included on a site plan and entitled 'Indicative only' with some commentary as to the function and purpose of each addition (as already explained in the draft plan and that received by email on 15 May 2014);
- That community consultation is undertaken with residents and businesses on all streets directly fronting the stadium and those within 100m radius on the proposals for each stage prior to construction commencing;
- That the plan is formally reviewed every 5 years from the date it is endorsed by the WAPC;
- That reference to the draft City's bike plan is made as consideration of alternative transport routes to the venue.

Discussions with DSR were fruitful with all the City's concerns now included in the Management Plan. On this basis, City Officers are in a position to recommend that the Council now advertise the Draft Management Plan to the immediate community and provide its endorsement, should no objections be received during that advertising period.

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

Given the endorsed Management Plan will negate the need for a planning approval from the WAPC and the City, it is recommended to advertise the Management Plan to residents and landowners within 100 meters of the stadium. This is consistent with the City's Community Consultation Policy and Section 5.1 of Schedule 1 of the Management Plan which commits to advertising to residents within 100m of the stadium prior to construction commencing.

#### **LEGALISATION AND POLICY:**

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

- Planning and Development Act 2005; and
- Metropolitan Region Scheme 1963;

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

**Medium:** The risks to the City associated with the Stadium redevelopment without the need for a Development Application are mitigated through the City's role as Lessor.

As adoption of the Management Plan without community consultation would carry a high level of risk it is therefore recommended that the proposal is advertised prior to the Council endorsing the plan.

#### **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.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS & CONCLUSION:**

Once endorsed by the WAPC, the Management Plan will remove the requirement for a Development Application to be lodged and determined by the WAPC and the City as per the relevant provisions of the Metropolitan Region Scheme.

The City supports the staged redevelopment of the site and the Draft Management Plan is consistent with the approved Master Plan and the vision for the long term use of the site.

Despite not being the determining authority, the City remains the Lessor of the site, and as such remains a member of the Stadium Advisory Committee and Project Control Group and under the terms of the lease must provide ultimate approval for development on the site.

In light of the above, it is recommended that the Council adopt the Officer Recommendation to advertise the draft Management Plan provided by the Department of Sport and Recreation for the Perth Rectangular Stadium to the community and endorse the Management Plan should no objections be received. Should objections be received, the Council will be provided a summary of submissions and a further recommendation for a way forward.

**9.1.2 Amendment No. 128 to Planning and Building Policy Manual – Rescission of Policy No. 7.4.7 relating to Single Bedroom Dwellings**

<b>Ward:</b>	Both	<b>Date:</b>	11 July 2014
<b>Precinct:</b>	All	<b>File Ref:</b>	PLA0185
<b>Attachments:</b>	<a href="#">001</a> – Policy No. 7.4.7: Single Bedroom Dwellings		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	T Elliott, Planning Officer		
<b>Responsible Officer:</b>	G Poezyn, Director Planning Services		

**OFFICER RECOMMENDATION:**

That the Council;

- AUTHORISES the Acting Chief Executive Officer to advertise the proposed rescission of the City’s Planning and Building Policy No. 7.4.7 relating to Single Bedroom Dwellings as shown in Appendix 9.1.2, in accordance with Clause 47 of the City’s Town Planning Scheme No. 1; and**
- AUTHORISES the Acting Chief Executive Officer to remove the above Policy in the City’s Planning and Building Policy Manual if no submissions are received from the public, or report to the Council to consider any submissions received.**

**COUNCIL DECISION ITEM 9.1.2**

**Moved Cr Topelberg, Seconded Cr Buckels**

That the recommendation be adopted.

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

**(Cr Wilcox was on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to obtain the Council’s approval to rescind Policy No. 7.4.7 relating to Single Bedroom Dwellings as it contradicts the Residential Design Codes of 2013.

**BACKGROUND:**

State Planning Policy No. 3.1, known as the Residential Design Codes of Western Australia (R Codes) provides a comprehensive framework guiding the design of residential development. The Western Australian Planning Commission (WAPC) reviewed the R Codes in 2013 and made various amendments to the document. To ensure that the City’s Planning and Building Policies align with the amended R Codes the policies and Policy No. 7.4.7 relating to Single Bedroom Dwellings are being reviewed.

**History:**

<b>Date</b>	<b>Comment</b>
22 April 2008	The Council at its Ordinary Meeting resolved to adopt Policy No. 7.4.7 relating to Single Bedroom Dwellings.

### **Previous Reports to Council:**

This matter was previously reported to the Council on the 22 April 2008.

The Minutes of Item 10.1.11 from the Ordinary Meeting of the Council held on 22 April 2008 relating to this report is available on the City's website at the following link:

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

### **DETAILS:**

The 2013 review of the R-Codes by the WAPC has prompted a review of the City's Planning and Building Policy Manual to ensure each Policy is consistent with the R Codes.

The City's Policy No. 7.4.7 relating to Single Bedroom Dwellings contains requirements relating to; Site Area; Floor Area; Car Parking; Store Rooms; Balconies; and Void Spaces. Two of the provisions in the Policy (Site and Floor Area) now contradict the R Codes and are not enforceable by the Council. The provisions relating to Car Parking; Store Rooms; Balconies; and Void Spaces are superseded by requirements of the R Codes.

### **Site Area**

The provisions relating to Site Area contained in Policy No. 7.4.7 offer a density bonus of 50% for applicants providing Single Bedroom Dwellings that:

- Are high quality;
- Do not detract from the area;
- Contain a living room and no more than one other habitable room;
- Are maintained in accordance with the approval; and
- Do not receive a residential parking permit.

The Policy offers a further density bonus up to 60% for developments on properties listed on the Municipal Heritage Inventory if they are sympathetic to the Heritage Place and enter into a legal agreement to retain the Heritage Building.

It is implied that both density bonuses relate only to the construction of '*grouped dwellings*' and ancillary style development rather than single bedroom dwellings in multiple dwelling developments. The R Codes also provide circumstances for variations to the minimum site area for single bedroom dwellings in Clause 5.1.1 C1.4. As above, the City's Policy provides requirements to achieve a density bonus however these elements should not be a means of achieving increased development, rather all development should reach these standards as a minimum.

### **Floor Area**

The City's Policy No. 7.4.7 contains section 3 *Floor Area* which conveys the maximum plot ratio area for a single bedroom dwelling as 60 square metres. This provision is contrary to the R Codes where the maximum plot ratio for single bedroom dwellings (Clause 5.5.3 C3i) is 70 square metres.

The R Codes makes provisions (Clause 7.3.1) where Local Planning Policies can replace or amend deemed-to-comply criteria. Clause 5.5.3 C3i of Policy No. 7.4.7 is not a clause which can be amended. A policy provision contrary to the R Codes provisions is therefore not enforceable.

**Balconies and Storerooms**

At its inception the policy was intended to provide an incentive for developers to produce a diverse range of housing types. Accordingly the current policy specifies provisions relating to Balconies and Storerooms that are of lesser standards than those required under the R Codes.

In regard to balconies (Clause 6, of Policy No. 7.4.7) is not appropriate as it does not produce useable spaces. The requirements relating to the dimension and square metre areas of balconies is contained in the provisions for *Outdoor living areas*, Clauses 5.3.1 and 6.3.1, in the R Codes and is considered a sufficient assessment tool.

In regard to storerooms (Clause 5) is also irrelevant as sufficient requirements are contained within *Utilities and facilities*, Clauses 5.4.5 and 6.4.6 of the R Codes.

Due to the inconsistencies between the City's Policy and the R Codes it is therefore recommended that the Council rescind Policy No. 7.4.7 relating to Single Bedroom Dwellings.

**CONSULTATION/ADVERTISING:**

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period: 28 days

Consultation Type: Advert 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.

**LEGAL/POLICY:**

- State Planning Policy No. 3.1 – Residential Design Codes
- Town Planning Scheme No. 1 and associated Residential Development Policies.

**RISK MANAGEMENT IMPLICATIONS:**

**Medium:** The risk of not adopting the Officer recommendation is the retention of an invalid Local Planning Policy which will complicate the Planning process.

**STRATEGIC IMPLICATIONS:**

In keeping with the City's *Strategic Plan 2011-2016* – Objective 1.1 states:

*“Improve and Maintain the Environment and Infrastructure:*

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

**SUSTAINABILITY IMPLICATIONS:**

<b>ENVIRONMENTAL</b>
The revised version of the R Codes provides more comprehensive planning controls in relation to environmental sustainability. To align with the revised codes would allow the City's Local residential planning Policy's to incorporate design elements for improved outcomes in relation to environmental sustainability.

<b>SOCIAL</b>
Various provisions included in the new R Codes provide the City with more scope to improve social sustainability.

<b>ECONOMIC</b>
New allowances previously restricted by the R Codes allow more scope for applicants to provide a variety of developments with increased development potential.

**FINANCIAL/BUDGET IMPLICATIONS:**

Expenditure for updating the policy will be paid out of the operating budget, *Town Planning Scheme Amendments and Policies*.

**CONCLUSION:**

The City's Policy No. 7.4.7 relating to Single Bedroom Dwellings contains irrelevant and outdated provisions which do not sufficiently cater for this type of development. The Residential Design Codes provides sufficient provisions for Single Bedroom Dwelling Development resulting in appropriate outcomes.

In light of the above, it is recommended that the Council initiate the rescission of Policy No. 7.4.7 relating to Single Bedroom Dwellings.

**9.1.3 No. 7 (Lot: 31 D/P: 2861) Chelmsford Road, Mount Lawley – Proposed Construction of a Three-Storey Grouped Dwelling**

<b>Ward:</b>	South	<b>Date:</b>	11 July 2014
<b>Precinct:</b>	Norfolk; P10	<b>File Ref:</b>	PRO0781; 5.2014.162.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans <a href="#">002</a> – Applicant Submission dated 7 May 2014		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Groom, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	G Poezyn, Director Planning Services		

**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 KTR Creations on behalf of the owner, R Macri, for Proposed Construction of a Three-Storey Grouped Dwelling at No. 7 (Lot: 31 D/P: 2861) Chelmsford Road, Mount Lawley as shown on plans stamp dated 2 April 2014 and amended plans dated 21 May 2014 and amended plans dated 21 May 2014, 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. 591 Beaufort Street, Mount Lawley, in a good and clean condition. The finish of the walls is to be fully rendered or face brickwork.

**ADVICE NOTES:**

1. With regard to condition No. 1, the owners of the subject land shall 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 Chelmsford Road and the Right of Way;
3. Any new street/front wall, fence and gate within the Chelmsford Road and the Right of Way 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; and
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.

**COUNCIL DECISION ITEM 9.1.3**

**Moved Cr Topelberg, Seconded Cr Buckels**

That the recommendation be adopted.

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

**(Cr Wilcox was on approved leave of absence.)**

**PURPOSE OF REPORT:**

Applications relating to three storey single dwellings must be referred to Council for determination.

**DETAILS:**

<b>Landowner:</b>	R Macri
<b>Applicant:</b>	KTR Creations
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R40
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	470 square metres
<b>Right of Way:</b>	Western, 5 metre width, City owned.

The application proposes a three (3) storey grouped dwelling to the rear of an existing single house at No. 7 Chelmsford Road, Mount Lawley.

**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	✓		
Streetscape	✓		
Front Fence	✓		
Street Setback			✓
Lot Boundary Setbacks			✓
Building Height & Storeys			✓
Roof forms			✓
Open Space	✓		
Outdoor living areas	✓		
Bicycles	✓		
Access & Parking	✓		
Privacy	✓		
Solar Access	✓		
Site Works	✓		
Essential Facilities	✓		
Surveillance	✓		

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

Issue/Design Element:	Street Setback
Requirement:	<b>Residential Design Elements Policy SADC 9. Setbacks from Right of Ways</b> Porches, verandahs, porticos and the like – 1.5 metres
Applicants Proposal:	Porch – 1.0 metres
Design Principles:	<b>Residential Design Elements Policy SPC 9. Setbacks from Right of Ways</b> (i) The setback is to be compatible and consistent with the established pattern of setbacks presenting to the right of way.

Issue/Design Element:	Street Setback
Applicant justification summary:	<p><i>"The proposed porch has been designed to soften the projection of the garage which currently complies with the required setback. We believe that the porch setback to the right of way is compliant with the City's Town Planning Policy Performance Criteria due to all other dwellings adjacent to the right of way have structures located directly on the right of way boundary. The owner has made the first move to sub-divide and build a new dwelling facing the right of way which enhances the future road and the streetscape".</i></p>
Officer technical comment:	<p>The proposed development is considered to comply with the design principles as:</p> <p>The proposed setback variations to the ground floor are minor. These variations will not pose significant detriment to the provision of light and ventilation to the adjoining properties.</p> <ul style="list-style-type: none"> <li>• The front elevation has incorporated varying articulation along with different materials and finishes to break up its appearance.</li> <li>• In addition, no other dwellings currently front the right of way with many of the sides of the existing dwellings being parallel to the right of way. This has resulted in minimal lot boundary setbacks existing to the right of way. The design and layout of the development considers the living environment for adjoining landowners in terms of overshadowing and visual intrusiveness.</li> </ul>

Issue/Design Element:	Lot Boundary Setback
Requirement:	<p><b>Residential Design Codes Clause 5.1.3 (C3.1)</b></p> <p><u>First Floor:</u> North – 1.5 metres East – 1.2 metres South – 3.3 metres</p> <p><u>Second Floor:</u> North – 1.7 metres East – 2.8 metres South – 4.7 metres</p> <p><u>Boundary wall:</u> Maximum height – 3.5 metres Average height – 3.0 metres</p>
Applicants Proposal:	<p><u>First Floor:</u> North – 1 metre (proposed variation of 0.5 metres) East – 1.5 metres (proposed <del>variation</del> <u>increase</u> of 0.3 metres) South – 1.5 metres (<del>no variation</del> <del>proposed</del> <del>variation</del> of 4.8 metres)</p> <p><u>Second Floor:</u> North – 1 metre (proposed variation of 0.7 metres) East – 1.5 metres (<del>no variation</del> <del>proposed</del> <u>proposed variation of 1.3 metres</u>) South – 1.5 metres (<del>no variation</del> <del>proposed</del> <u>proposed variation of 3.2 metres</u>)</p> <p><u>Boundary wall</u> Maximum height and average height – 3.65 metres</p>

Issue/Design Element:	Lot Boundary Setback
Design Principles:	<p><b>Residential Design Codes Clause 5.1.3 (P3.1)</b>  P3.1 Buildings set back from lot boundaries so as to:</p> <ul style="list-style-type: none"> <li>• reduce impacts of building bulk on adjoining properties;</li> <li>• provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</li> <li>• minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</li> </ul> <p><b>Note: <i>The above was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.</i></b></p> <p>P3.2 Buildings built up to boundaries (other than the street boundary) where this:</p> <ul style="list-style-type: none"> <li>• makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;</li> <li>• does not compromise the design principle contained in clause 5.1.3 P3.1'</li> <li>• does not have any adverse impact on the amenity of the adjoining property;</li> <li>• ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and</li> <li>• positively contributes to the prevailing development context and streetscape.</li> </ul>
Applicant justification summary:	<p><i>“Due to the proximity of the property being surrounded by commercial buildings and commercial use facilities, the proposal has attempted to use as much space as possible without having any negative impact of the surrounding properties. All north facing windows are considered to be minor as the window sills are 1.65m above the floor level, therefore there will be no overlooking on the neighbouring residential property. Also as it faces the north, the reduced setbacks will not disturb the existing dwellings direct sun and ventilation. Both the East and South Boundaries overlook commercial buildings and their car parks which will not impact any person’s privacy and will enhance the surveillance of these areas. As bedroom 3’s eastern window is under 1m<sup>2</sup> it is also considered a minor opening and therefore the setback for the first floor east setback is compliant. The overshadowing that takes place from the southern wall will only provide shade to the car park and therefore will present to be more beneficial. Building bulk should not affect the neighbouring properties as the proposal will blend in with the existing 3 storey commercial buildings adjacent to the property. Both zero lot walls present make very effective use of space without impacting the north or south properties. The northern boundary walls abuts the existing house and owner to both properties, who insists the walls, will enhance the privacy and surveillance for both dwellings. Both boundary walls do not compromise the design principles as noted above and positively contributes to prevailing development context and streetscape due to the area growing in to a high density zoning”.</i></p>

Issue/Design Element:	Lot Boundary Setback
Officer technical comment:	<p>The proposed development is considered to comply with the design principles as:</p> <ul style="list-style-type: none"> <li>• The proposed setback variations to the east and south abut a commercial property and an associated car park and will not result in any undue impact on the existing commercial uses.</li> <li>• The proposed setback variations will not pose a significant detriment to the provision of light and ventilation to the adjoining property. The upper floors have been setback from the ground floors to break up its appearance, limiting the appearance of building bulk.</li> <li>• Due to the orientation of the lot and its location to the commercial properties fronting Beaufort Street, no overshadowing will impact onto the adjoining residential properties. Furthermore, the setbacks proposed will still afford the adjoining properties significant light and ventilation.</li> <li>• The proposed boundary wall on the south side of the dwelling abuts a car parking area at the rear of a commercial property and is not considered to have an impact to the commercial lot. This area is currently devoted to a disabled parking bay and rear gate entry way into No. 591 Beaufort Street designated parking area. The height of this boundary wall will ensure that a high level of privacy and security is provided.</li> </ul>

Issue/Design Element:	Building Height & Storeys
Requirement:	<p><b>Residential Design Elements Policy BDADC 5. Building Height</b> Top of external wall (roof above) – 6.0 metres Pitched roof – 9.0 metres Two metres and loft</p>
Applicants Proposal:	<p>Top of external wall (roof above) – 9.0 metres Top of pitched roof – 10.0 metres Three storeys</p>
Design Principles:	<p><b>Residential Design Elements Policy BDPC 5. Building Height</b> (i) Building height is to be considered to:</p> <ul style="list-style-type: none"> <li>• Limit the height of dwellings so that no individual dwelling dominates the streetscape;</li> <li>• Limit the extent of overshadowing and visual intrusion on the private space of neighbouring properties; and</li> <li>• Maintain the character and integrity of the existing streetscape.</li> </ul>
Applicant justification summary:	<p><i>“The proposed dwelling sits behind the existing character house and therefore maintains the character and integrity of the existing streetscape from Chelmsford Road. The development will be further from view and will not be intrusive to the streetscape, as well as look like an extension of the 3 storey commercial building adjacent to the property. Where the proposal overshadows, it does over a car parking area and there is no visual intrusion on private spaces of neighbouring properties”.</i></p>

<b>Issue/Design Element:</b>	<b>Building Height &amp; Storeys</b>
Officer technical comment:	<p>The proposed development is considered to comply with the design principles as:</p> <ul style="list-style-type: none"> <li>• The proposed three storey dwelling sits directly behind an existing single residential property. The existing property is currently restricted in view from Chelmsford Road due to the location of an island restricting access from Beaufort Street into Chelmsford Road. This island includes a number of shrubs which substantially dominate and restrict any vision into the property.</li> <li>• The context of the property is characterised by a three storey mixed use development fronting Beaufort Street and single residential development along Chelmsford Road. To the east of the development is a large three storey development, in which these properties are only separated by a narrow access leg.</li> </ul> <p>To the south of the site is commercial parking associated with No. 591 Beaufort Street. To the west is a right of way approximately 5 metres in width.</p> <ul style="list-style-type: none"> <li>• The proposed development retains the existing streetscape appearance through the retention of the existing building. In addition, the design recognises the prominent feature of the three storey development directly adjacent fronting Beaufort Street. In considering both of these aspects the design incorporates a high quality contemporary architecture that maintains a high level of amenity to adjacent residential uses.</li> <li>• The development makes efficient use of vacant land in close proximity to a highly sought after living area. The design provides sufficient usable open space for the property whilst limiting any undue impacts on the adjoining residential properties through overshadowing.</li> </ul>

<b>Issue/Design Element:</b>	<b>Roof Forms</b>
Requirement:	<p><b>Residential Design Elements Policy BDADC 3. Roof Forms</b> 30- 45 degrees</p>
Applicants Proposal:	10 degrees
Design Principles:	<p><b>Residential Design Elements Policy BDPC 3. Roof Forms</b> The roof of a building is to be designed so that:</p> <ul style="list-style-type: none"> <li>• It does not unduly increase the bulk of the building;</li> <li>• In areas with recognised 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>

Issue/Design Element:	Roof Forms
Applicant justification summary:	<i>"The proposed dwelling sits behind the existing character house and therefore maintains the character and integrity of the existing streetscape from Chelmsford Road. The development will be further from view and will not be intrusive to the streetscape, as well as look like an extension of the 3 storey commercial building adjacent to the property. Where the proposal overshadows, it does over a car parking area and there is no visual intrusion on private spaces of neighbouring properties. The roof has been designed to closely match the existing neighbouring commercial dwelling, which consists of high parapet walls and low pitched roof so that is it hardly seen from the street".</i>
Officer technical comment:	<p>The proposed development is considered to comply with the design principles as:</p> <ul style="list-style-type: none"> <li>• The reduced roof pitch will not unduly increase the bulk of the building and will not alter the existing streetscape character along Chelmsford Road.</li> <li>• In addition, the three storey development directly adjacent presents a flat roof with skillion style aspects when viewed from the street level.</li> </ul>

**CONSULTATION/ADVERTISING:**

Required by legislation:	No	Required by City of Vincent Policy:	Yes
<b>Comments Period:</b>	27 May 2014 to 17 June 2014.		
<b>Comments Received:</b>	One (1) comment received objecting to the development.		

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Too many applicable rules not respected. Accepting this project will motivate the area to apply for a similar application and as a result, will change the face of Beaufort Street at Mount Lawley.</p>	<p>Not supported. The proposed development is located directly adjacent a three storey development fronting Beaufort Street. The design of the property makes efficient use of the block, without resulting in an undue impact on adjoining landowners particularly through overshadowing and privacy due to overlooking. The design incorporates aspects from both the single residential design of adjoining properties and the contemporary design of the three storey mixed use development fronting Beaufort Street. This creates a buffer zone between the two properties, which does not currently exist. The proposed development has considered the surrounding context to produce a design that limits visual clutter and maintains a high level of amenity to adjacent residential properties.</p>

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

**Design Advisory Committee:**

Referred to Design Advisory Committee: No

**LEGAL/POLICY:**

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

**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 design of the dwelling allows for adequate natural light and cross ventilation.	

SOCIAL	
Issue	Comment
Nil.	

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Planning Services**

The subject planning application, particularly the design, has given particular attention to the surrounding developments adjacent to the site. The context of the site, in particular the adjoining three storey mixed use development fronting Beaufort Street and the right of way separating the subject property from the single residential properties along Chelmsford Road has limited any potential impacts to the adjoining properties. The proposal complies with the Design Principles of the City's Policy No. 7.2.1 relating to Residential Design Elements Policy and the Residential Design Codes of WA 2013. The height and design of the property is considerate of the adjoining properties and the impact of overshadowing is limited as it falls over the adjacent commercial property's car parking areas.

**CONCLUSION:**

It is considered that the proposed building height, street setbacks and scale of the proposed dwelling would not adversely impact the existing streetscape due to the location of the proposed dwelling with access off the right of way.

On the above basis, the proposed construction of a three (3) storey building is supported in this instance. It is recommended that the proposal is approved subject to relevant conditions and advice notes.

**9.1.6 No. 69 (Lot: 101 D/P: 67440) Brewer Street, Perth – Renewal of Change of Use from Office to Unlisted Use (Bed and Breakfast)**

<b>Ward:</b>	South	<b>Date:</b>	11 July 2014
<b>Precinct:</b>	Beaufort Precinct; P13	<b>File Ref:</b>	PRO5702; 5.2014.214.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report <a href="#">002</a> – Development Application Plans and Management Plan		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	C Sullivan, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	G Poezyn, 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 U Mondello on behalf of the owner Indomain Enterprises Pty Ltd for Renewal of Proposed Change of Use from Office to Bed and Breakfast (unlisted use) at No.69 (Lot: 101 D/P: 67440) Brewer Street, West Perth, and as shown on plans stamp-dated 23 April 2014 subject to the following conditions:

1. The proposed Bed and Breakfast shall comply with the following:
  - 1.1 there is to be no more than six (6) guests (to a maximum of twelve (12) people inclusive of the family of the keeper) staying at the premises overnight;
  - 1.2 occupants may stay at the subject Bed and Breakfast for a continuous period of no longer than six (6) months within any twelve (12) month period;
  - 1.3 the keeper of the Bed and Breakfast must reside on site at all times while the Bed and Breakfast is in operation;
  - 1.4 breakfast (and other meals if provided) must be provided to Bed and Breakfast guests only;
  - 1.5 access to a dining area, bathroom and laundry facilities must be provided for Bed and Breakfast guests; and
2. In regards to the outstanding cash in lieu payment of \$1884.27 (including interest) it is recommended:
  - i) That this amount is no longer required to be paid given that the current proposal is generating a shortfall of 0.1675 bays which amounts to \$837.50; and
  - ii) The amount of \$2636.20 (already paid) is not refunded given it addresses the parking shortfall for the previous year of operation.

**ADVICE NOTES:**

1. In accordance with the requirements of the *Food Act 2008*, the premises is to register as a food business by no later than 28 days from the date of this approval. The premises is to comply with the requirements of the *Food Act 2008*, *Food Regulations 2009*, Australia New Zealand Food Standards Code, Australian Standard 4674-2004 Design, Construction and Fit-Out of Food Premises; and any other associated legislation.
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 Simpson Street;
3. All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Permit application, being submitted to and approved by the City prior to the erection of the signage; and
4. Residents are to be made aware of the "House Rules" and Code of Conduct. They are to be displayed in a prominent position within the premises at all times;

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**COUNCIL DECISION ITEM 9.1.6**

**Moved Cr Topelberg, Seconded Cr Buckels**

That the recommendation be adopted.

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

**(Cr Wilcox was on approved leave of absence.)**

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**PURPOSE OF REPORT:**

The proposal is referred to the Council for determination given the original proposal was determined at Council and it is an unlisted use.

**BACKGROUND:**

The premises has been operating as a Bed and Breakfast since its approval in March 2013 (use commenced on 1 July 2013).

Date	Comment
20 March 2012	An inspection of the premises revealed an unauthorised massage business operating at the premises. A written direction was issued on 22 March 2012 to immediately stop and not recommence the use at the property
25 June 2012	An application for a change of use from Office to Lodging House was lodged with the City. This application was cancelled on 2 November 2012 with no determination made due to a lack of information from the applicant
17 December 2012	An application for a change of use from Office to Unlisted Use (Bed and Breakfast) was submitted. The proposal was approved at Council on 12 March 2013 for a period of one (1) year only due to the history of the property.

**DETAILS:**

<b>Landowner:</b>	Indomain Enterprise Pty Ltd
<b>Applicant:</b>	U Mondello
<b>Zoning:</b>	RC80
<b>Existing Land Use:</b>	Unlisted Use (Bed and Breakfast)
<b>Use Class:</b>	'SA'
<b>Use Classification:</b>	Unlisted Use (Bed and Breakfast)
<b>Lot Area:</b>	347 square metres
<b>Right of Way:</b>	3 metres wide, sealed, privately owned

The proposal seeks to renew the use of Bed and Breakfast. The use was given approval for one year only at a Council Meeting on 12 March 2013. The time restrictive condition stated that if the applicant wished to continue operating beyond one year they were required to reapply and obtain planning approval from the City prior to the continuation of the use. The operation of the Bed and Breakfast use commenced on 1 July 2013, and the application to renew beyond the one year approval was submitted to the City on 23<sup>rd</sup> April 2014.

The applicant proposes no variations in the operation of the business since the last approval.

**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**

Use

A Bed and Breakfast in this location is an 'unlisted use' and is therefore treated as an 'SA' use and should only be considered if the Council has exercised its discretion and given special notice in accordance with Clause 37 of TPS No.1.

The Beaufort Precinct Policy No.7.1.13 states that 'a building cannot be used solely for commercial purposes unless it facilitates the retention of an original building along Brewer Street'. The application property is an original building and therefore a use that is solely commercial can be considered.

The Temporary Accommodation Policy No. 7.4.5 has the following conditions for Bed and Breakfast use:

- a) the keeper of the Bed and Breakfast must reside on site at all times while the Bed and Breakfast is in operation;
- b) Breakfast is required to be provided to guests;
- c) Breakfast (and other meals if provided) are provided to Bed and Breakfast guests only;
- d) Access to a separate bathroom must be provided to Bed and Breakfast guests; and
- e) Access to a dining area and laundry facilities should be provided for Bed and Breakfast guests.

The Policy also states that a Bed and Breakfast can provide accommodation for a maximum of six guests for a continuous period of six (6) months away from their normal place of residence (to a maximum of 12 persons inclusive of the family of the keeper) and includes the provision of breakfast.

The Bed and Breakfast proposes four bedrooms to a maximum of 6 guests. Check in would be from 2.00pm, and by arrangement for those arriving into Perth on late night flights, and check out by 10.30am. The applicant has proposed to comply with all the above criteria in relation to the conditions of a Bed and Breakfast. These should also be applied as conditions if planning approval is granted.

There have been no complaints received regarding the operation of the Bed and Breakfast over the last year since its approval.

The applicant has submitted a copy of the Management Plan for the Bed and Breakfast operation.

Car Parking

<b>Proposed Car Bays</b>	
Car parking requirement (nearest whole number)	
<ul style="list-style-type: none"> <li>• Bed and Breakfast (1 space per 2 guest bedrooms plus R-Code requirement for dwelling)</li> <li>• 4 guest bedrooms = 2 car bays</li> <li>• Dwelling requirement = 1 car bay</li> </ul>	
TOTAL car bays required = 3 car bays	3 car bays
Adjustment factors	(0.7225)
<ul style="list-style-type: none"> <li>• 0.85 (the development is within 800m of railway station)</li> <li>• 0.85 (the development is within 400m of existing off street carpark with more than 75 car bays – NIB)</li> </ul>	2.1675 car bays
Minus the car parking provided on-site	2 car bays
Minus the previously approved on-site shortfall	N/A
<b>Resultant Shortfall</b>	<b>0.1675 car bays</b>

The previous approval had a car parking shortfall of 1.25 car bays, for which the applicant was required to pay \$4379.37 in cash in lieu. The applicant has been paying this on a monthly basis over a twenty four month payment plan (\$4379.37 plus interest of \$141.10 equals total amount \$4520.47). The applicant has paid \$2636.20 (including interest), with \$1884.27 outstanding (including interest) with 10 payments remaining.

The Parking and Access Policy requirements for a Bed and Breakfast have been amended since the date of the previous approval. Under the amended policy the property has a reduced car parking shortfall of 0.1675 car bays (\$837.50 cash in lieu payment).

Bicycle Parking

The Parking and Access Policy sets the Bicycle Parking requirement for a Bed and Breakfast at 1 space per 8 beds. The proposal is for 4 bedrooms, therefore the requirement is for 1 bicycle bay to be provided.

The property has an allocated secure bicycle parking area located to the rear of the property along the side access.

**CONSULTATION/ADVERTISING:**

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period	12 June 2014 – 26 June 2014		
Comments received	No comments received during the consultation period		

The proposal is for the renewal of an already approved use, therefore advertising was undertaken in accordance with 12.1.1(e) of the Community Consultation Policy for 14 days.

**Design Advisory Committee:**

Referred to Design Advisory Committee: No

Summary of Design Advisory Committee Comments:

- Not applicable.

**LEGAL/POLICY:**

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1;
- Beaufort Precinct Policy No. 7.1.13;
- Temporary Accommodation Policy No.7.4.5;
- Development Guidelines for Commercial and Mixed Use Developments Policy No. 7.5.12;
- Parking and Access Policy No.7.7.1

**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
The adaptive re-use of this existing space has a lower environmental impact compared to the existing building.
SOCIAL
The development will act as a social meeting place location providing a variety of food and beverage for the immediate and surrounding public.
ECONOMIC
The development will provide increased employment opportunities.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Building Services:**

Submitted plans to match previous approval.

**Health Services**

Conditions as per previous planning approval plus requirement to be registered as a food business.

**Technical Services**

No Technical Services Comments or Conditions

**Heritage Services**

No heritage referral required

**Planning Services**

The original approval restricted the use for one year only (from date of commencement of operation 1 July 2013).

The applicant has requested reconsideration of this condition to extend the use of the property, with no time limit. There has been no change in policy with regards to appropriate uses since the previous approval in March 2013. The only change in policy is the requirement for car parking, which was amended on 8 October 2013, which reduces the requirement for car parking for this use.

No complaints have been received during the operation of the Bed and Breakfast over the last year since its approval. Therefore it is considered reasonable to renew the approval for the Bed and Breakfast, without any time restrictive conditions.

In regards to the outstanding cash in lieu payment of \$1884.27 (including interest) it is recommended:

- i) That this amount is no longer required to be paid given that the current proposal is generating a shortfall of 0.1675 bays which amounts to \$837.50
- ii) The amount of \$2636.20 (already paid) is not refunded given it addresses the parking shortfall for the previous year of operation

**CONCLUSION:**

It is considered that the use of a Bed and Breakfast continues to be appropriate in this location and that the changes to policy do not result in any undesirable changes to the requirements for such a use.

For the reasons outlined above, the proposal is recommended for approval.

**9.2.2 Leederville Town Centre Enhancement Project – Oxford Street Reserve Redevelopment – Progress Report No. 8**

<b>Ward:</b>	South	<b>Date:</b>	11 July 2014
<b>Precinct:</b>	Oxford Centre (4)	<b>File Ref:</b>	SC564
<b>Attachments:</b>	<a href="#">001</a> – Oxford Street Reserve Redevelopment Photo's		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	K Bilyk, Property Officer J van den Bok, Manager Parks and Property Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council:

1. **RECEIVES** Progress Report No 8 in relation to the Oxford Street Reserve Redevelopment Project as at 11 July 2014;
2. **NOTES** that the works are now scheduled for completion in August 2014; and
3. **CONTINUES** to receive monthly progress reports until the project has been completed.

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**COUNCIL DECISION ITEM 9.2.2**

**Moved Cr Topelberg, Seconded Cr Buckels**

That the recommendation be adopted.

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

**(Cr Wilcox was on approved leave of absence.)**

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**PURPOSE OF REPORT:**

The purpose of the report is to update the Council on the progress of the Oxford Street Reserve Redevelopment project.

**BACKGROUND:**

Monthly reports have been presented to the Council in relation to the progress of the Oxford Street Reserve Redevelopment project as follows:-

**Ordinary Meeting held on – 10 June 2014:**

The Council were advised that at this stage of the project works were on schedule for completion at the end of June 2014.

The park redevelopment project was progressing on target without any major issues arising and the playground contractors had commenced their works program, albeit several weeks behind the anticipated commencement date.

**DETAILS:**

**Park Redevelopment:**

1. Contract Documentation

1.1 Tender

Tender No.	483/13
Advertised:	23 November 2013
Closed:	10 December 2013
Awarded:	Advanteering Civil Engineers

1.2 Contracts

Construction contract signed on 6 January 2014

1.3 Contract Variations/Additional Scope of Works - Construction

- Additional gate to playground fence
- Installation of temporary path for public access
- Latent condition – remove asphalt and concrete from car park

1.4 Cost Variations - Construction

Description	Amount
Additional gate to playground fence	\$3,794.36
Installation of temporary path for public access	\$2,355.00
Latent condition – remove asphalt and concrete from car park	\$16,111.50
Custom fence leg change	\$3,974.00
Custom fence material change	-\$7,000.00
Light pole changes	\$2,662.00
Boundary paving adjustment	\$1,800.00
Repairs to Western Power conduit in Oxford St	\$1,675.00
Irrigation connection to Southern end of site	\$2,200.00
Repairs to existing drinking fountain	TBC
Self consolidating gravel rather than stabilized.	\$2,998.50
<b>Total</b>	<b>\$30,570.36</b>

Summary of Variations:

<b>Total Variation Savings</b>	\$7,000.00
<b>Total Variation Additions</b>	\$37,570.36
<b>Total Variation</b>	<b>\$30,570.36</b>

1.5 Claims

Not applicable at this time.

2. Works

2.1

Item	Description	Unit	Quantity	Current Complete %	Comments
<b>1.0</b>	<b>General and Earthworks</b>				
1.1	Preliminaries	item	1	100%	22% Mobilization - Complete. Remaining 78% spread over 12 weeks = 6.5% per week. 15 weeks completed out of 12.
1.2	Demolition	item	1	100%	Demolition completed.
1.3	Fine grading/detailed earthworks	sqm	4,050	100%	Earthworks completed.
<b>2</b>	<b>Paving &amp; Edges</b>				
2.01	Supply & Install Unreinforced Insitu Concrete Paving	sqm	1,040	92%	Only 40 square metres remain and some touch up areas.
2.02	Supply & Install Reinforced Insitu Concrete Paving	sqm	186	30%	Limestone base course installed final trim and compaction complete.

2.03	Supply & Install 300x100x40 Granite Paving	sqm	152	15%	35 square metres supplied and some installed.
2.04	Supply & Install 100x100x40 Granite Paving	sqm	59	30%	32 square metres supplied.
2.05	Supply & Install Stabilised Gravel Paving	sqm	200	100%	Completed - different material specified.
2.06	Supply & Install Red Asphalt Paving	sqm	4	0%	
2.07	Supply & Install Black Asphalt Paving	sqm	28	40%	Limestone base course installed, compacted and tested.
2.08	Supply & Install Flush Concrete Kerb	lin m	54	100%	Completed.
2.09	Supply & Install Barrier Pre Cast Concrete Kerb	lin m	90	100%	All barrier kerbs completed.
2.1	Supply & Install Semi Mountable Pre Cast Concrete Kerb	lin m	12	100%	Completed.
2.11	Supply & Install Mountable Pre Cast Concrete Kerb	lin m	35	100%	Completed.
2.12	Supply & Install Concrete Edge to Granite Paving	lin m	257	0%	
2.13	Supply & Install Concrete Edge Between Turf & Planting & Gravel	lin m	38	100%	Completed.
2.14	Supply & Install Stainless Steel Tactile Studs	no.	17,760	0%	
2.15	Supply & Install Concrete Steps	lin m iser	34	80%	Completed but some issues to rectify.
2.16	Supply & Install Concrete Pram Ramps	ea	5	40%	Two complete.
2.17	Make Good Existing Brick Paving	sqm	3	100%	Completed.

<b>3</b>	<b>Walls &amp; Fences</b>				
3.1	Supply & install Brick Retaining Walls with Granite Coping	lin m	367	100%	Complete.
3.2	Supply & install Granite Edge between planting and raised turf	lin m	39	50%	Footings complete.
3.3	Supply & Install Fencing to Custom Steel Playground Fencing	item	1	0%	

<b>4</b>	<b>Furniture</b>				
4.01	Supply & Install Cox Furniture Bar table module URB: TBL BAR	each	9	0%	
4.02	Supply & Install Cox Furniture Bar stool module URB: SAT MBAR 100	each	30	81%	Supply price.
4.03	Supply & Install Cox	each	3	84%	Supply price.

	Furniture Triangular table setting (single)				
4.04	Supply & Install Cox Furniture Triangular table setting (double)	each	1	100%	Supplied and Installed.
4.05	Supply & Install Cox Furniture Triangular table setting (triple)	each	1	100%	Supplied and Installed.
4.06	Supply & Install Cox Furniture Chess Table & Seats	each	3	83%	Supply price.
4.07	Supply & install Cox Furniture Single Bin enclosure URB: EWL-121	each	9	80%	Supply price.
4.08	Supply & install Cox Furniture Double Bin enclosure URB: EWL-121	each	4	93%	Supply price.
4.09	Supply & install Cox Furniture Cycle racks URB: BCR 301	each	9	70%	Supply price
4.10	Supply & install Custom Bench Seat	each	7	100%	Supplied and installed.
4.11	Supply & install Custom Handrail	each	4	0%	
4.12	Supply & install ABES 'Belval' bollard	each	10	85%	Ground shells installed.
4.13	Supply & install Public Outdoor Ping Pong Table	each	1	0%	
4.14	Relocate Artwork drink fountain (inc plumbing & footings)	each	1	100%	Completed. Plumbing to be upgraded as a Variation.
4.15	Relocate Artwork Seat (inc footings)	each	1	100%	Completed.
4.16	Relocate Telstra Phone Box (inc footings and associated service cabling etc)	each	1	100%	Completed.
4.17	Relocate Existing Chainmesh Fence (incl footings)	each	1	100%	Completed.
4.18	Supply & Install Linemarking to Four Square Court	each	1	0%	

<b>5</b>	<b>Structures</b>				
5.1	Supply & Install Shade Structure	no.	1	0%	

<b>6</b>	<b>Lighting and Electrical</b>				
6.1	Supply & Install Lighting to Shade Structure	item	1	8%	Power and conduit installed in raised area
6.2	Supply & Install Uplighting to Existing Tree	item	1	0%	
6.3	Supply & Install iGuzzini Crown Pole Top Lights	ea	1	73%	All footings installed, all lights installed expect

	(inc cabling etc)				for lights with GPOs.
6.4	Supply & Install Lighting to Playground Fencing	ea	1	0%	
6.5	Supply & Install 10A single phase GPO	ea	1	0%	
6.6	Supply & Install Underground Conduits, Trenching & Pits	item	1	100%	All installed.
<b>7</b>	<b>Drainage</b>				
7.1	Supply & Install Sub-soil Drainage	lin m	40	100%	All installed.
7.2	Supply & Install K900 In-Line Drain	lin m	25	100%	All installed.
7.3	Supply & Install 1200 diam soakwell	ea	6	100%	All installed.
7.4	Supply & Install trafficable infill pit lid to soakwell	ea	6	100%	All installed.
7.5	Supply & Install 150x150 drainage grate to soakwell	ea	2	100%	All installed.
7.6	Supply & Install Webforge hinged gully grate to soakwell	no.	1	100%	All installed.
<b>8</b>	<b>Softworks</b>				
8.1	Supply & Install 100L trees	each	46	26%	12 Installed to southern end of site.
8.2	Supply & Install Roll-on Turf (incl soil prep)	sqm	443	70%	
8.3	Supply & Install mass planting (4/130mm pots per sq m)	sqm	2,635	40%	Humus spread over planting areas.
8.4	Supply & Install Humus to mass planting areas	sqm	1	90%	See above.
8.5	Supply & Install 75mm organic mulch to planting	sqm	780	30%	Completed to South end of site.
8.6	Supply & Install 75mm organic mulch to future playground area	sqm	564	0%	
<b>9</b>	<b>Irrigation</b>				
9.1	Supply & Irrigation to Planting	sq m	1	90%	All installed except final fit out of sprinklers around playground and raised area.

3. Indicative Timeline/Works Program

3.1 Progress

Works have slowed due to the delay in the playground contractor mobilising and commencing on site. The park upgrade works cannot be completed until the playground upgrade is completed; therefore practical completion is now estimated to be around early to mid August 2014.

3.2 Days Claimed

Seven and a half days (7.5) have been claimed.

**Playground Redevelopment:**

1. Contract Documentation

1.1 Tender

Tender No. 482/13  
Advertised: 18 November 2013  
Closed: 10 December 2013  
Awarded: Ecoscape

1.2 Contracts

Construction contract signed on 6 January 2014

1.3 Contract Variations/Additional Scope of Works

Not applicable at this time.

1.4 Cost Variations

Not applicable at this time

1.5 Claims

Not applicable at this time.

2. Works

2.1 Survey works commenced in late in May and all footing works having now been completed. Carpentry work is well underway and equipment orders have now been finalised. The expected completion of works is due in early to mid August.

3. Indicative Timeline/Works Program

3.1 Progress

The contractor is approximately six (6) weeks behind schedule, due to a delay in acquiring engineering certification on structures to be installed, sourcing of materials and an insurance issue that has now been resolved between the City and the contractor. The playground is currently around 40 % completed.

It is likely that some time can be made up by working on Saturdays and therefore completion is now looking like early to mid August 2014.

3.2 Days Claimed

Zero (0) have been claimed.

**Communication Plan:**

Various communication methods have been utilised to advise park patrons, stakeholders and staff of the redevelopment, these are listed below:

- A letter drop to surrounding businesses/residents;
- Signage at two (2) locations attached to the site fencing;
- Progress reports to Council.
- Staff newsletters

**CONSULTATION/ADVERTISING:**

Projects undertaken as part of the Leederville Enhancement works have been widely advertised. Informative signage has been installed at the park advising interested persons of the works in progress and contacts should any queries or issues arise. A letter drop was also undertaken prior to the commencement of the project covering all business owners and owner/occupiers within the Leederville Town centre.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** This project when completed will; provide a quality landscape and playground area designed and constructed in accordance with building/construction codes and playground safety standards.

**STRATEGIC IMPLICATIONS:**

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

*"1.1: Improve and maintain the natural and built environment and infrastructure.  
1.1.5 Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment".*

**SUSTAINABILITY IMPLICATIONS:**

The overall improvements to the Leederville Town Centre will comply with the objectives outlined within the City's *Sustainable Environment Strategy 2011-2016* and *Greening Plan*.

**FINANCIAL/BUDGET IMPLICATIONS:**

Adequate funding has been allocated in the 2013/2014 budget to undertake the project.

Four (4) progress claims have been received to date, as follows:

<b>Progress Payment Number</b>	<b>Date Received</b>	<b>Amount Requested (excl GST)</b>	<b>Amount Paid (excl GST)</b>	<b>Date Paid</b>
No. 1	April 2014	\$90,584.30	\$90,584.30	May 2014
No. 2	May 2014	\$208,884.33	\$208,884.33	May 2014
No. 3	June 2014	\$218,931.53	\$218,931.53	June 2014
No. 4	June 2014	\$145,128.60	\$145,128.60	July 2014
	<b>Total</b>	<b>\$663,528.76</b>	<b>\$663,528.76</b>	

**COMMENTS:**

Both the park redevelopment contractors, 'Advanteeing Civil Engineers' and the playground contractors 'Total Eden' are working together cooperatively on site to minimise disruption around the site and complete this project as soon as possible.

From the comments received to date, the Leederville community are very excited about the project which will significantly transform the southern end of Oxford Street and provide a quality recreational space for the public to enjoy.

**9.3.1 Investment Report as at 30 June 2014**

<b>Ward:</b>	Both	<b>Date:</b>	11 July 2014
<b>Precinct:</b>	All	<b>File Ref:</b>	SC1530
<b>Attachments:</b>	<a href="#">001</a> – Investment Report		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	B Wong, A/Manager Financial Services; N Makwana, Accounting Officer		
<b>Responsible Officer:</b>	B Tan, A/Director Corporate Services		

**OFFICER RECOMMENDATION:**

That the Council **NOTES** the Investment Report for the month ended 30 June 2014 as detailed in Appendix 9.3.1.

**COUNCIL DECISION ITEM 9.3.1**

**Moved** Cr Topelberg, **Seconded** Cr Buckels

That the recommendation be adopted.

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

**(Cr Wilcox was on approved leave of absence.)**

**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 30 June 2014 were \$11,211,000 compared with \$12,211,000 at 31 May 2014. At 30 June 2013, \$8,511,000 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
January	\$20,711,000	\$17,811,000
February	\$18,711,000	\$17,811,000
March	\$17,111,000	\$16,811,000
April	\$13,011,000	\$14,311,000
May	\$11,021,305	\$12,211,000
June	\$8,511,000	\$11,211,000

Total accrued interest earned on Investments as at 30 June 2014:

	<b>Annual Budget</b>	<b>Budget Year to Date</b>	<b>Actual Year to Date</b>	<b>%</b>
Municipal	\$281,340	\$281,340	\$286,794	101.94
Reserve	\$386,610	\$386,610	\$348,557	90.16

**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 interest earned is below budget. This is due to the decrease in the Reserve Bank of Australia cash rate from 3.50% in September 2012 to 2.50% in September 2013. Current cash rate is maintained at 2.50%.

The funds invested have decreased from previous period due to payment 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 – 30 June 2014**

<b>Ward:</b>	Both	<b>Date:</b>	11 July 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 Dedic, Accounts Payable Officer; B Wong, A/Manager Financial Services		
<b>Responsible Officer:</b>	B Tan, A/Director Corporate Services		

**OFFICER RECOMMENDATION:**

That the Council CONFIRMS the;

1. Schedule of Accounts for the period 1 June – 30 June 2014 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 Topelberg, Seconded Cr Buckels**

That the recommendation be adopted.

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

(Cr Wilcox was on approved leave of absence.)

**DECLARATION OF INTEREST**

<b>Members/Officers</b>	<b>Voucher</b>	<b>Extent of Interest</b>
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 June – 30 June 2014.

**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	76373 - 76504	\$209,763.95
Transfer of Creditors by EFT Batch	1677 - 1686	\$1,663,977.12
Transfer of PAYG Tax by EFT	June 2014	
Transfer of GST by EFT	June 2014	
Transfer of Child Support by EFT	June 2014	\$1,826.70
Transfer of Superannuation by EFT:		
• City of Perth	June 2014	
• Local Government	June 2014	
<b>Total</b>		<b>\$1,875,567.77</b>
<b>Bank Charges &amp; Other Direct Debits</b>		
Bank Charges – CBA		\$9,606.99
Lease Fees		\$4,607.45
Corporate MasterCards		\$14,035.83
Loan Repayment		\$162,968.63
Rejection fees		\$92.50
<b>Total Bank Charges &amp; Other Direct Debits</b>		<b>\$191,311.40</b>
<b>Less GST effect on Advance Account</b>		<b>0.00</b>
<b>Total Payments</b>		<b>\$2,066,879.17</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.

## 9.4.2 Market Guidelines

<b>Ward:</b>	Both	<b>Date:</b>	11 July 2014
<b>Precinct:</b>	All	<b>File Ref:</b>	SC1231
<b>Attachments:</b>	<a href="#">001</a> – Market Guidelines		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Birch, A/Manager Community Development		
<b>Responsible Officer:</b>	J Anthony, A/Director Community Services		

### OFFICER RECOMMENDATION:

That the Council **RECEIVES** and **APPROVES** the Market Guidelines as attached to the report in Appendix 9.4.2A

### COUNCIL DECISION ITEM 9.4.2

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

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

**(Cr Wilcox was on approved leave of absence.)**

### PURPOSE OF REPORT:

To seek Council’s endorsement for the Market Guidelines, as found in Appendix 9.4.2A.

### BACKGROUND:

The City has seen an influx of queries and applications to hold a variety of markets on both private and Council owned property. The process of assisting interested parties in providing correct information for approval has, to date, required significant back and forth between the City’s Officer and the applicant.

There are currently three (3) markets operating within the City of Vincent:

- Kyilla Community Farmers’ Market, held every Saturday from 8:00am to 11:30am at Kyilla Park in North Perth;
- Leederville Farmers Market, held every Sunday from 8:00am to 12:30pm at 663 Newcastle Street in Leederville; and
- The Golden Days Vintage Markets, held the last Sunday of each month from 9:00am to 1:00pm in the Rosemount Hotel car park in North Perth.

There are currently three (3) Expression of Interests for additional markets in the City of Vincent that could benefit from the endorsement and distribution of the proposed Market Guidelines.

### DETAILS:

Currently, the City’s Community Development team work with the market applicant to ensure the correct information is provided to apply to hold a market within the City of Vincent.

If the market is proposed to be held on private property not currently zoned for public purpose or not currently in use for the purpose of a market, the applicant will be referred to the Statutory Planning team and will be required to submit a Development Application. If the market is proposed to be held on City owned property, the Community Development team coordinate the Council approval for the use of City owned land for the purpose of an ongoing market. Depending on the approval required, the applicant will need to submit detailed information for consideration by the City’s Officers and Council. This required information has been collated into the Market Guidelines, as shown in Appendix 9.4.2A.

Once approved to be held, applications may be required to be submitted to Health and Compliance Services for temporary food premises to operate within the market. Electrical, structural and noise compliance may also need to be assessed by Health and Compliance Services. Parks and Property Services may also be required to be consulted, if the market is proposed to be held on a City's park or reserve.

The aim of the Market Guidelines is to provide the interested applicant a comprehensive document that outlines the process of applying to hold a market within the City of Vincent and details the information required and associated costs.

The Market Guidelines outline the above for markets proposed to be held on both City of Vincent owned land and privately owned land.

**CONSULTATION/ADVERTISING:**

All market applications that are received by the City will be required to undergo community consultation, in accordance with the City's Policy 4.1.5 - Community Consultation.

**LEGAL/POLICY:**

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

**RISK MANAGEMENT IMPLICATIONS:**

Each market the City receives an application for, will have an associated risk, whether it is low, medium or high.

Each application will be assessed for risk implications and a recommendation made.

**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:**

It is likely that each market application the City receives will have a sustainability element to consider, depending on the type of market, including but not limited to:

- The market will be a community event for the residents in the immediate and surrounding areas;
- The market will economically benefit local food producers and immediate businesses in the area; and
- The market will be promoting locally produced fruits and vegetables.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The proposed Market Guidelines will streamline the process for applicants to apply to hold a market within the City of Vincent by providing a comprehensive outline of the process and information required.

#### **9.4.4 Beaufort Street Enhancement Working Group**

<b>Ward:</b>	South	<b>Date:</b>	22 July 2014
<b>Precinct:</b>	(11) Mt Lawley Centre	<b>File Ref:</b>	TES0237
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	D Doy, Place Manager A Birch, A/Manager Community Development		
<b>Responsible Officer:</b>	J Anthony, A/Director Community Services		

**OFFICER RECOMMENDATION:**

That the Council **APPROVES** to abolish the Beaufort Street Enhancement Working Group and instead consult directly with the Beaufort Street Network regarding street enhancement works in the Beaufort Street Town Centre.

**COUNCIL DECISION ITEM 9.4.4**

**Moved Cr Topelberg, Seconded Cr Buckels**

That the recommendation be adopted.

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

**(Cr Wilcox was on approved leave of absence.)**

**PURPOSE OF REPORT:**

This report proposes to abolish the Beaufort Street Enhancement Working Group (BSEWG), instead consulting directly with the Beaufort Street Network regarding street enhancement works with the support of the City's Officers.

**BACKGROUND:**

Ten (10) Progress Reports have been considered by the Council since 2011 regarding the street enhancement works through Stages 1, 2 and 3 of the Beaufort Street Enhancement Project. The content of these reports have been guided in many instances by the recommendations made by the members of the BSEWG.

The Beaufort Street Network (The Network) is a community group who formed in 2009 to bring local residents and businesses together with an aim to improve the Beaufort Street Town Centre. The Network has evolved into a sophisticated community organisation that has developed an Action Plan for the Beaufort Street community as well as internal marketing and vision strategies. The Network also owns and runs the annual Beaufort Street Festival.

**DETAILS:**

The BSEWG currently comprises of Network members who are highly active in the Beaufort Street community. Throughout the duration of the BSEWG, there have been a variety of Network members who have sat as community representatives on the BSEWG.

The Network has evolved to become a sophisticated community organisation with a broad range of expertise and an excellent profile in the local community. It is the recommendation of this report that the Network be directly consulted by the City's Officers as the Town Centre representative instead of through the BSEWG. The City's Officers advisory role will not change, providing technical advice to Council and the Network, managing the enhancement projects and reporting to Council.

Consulting directly with the Network on matters relating to streetscape enhancement will encourage individuals in the local community who want to influence Beaufort Street to join and become active members in the Network.

For further understanding, the City's Officers have looked to international examples where place based governance structures have been put in place by local governments. The Business Improvement District (BID) and Town Team model has been used extensively throughout the United Kingdom to help revitalise and positively evolve traditional high streets.

In December 2011 an independent review of the UK's high streets was undertaken at the request of the UK government. This review is known as 'The Portas Review'. The first recommendation of 'The Portas Review' is:

*"1. put in place a 'Town Team': a visionary, strategic and strong operational management team for high streets"*

In explaining Town Teams, the Portas Review also states:

*"To compete, town centres must put in place a visionary, strategic and strong operational management team. Without highly competent, inspired and collaborative high street governance we are never going to get our high streets running effectively. The Town Team provides an opportunity for different local stakeholders to come together."*

In effect, the Network operates as a Town Team within the Beaufort Street Town Centre. Consulting directly with the Network on matters relating to streetscape enhancement will further legitimise the Network in the Town Team role and provide a better link to the expertise and energy in the local community.

**CONSULTATION/ADVERTISING:**

The existing BSEWG representatives will be advised by letter of the abolishment of the BSEWG.

**LEGAL/POLICY:**

Nil

**RISK MANAGEMENT IMPLICATIONS:**

Nil

**STRATEGIC IMPLICATIONS:**

The City's *Strategic Plan 2013 – 2017* states the following objectives:

*"Objective 4: Leadership, Governance and Management*

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

*4.1.5: Focus on stakeholder needs, values, engagement and involvement"*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil

**COMMENTS:**

It is proposed to abolish the BSEWG and instead directly consult with Network to make recommendations to Council with regard to street enhancement works in the Beaufort Street Town Centre.

The BSEWG essentially acts in this proposed manner with the majority of BSEWG community representatives, members of the BSN in some form.

**9.5.4 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	11 July 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>	Mike Rootsey, Acting Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **RECEIVES** the Information Bulletin dated 11 July 2014, as distributed with the Agenda.

**COUNCIL DECISION ITEM 9.5.4**

**Moved Cr Topelberg, Seconded Cr Buckels**

That the recommendation be adopted.

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

**(Cr Wilcox was on approved leave of absence.)**

**DETAILS:**

The items included in the Information Bulletin dated 11 July 2014 are as follows:

<b>ITEM</b>	<b>DESCRIPTION</b>
IB01	WALGA State Summary Minutes July 2014
IB02	Mindarie Regional Council Special Council Meeting Minutes held on 26 June 2014
IB03	Mindarie Regional Council Ordinary Council Meeting Minutes held on 3 July 2014
IB04	Tamala Park Regional Council Ordinary Meeting of Council Minutes held on 26 June 2014
IB05	Unconfirmed Minutes of DAC Meeting held on 18 June 2014
IB06	Unconfirmed Minutes of Parks People Working Group (PPWG) held on 21 May 2014
IB07	Main Roads WA correspondence regarding 40KMH Speed Zone Review – Vincent Street – William to Fitzgerald Streets

**9.2.1 'Vincent Bike Network Plan' – Vincent/Bulwer Streets and Oxford Street - Progress Report No. 8**

<b>Ward:</b>	Both	<b>Date:</b>	11 July 2014
<b>Precinct:</b>	All	<b>File Ref:</b>	SC423
<b>Attachments:</b>	<a href="#">001</a> - Summary of Comments – Oxford Street <a href="#">002</a> – Summary of Comments – General Phase 1 & 2 <a href="#">003</a> - Proposed Plan Nos. 3095-CP-01A, 3141-CP-01, 3107-CP-01A 3149-CP-01A, and 3149-CP-02A		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	F Sauzier, Travel Smart Officer R Lotznicker, Director Technical Services C Wilson, Manager Asset and Design		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

That the Council;

**1. NOTES;**

- 1.1 the submissions received in relation to the **PHASE 2 – Oxford Street Bike Lanes** proposal during the formal community consultation period;
- 1.2 the Officers comments in response to issues raised in the two (2) separate Petitions received in relation to the **PHASE 2 – Oxford Street Bike Lanes** proposal;
- 1.3 the 'General Feedback Submissions' received in relation to the **Bike Network Plan** implementation; and
- 1.4 that the changes to highlight path users' priority as requested at its Ordinary Meeting held on 24 June 2014 to **PHASE 1 – Vincent and Bulwer Street** proposed bike lanes have been investigated and revisions made to attached Plan No. 3095-CP-01A;

**2. APPROVES** the;

- 2.1 implementation of '**PHASE 1 – Vincent and Bulwer Street Bike Lanes**' as shown on attached Plan Nos 3095-CP-01A, 3141-CP-01 and 3107-CP-01A;
- 2.2 implementation of '**PHASE 2 – Oxford Street Bike Lanes (Option A)**' as shown on the attached Plan Nos 3149-CP-01A and 3149-CP-02A; and
- 2.3 installation of '**Information Signs**' on Oxford, Vincent and Bulwer Street providing project Implementation information;

**3. ADVISES** all respondents and stakeholders of its decision; and

**4. RECEIVES** quarterly progress reports on the Implementation of '**PHASE 1**' and '**PHASE 2**' of the '**Vincent Bike Network Plan**'.

**COUNCIL DECISION ITEM 9.2.1**

**Moved Cr Buckels, Seconded Cr Topelberg**

**That the recommendation be adopted.**

**Debate ensued.**

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

**(Cr Wilcox was on approved leave of absence.)**

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**ADDITIONAL INFORMATION:**

**PHASE 2 – Oxford Street Bike Lanes:**

The need for bike lanes on Oxford Street has been questioned by some members of the community when the Mitchell Freeway Principle Shared Path (PSP) connects Glendalough to Leederville and the CBD without interacting with the road network.

In response to these queries the following is advised:

The Mitchell Freeway Principle Shared Path (PSP) extends from the northern end of the freeway (currently Burns Beach Road) through to the CBD and has a massive catchment and cyclists (both commuter and recreational) tend to enter/exit the PSP at convenient locations.

Cyclists who are heading into the CBD and/or the Town Centre's from North Perth, Mount Hawthorn, Joondanna, and beyond, are unlikely to ride across (east/west) to join the PSP only to ride past the southern end of Oxford Street as this would essentially form a triangle where cyclist would be required to ride the length of two (2) sides vs. one (1) side, being the more direct route to the same point.

Also the last 'Super Tuesday' bike count conducted on 5 March 2014 indicated that between the hours of 7.00am and 9.00am 106 cyclists were already using Oxford Street (an increase of 12.8% over 2013). The inference is that dedicated cycle lanes on Oxford Street will encourage more cyclists to use the Street. In contrast, Shakespeare Street, which is part of PBN route NE9 attracted only 28 cyclists.

Note: Mitchell Freeway PSP. The Super Tuesday bike count indicated that between the hours of 7.00 and 9.00am there 764 cyclists pasted the count point on the PSP.

**PURPOSE OF REPORT:**

The purpose of this report is to inform the Council of the progress of the implementation of the 'Vincent Bike Network Plan – Proposed Oxford Street' bike lanes, between Vincent Street and Scarborough Beach Road.

**BACKGROUND:**

**Ordinary Meeting of Council held on 17 December 2013:**

Vincent Bike Network Plan 2013 Progress Report No.2 was considered by the Council and the following decision was made:

*"That the Council;*

1. *NOTES;*
  - 1.1 *the following proposed three (3) Staged Plan to deliver the Vincent/Bulwer Street Bike Lanes as outlined in the report and as outlined in the attached spread sheet at attachment 9.2.7;*
    - 1.1.1 *Vincent Street Bike Lanes – Oxford Street to Charles Street on path lanes as shown on Plan No. 3095-CP-01 and Charles Street to Bulwer Street on road lanes as shown on Plan No, 3108-CP-01 estimated to cost \$88,100;*
    - 1.1.2 *Stage 1: Bulwer Street Bike Lanes – Vincent Street to Palmerston Street as shown on attached Plan No. 3107-CP-01, estimated to cost \$650,000; and*
    - 1.1.3 *Stage 2: Bulwer Street Bike Lanes – Palmerston Street to Lord Street 'tentatively' estimated to cost \$1,300,000;*
  - 1.2 *that grant applications for Perth Bicycle Funding for 2014/2015 totalling \$347,500 have been submitted and will be determined in February 2014; and*
  - 1.3 *the progress on the other Vincent Bike Network Plan initiatives;*
2. *APPROVES BY AN ABSOLUTE MAJORITY to reallocate \$93,500 from the 2013/2014 Totem Way Finding budget to fund the proposed Vincent Street Bike Lanes, as per clause 1.1.1 above;*
3. *AUTHORISES the Chief Executive Officer to progress the design/implementation of the Vincent Street on-path lanes, between Oxford Street and Charles Street, and the Bulwer Street on-road bike lanes, between Vincent Street to Palmerston Street subject to;*
  - 3.1 *a feasible and practical design being finalised and approved by the various stakeholders;*
  - 3.2 *appropriate funding being obtained/allocated; and*
  - 3.3 *consultation with affected residents/businesses being undertaken; and*
4. *RECEIVES further progress report on the implementation of the Vincent Bike Network Plan in February/March 2014."*

**Meeting with Aurecon Transport Engineers in January 2014**

The City met with Aurecon Transport Engineers in January 2014 at which point Aurecon provided recommendations of Strategic Bike Routes to be progressed by the City in a prioritised order.

In order to communicate the overarching Bike Network Plan to stakeholders including the community, it was recommended that these routes be separated into two phased developments – Phase 1 and 2.

The following is an extract from the letter received from Aurecon

The three (3) strategic projects that have been considered feasible by the City of Vincent and with the potential to be further progressed include:

- Vincent and Bulwer Streets
- Oxford Street
- Scarborough Beach Road / Angove Street

It is Aurecon's view that all three projects will provide cyclists with improved and safer options for quick, convenient and direct routes to the Perth CBD and other destinations within and beyond the City of Vincent.

It is important to note that the Draft WABN 2012-2021 indicates that it is best practice to implement bicycle improvement projects that provide connectivity to an overall bicycle network, and that the most challenging projects should be undertaken first as they will only become more challenging in the future. It is also important to consider the discussed budget funds available for these projects and how the best value for money can be achieved.

**Ordinary Meeting of Council held on 25 February 2014:**

A further progress report (No. 3) was considered and the following decision was made (in part)

*"That the Council;*

1. *NOTES the;*
  - 1.2 *Strategic Routes have been split into the following, based on the above advice;*
    - 1.2.1 *Phase 1, comprising all works relating to the delivery of Vincent and Bulwer Street bike lane to Palmerston Street as shown on attached Plan No.s 3095-CP-01, 3107-CP-01 and 3104-CP-05B estimated to cost \$740,000; and*
    - 1.2.2 *Phase 2, comprising all works relating to the delivery of bike lanes on Oxford Street and Scarborough Beach Road as shown on attached concept Plan No 3104-CP-05B and 3127-CP-01 estimated to cost \$1,515,000;*
  - 1.4 *2013/2014 Budget includes \$639,500 for Bicycle Network Implementation and Improvements; and*
  - 1.5 *decision of the PBN Funding Grants 2014-15 has been delayed;*
2. *APPROVES BY AN ABSOLUTE MAJORITY to reallocate \$100,500 from the Capital Reserve Fund;*
3. *APPROVES IN PRINCIPLE the proposed Phase 2 projects currently estimated to cost \$1,515,000 to be implemented in 2014/2015, as outlined in clause 1.2.2;*
4. *LIST and amount of \$ 1,515,000 for consideration in the 2014/2015 Draft Budget;*
5. *CONSULTS with affected residents/businesses regarding the Phase 1 project and advertises the plan to the wider community; and*
6. *RECEIVES a further report on the implementation of Phase 1 of the Vincent Bike Network Plan at the conclusion of the community consultation.*

**Ordinary Meeting of Council held on 11 March 2014:**

The following decision was made at this meeting regarding progress report No. 4.

*"That the Council APPROVES BY AN ABSOLUTE MAJORITY to allocate additional funding of \$20,000 from a source to be determined by the Chief Executive Officer for costs associated with advertising and marketing of the Vincent Bike Network Plan."*

**Ordinary Meeting of Council held on 27 May 2014:**

A further progress report (No.5) relating to Phase 2 of the Bike Network Plan was considered and the following decision made (in part):

*"That the Council;*

1. *NOTES that;*
  - 1.3 *an amount of \$1,515,000 for Phase 2 project has been listed in the 2014/2015 Draft budget;*
2. *APPROVES IN PRINCIPLE the following proposed Phase 2 Vincent Bike Network proposals, estimated to cost \$1,515,000;*
  - 2.1 *OPTION A: Oxford Street Vincent Bike Network proposal as shown on attached Plan Nos 3149-CP-01A and 3149-CP-02A;*
  - 2.2 *OPTION B: Oxford Street bike Lanes proposal Option B as shown on attached Plan Nos 3149-CP-01B and 3149-CP-02B and*
  - 2.3 *Scarborough Beach Road bike lanes proposal as shown on attached Plan No. 3150-CP-01A and 3150-CP-02A.*
3. *CONSULTS with affected residents/businesses regarding the proposed Phase 2 Vincent Bike Network proposals as outlined in clause 2 above; and*
4. *RECEIVES a further report on the preferred option for the implementation of the Oxford Bike Network proposal/s including the implementation of the Scarborough Beach Road Bike Network proposal at the conclusion of the community consultation period.*

**Ordinary Meeting of Council held on 24 June 2014:**

Progress Report No.6 was contained submissions relating to Vincent and Bulwer Street bike lanes and the Council approved the progression of works as follows;

*"That the Council;*

3. *AUTHORISES the Chief Executive Officer to investigate, and report back to the Council by 22 July 2014 with amendments to Plan Nos 3095-CP-01, 3141-CP-01 and 3107-CP-01A (attachment 003) to highlight path users' priority including, but not limited to:-*
  - 3.1 *marking a zebra crossing at the slip lane on northeast corner of Loftus and Vincent Streets;*
  - 3.2 *installing a raised plateau or painting green lanes across the driveway entrances and exits of properties including the post office, DSR building, Medibank Stadium, 244 Vincent Street and Beatty Park Leisure Centre;*
  - 3.3 *installing a raised plateau or painting green lanes at the intersection of Morriston and Vincent Streets; and*
  - 3.4 *removing the depicted give way markings for path users;*
4. *APPROVES IN PRINCIPLE the progression of works as shown on the attached Plan Nos. 3095-CP-01, 3141-CP-01 and 3107-CP-01A (attachment 003) scheduled to commence in the new financial year and subject to the abovementioned amendments to highlight path users' priority; and*
5. *ADVISES the respondents and stakeholders of its decision.*

**Ordinary Meeting of Council held on 8 July 2014:**

Progress Report No.7 was presented to the above meeting where submissions relating to Scarborough Beach Road bike lanes were considered and Council approved the progression of works as follows;

*That the Council;*

1. *CONSIDERS the submissions received (attachment 001) in relation to the proposal to install bike lanes on Scarborough Beach Road, between Fairfield and Charles Streets;*
  - 1.1. *the General feedback submissions received (attachment 002) in relation to the Bike Network Plan implementation;*
2. *APPROVES IN PRINCIPLE the progression of works as shown on the attached Plan Nos 3095-CP-01A and 3095-CP-02A (attachment 003);*
3. *ADVISES the respondents and stakeholders of its decision; and*
4. *AUTHORISES the Acting Chief Executive Officer to INVESTIGATE ways to improve the Bike priority at Loftus Street, London Street and Charles Street intersections, including the removal/shortening of the East Bound slip lane at London Street*

**DETAILS:**

As previously mentioned it was Aurecon's view that the proposed Phase 1 and Phase 2 projects ...*"will provide cyclists with improved and safer options for quick, convenient and direct routes to the Perth CBD and other destinations within and beyond the City of Vincent"*.

With specific reference to Oxford Street Aurecon indicated that ...*"the implementation of cycling infrastructure on this route will provide a connecting link that complements the Vincent and Bulwer Street priority 1 project by providing safe and direct access to the Mitchell Freeway PSP. This project also has the potential to enhance the Leederville Town Centre by promoting a 'shared space' environment. It will provide infrastructure where current demand suggests it will be highly utilised."*

**PHASE 1 – Vincent and Bulwer Street bike lanes to Palmerston Street:**

As outlined in the background, at the Ordinary Meeting of Council held on 24 June 2014 Progress Report No.6 relating to Vincent and Bulwer Street bike lanes was considered where the Chief Executive Officer was authorised to investigate, and report back on the following amendments to highlight path users' priority:

Marking a zebra crossing at the slip lane on northeast corner of Loftus and Vincent Streets:

A review of Main Roads 'Pedestrian Crossing Slip Lanes' policy (Document No. 37/22/01) indicates that a 'zebra' crossing at this location meets the criteria and therefore it has been incorporated in the drawing (3095-CP-01A) to form part of the City's submissions to Main Roads WA for approval.

Installing a raised plateau or painting green lanes across the driveway entrances and exits of properties including the post office, DSR building, Medibank Stadium, 244 Vincent Street and Beatty Park Leisure Centre:

To ensure that the pedestrian/cyclist priority crossings at the aforementioned locations are aligned to the shared path the crossings, albeit a plateau or 'green' pavement markings, would essentially extend from the Vincent Street kerb line to the width of the path. Therefore if a plateau was installed the ramp on the entry or road side would require a vehicle to slow and 'prop' in the street when turning in. Whilst not an issue for the left turn in it is a potentially an issue for the 'right turn in' if a vehicle obstructs the on-coming traffic and therefore unlikely to be supported by Main Roads WA, particularly given Vincent Streets classification as a District Distributor A Road with a 60kph speed limit. This is of even greater relevance at the Morriston and Vincent Streets intersection.

Further, it also tends to create a drainage issue as the plateau acts as a 'dam' requiring extra drainage infrastructure to convey the water to low side of the plateau.

Installing a raised plateau or painting green lanes at the intersection of Morriston and Vincent Streets.

Refer comments above.

It is therefore recommended that the 'green pavement marking', as shown on drawing 3095-CP-01A, be used at the all the aforementioned locations to reinforce pedestrian and cyclist priority.

Removing the depicted give way markings for path users:

The pedestrian / cyclist give-way markings have been deleted from drawings.

**PHASE 2 – Oxford Street Bike Lanes:**

Community Consultation:

In accordance with the Council's decision of 27 May 2014, the City consulted affected residents/businesses regarding the Oxford Street component of Phase 2 of the Vincent Bike Network Plan implementation and advertised the plan to the wider community between 9 and 23 June 2014.

The Council decision was that the Community would be consulted on two (2) possible options:

- Option A – minimise parking loss (24 car bays lost/net gain of 52 trees); and
- Option B – minimise tree loss (52 car bays lost/net gain of 76 trees).

In addition, respondents were asked if they supported the Bike Network Plan in General, as some may have not supported either of the options presented but still support the overall aims of the Plan.

At the close of the consultation period one hundred and three (103) responses were received. Of the responses, eighty six (86) related specifically to the Oxford Street bike lanes, or came from residents or those directly affected by the works. The respondents also had the opportunity to advise the City whether they supported the General Bike Network Plan.

The general feedback received relating to the overall implementation plan was overwhelmingly positive, with the community supporting the Council's aims.

With the feedback received relating to PHASE 2 works to be implemented on Oxford St there was a measured preference for Option A i.e. thirty nine (39) in support with sixteen (16) non-supportive of this option.

With regards to Option B thirty seven (37) expressed support for this option with twenty two (22) non-supportive of this option.

The feedback has also highlighted that many are anxious of the proposed loss of parking and this will have to be managed to reduce parking lost.

Officers Comments:

The TravelSmart officer has provided the following information after a detailed analysis of all the comments received during the community consultation..

A detailed breakdown of the comments received are contained in appendix 9.2.1

- 66% of those targeted for feedback on the Oxford Street bike lanes also advised of their support for the General Bike Network Plan, regardless of whether or not they supported Option A or B. 61 (97%) of the sixty three (63) people who provided comments were Vincent residents, with fifty seven (57) (90%) in favour of the General Bike Network Plan.
- 60 (92%) of the sixty five (65) people who provided a comment were residents of Vincent. Of the sixty five (65) who commented, thirty six (36) residents (55%) were supportive of Option A, with fifteen (15) residents (23%) non-supportive of Option A.
- 61 (92%) of the sixty six (66) people who provided a comment were residents of Vincent. Of the sixty six (66) who commented, thirty six (36) residents (55%) were supportive of Option B, with twenty (20) residents (30%) non-supportive of Option B.
- Those supplying General feedback were overwhelmingly positive (91%), with fifty three (53) (83%) of the sixty four (64) respondents being Vincent residents.

Some comments received indicated a concern with the potential for 'dooring' (cyclists being hit by drivers in parked cars opening their doors) and that 'best practice' bike lanes should be adopted with audible markers on the traffic side of the bike lane. Negative comments indicated the impression that those who cycle do not pay for roads; that it was a waste of taxpayers' funds; that cyclists should not be on busy roads.

Overall discussion of Comments Received:

A number of parking matters were raised, requirement of times restrictions in some side street, parking one side of street only (some side streets). These will be referred to the City's Parking Working Group for further consideration. Also general suggestions on minor improvements were made.

One respondent suggested that the bike lanes should be extended to Scarborough Beach Road. Due to the narrower carriageway width in this section of road, this is not possible (without removal of power poles, awning modifications and road widening). It is proposed that this section be a shared cycling zone and this will be line marked accordingly.

Similarly it was suggested that the bike lanes be extended to Vincent Street. This is not possible due to clearway requirements where tow traffic lanes are required.

Other suggestions with regards to plantings/tree species will be considered by the City's officers in the implementation of the project.

Petition A – 143 Signatures:

A petition comprised a combination of thirty six (36) residents and one hundred and seven (107) non residents and contained the following details:

*"We the undersigned respectfully request that the Council; Does not remove any car parks on Oxford Street to accommodate the Bike Network Plan and that the option that the Council has previously disregarded (option C Item 9.2.4 OMC 27<sup>th</sup> May 2014) be endorsed and used by Council as the preferred option of the ratepayers, residents and workers of Vincent."*

No accompanying information was supplied with the petition for reference, only a sign exhibited in the window of the cafe.

Officers Comments:

Option C was presented to the Special Meeting of Council held on 20 May 2014. This option discussed the possible removal of the existing median on Oxford Street however this was rejected by the Council as it was considered this would disadvantage pedestrians and was not included in the consultation.

Not only is the central median required for improved both pedestrian safety and regulation intersection movements it also allows for the planting of additional trees as part of the Greening Plan. Therefore the removal of the median as suggested by the author of the petition is not supported.

Petition B - 75 signatures:

A late petition comprising signatories from Vincent residents/business was received stating the following:

*"We the undersigned respectfully request that the Council...to abolish the Bike Network Plan that is proposed on Oxford Street as it will cause problems for our car parks/bin and waste collections. It will also make our driveway entry points shorter and will also shorten footpaths which are already 1.5 metres in width. It will also add grief in driving in/out of our own driveways when we all struggle to focus on just the vehicles passing let alone another lane of bicycles to watch out for. There is a dedicated bike path along Britannia Reserve which is in place and working fine."*

Effect on signatories parking:

The following table shows potential loss of parking affecting signatories

Section of Oxford Street	Number of signatories	Proposal
Scarb Bch Rd - Anzac	16	No changes to road layout is proposed
Anzac – Marian Street	19	Of the 19 signatories parking will be removed outside 2 of the signatories properties
Marian - Bourke	10	Of the 10 signatories parking will be removed outside 3 of the signatories properties
Bourke - Melrose	6	No parking will be lost outside the signatories properties
Melrose to Vincent	8	Of the 8 signatories parking will be removed outside 1 of the signatories properties. Minimal changes to road layout
<b>Total</b>	<b>59</b>	<b>Affected signatories = 6</b>

Bin and Waste Collection:

The City of Vincent has many situations where waste collection encounters with parked vehicles, narrow streets, and minimal verge widths. The mix of vehicles waste collection vehicles i.e. side loaders and rear loaders of varying sizes ensures that bins are collected at least weekly with minimal disruption. The bike lanes proposal will NOT compromise waste collection.

<ul style="list-style-type: none"> <li>• 2.20m wide verge - Comprising a 1.50m wide concrete footpath (existing) and a 0.7mm wide nature strip (to be paved/mulched/planted). Where existing verge trees remain or where there are power poles the verge width would be 4.30m. Bins can be placed on the 0.70m wide nature strip on collection day without compromising pedestrian movements along the footpath)</li> </ul>	
<ul style="list-style-type: none"> <li>• 0.70m wide nature strip on collection day without compromising pedestrian movements along the footpath)</li> </ul>	
<ul style="list-style-type: none"> <li>• 2.20m wide parking bay</li> </ul>	
<ul style="list-style-type: none"> <li>• 1.6m wide bike lane</li> </ul>	
<ul style="list-style-type: none"> <li>• 3.2m wide road lane</li> </ul>	
<ul style="list-style-type: none"> <li>• 1.7m wide median (existing)</li> </ul>	

Similar situations exist along other streets where on road cycle lanes have been introduced without any major issues resulting from the introduction of the cycles lanes. The above photograph shows the Palmerston Street cycle lanes with a 240 litre MGB shown on the nature strip between the existing footpath and the kerb.

Driveway entry Points:

The petition raises concerns regarding shortened driveway entry points. This has not been an issue in other streets where on road cycle lanes have been introduced and it is not envisaged that this would be an issue in Oxford Street. In fact sightlines would be improved as cyclists would be visible above the parked vehicles and once past the parked vehicle residents exiting from their driveway/crossover, would have an additional buffer/sightlines (the cycleway) prior to entering the road traffic lane).

Officers Comments:

It is recommended that Option A 'PHASE 2 – Oxford Street Bike Lanes as shown on the attached Plan Nos 3149-CP-01A and 3149-CP-02A; be implemented.

**CONSULTATION/ADVERTISING:**

A consultation program was designed and implemented in conjunction with the City's Marketing and Communications Officer and in accordance with the City's Consultation Policy.

Leaflets:

The 800 residences and businesses in streets directly affected by the Oxford Street works were hand delivered leaflets, containing the following:

- Specific works brochure;
- A two page detailed map;
- A feedback form: and
- A reply paid envelope.

Every residence in Vincent was letterbox dropped a 'General Works' brochure which outlined the Phase 1 and Phase 2 works and encouraged people to comment using the online facility, and 5300 brochures were also delivered to PO Boxes in Vincent via Australia Post. Therefore, those who live in the affected areas would have received both a General Works brochure as well as the targeted information relating to works in or near their street.

Advertising:

Three (3) full page ads were placed in the local papers delivered to Vincent residents (they were placed in the Guardian Express (6 May) and the Perth Voice (10 and 17 May) and three (3) quarter page ads were inserted in the Guardian Express (17 June) and the Perth Voice (14 and 21 June) respectively.

Online:

The Invitation to Comment was distributed online through the Vincent e-list and received regular mentions on the e-news bulletin.

Media:

An article and photo appeared 26 February 2014 in The West Australian and 4 March 2014 in the Guardian Express announcing the initiative.

**LEGAL/POLICY:**

The initiative aligns with the City's *Strategic Plan 2013-23*, *Physical Activity Plan 2009-2013* and the *Sustainable Environment Strategy 2011-2016*.

**STRATEGIC IMPLICATIONS:**

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

- "1.1: *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.*  
(d) *Promote alternative methods of transport.*"

In accordance with the City's *Sustainable Environment Strategy 2011-2016*, Objective 1 states:

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

**SUSTAINABILITY IMPLICATIONS:**

The congestion experienced due to proximity to the Perth Central Business District, as well as, increasing densification of sections of the City of Vincent highlight the need to provide infrastructure for those seeking to use active transport.

An increased cycling participation rate by both residents and the wider community should lead to improved general health and well being of the community, while reducing carbon emissions and the dependence on motorised transport.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** The design of the bike lane infrastructure has included input from Aurecon consultants; Bicycle Network; Bicycling WA; Bicycle Transportation Alliance; and Main Roads WA.

**FINANCIAL/BUDGET IMPLICATIONS:**

At the February 25 2014 Ordinary Meeting of Council, Council made the decision to list an amount of \$ 1,515,000 for consideration in the 2014/2015 Draft Budget. This amount is to fund the works on both Oxford Street and Scarborough Beach Road.

<b>PHASE 2 (2014/2015)</b>			
<b>Street</b>	<b>Section</b>	<b>Description</b>	<b>Estimated cost</b>
Oxford Street	Vincent to Scarborough Beach Road	On-road bike lanes; embay parking; on-road symbols; advanced start box	\$1,000,000
Scarborough Beach Road	Fairfield to Charles Street	On-Road bike lanes, separated by planted medians; symbols; advanced start box	\$515,000
<b>Total</b>			<b>\$1,515,000</b>

**Perth Bike Network (PBN) Grant Funding 2015-16 Round**

The City will be eligible to apply to the PBN 2015-16 round, to perhaps fund an element of the Phase 2 works. The criteria and application forms will be made available in September and the application forms traditionally need to be submitted in November for works to commence in the 2015-16 financial year.

**COMMENTS:**

It is therefore recommended that the Council approves the implementation of 'PHASE 1 – Vincent and Bulwer Street Bike Lanes' and 'PHASE 2 – Oxford Street Bike Lanes (Option A)' and advises all respondents and stakeholders of its decision.

As per the City's normal practice Information Bulletins will be distributed to owners/occupiers prior to the works commencing and the works programmed/managed to cause minimal disruption to adjoining properties.

Quarterly progress reports on the Implementation of 'PHASE 1' and 'PHASE 2' of the 'Vincent Bike Network Plan' will be provided to Council.

The Presiding Member Mayor Carey advised the Council Members that the Late Item 9.1.7 be discussed first before the remaining Items

**Moved** Cr Topelberg, **Seconded** Cr Harley

That Late Item 9.1.7 be discussed first before the remaining Items

Debate ensued.

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

(Cr Wilcox was on approved leave of absence.)

**9.1.7 LATE ITEM: Amendment No. 39 to City of Vincent Town Planning Scheme No. 1 – Multiple Dwellings in the Mount Hawthorn Precinct**

<b>Ward:</b>	South	<b>Date:</b>	18 July 2014
<b>Precinct:</b>	Mount Hawthorn (P1)	<b>File Ref:</b>	SC411
<b>Attachments:</b>	<a href="#">001</a> – Scheme Amendment No. 39 Report		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J O’Keefe, A/Manager Strategic Planning Sustainability & Heritage Services		
<b>Responsible Officer:</b>	G Poezyn, Director Planning Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. Pursuant to section 75 of the Planning and Development Act 2005, **RESOLVES TO INITIATE** Scheme Amendment No. 39 to the City’s Town Planning Scheme No. 1 to:

- 1.1 Amend the Zoning Table as follows:

Use Class	Zones
	Residential Zone
Multiple Dwelling	P/SA*

\* Refer to Clause 20 (4)(h)(ii)

- 1.2 Include Clause 20(4)(h)(ii) in the City of Vincent Town Planning Scheme No. 1 as follows:

“The use Multiple Dwelling is a ‘SA’ use in accordance with Clause 13(2)(e) on land zoned R30 and below”;

2. **ENDORSES** the Scheme Amendment No. 39 Report as shown in Attachment 9.1.5;
3. **FORWARDS** the City’s decision to the Western Australian Planning Commission;
4. **REFERS** Scheme Amendment No. 39 to the City’s Town Planning Scheme No. 1, to the Environmental Protection Authority to seek approval prior to advertising; and
5. **APPROVES** the advertising of Scheme Amendment No. 39 to the City’s Town Planning Scheme No. 1 for a period of forty-two (42) days, in accordance with regulation 25 of the Town Planning Regulations 1967 and the City’s Community Consultation Policy.

**COUNCIL DECISION ITEM 9.1.7**

**Moved Cr Cole, Seconded Cr Topelberg**

**That the recommendation be adopted.**

**Debate ensued.**

**MOTION PUT AND CARRIED (6-2)**

**For:** Presiding Member Mayor Carey, Cr Cole, Cr Harley, Cr McDonald, Cr Peart and Cr Pintabona

**Against:** Cr Buckels and Cr Topelberg

**(Cr Wilcox was on approved leave of absence.)**

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**PURPOSE OF REPORT:**

The purpose of this report is to consider a petition received by the City from Mount Hawthorn residents and to initiate an amendment to the City's Town Planning Scheme No. 1 by amending the Zoning Table to Town Planning Scheme No. 1 and including Clause 20(4)(h)(ii) to ensure the Council advertise and consider each multiple dwelling development in Mount Hawthorn on its merits and in line with community expectation.

**BACKGROUND:**

Community expectation regarding multiple dwelling developments in Mount Hawthorn have been challenged for some time, with several development proposals in the area highlighting the various issues.

The City's staff has previously provided advice to the Council detailing various different approaches to dealing with the issue of balancing all competing factors including community expectation and achieving support from the Western Australian Planning Commission. As a result of this, the Council at its Ordinary Meeting held on 11 February 2014, resolved as part of Item 9.1.4 as follows:

*"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; and*
- 1.2 *Option 4 - Local Planning Policy Amendment; and*
- 1.3 *The funding for the works to be carried from a source to be determined by the Chief Executive Officer."*

Since receiving this mandate from the Council, a Request for Quotation was prepared by City Officers and sent to 11 town planning consultant firms for a response. Responses were received from 4 planning consultant firms to complete the abovementioned options 2 and 4 however since this time the Department of Planning has initiated the 2014 R Codes review which, in part, relates to Multiple Dwellings in areas coded R35 and less.

The 2014 R Code review is proposing to return the assessment of multiple dwellings in areas coded R35 and below, from a plot ratio calculation to the traditional minimum site area density calculation. This means that rather than a percentage of the site area being the allowed area of floor space for multiple dwellings, a minimum site area per dwelling is applied to multiple dwellings in areas coded R35 and below.

On this basis, the Council resolved to defer a decision to initiate a Scheme Amendment on 24 June 2014 to prohibit Multiple Dwellings but continued to proceed with preparing a design guidelines policy for multiple dwellings on land zoned R40 and below.

**History:**

Date	Comment
17 December 2013	The Council resolved that 'investigations be undertaken into the potential to restrict multiple dwelling developments in areas zoned R30 in Mount Hawthorn, Leederville and North Perth.
11 February 2014	The Council approved the implementation of two options put forward by the investigation including a Scheme Amendment on <i>selected</i> streets throughout these areas and the progression of a local planning policy which would propose a suite of design guidelines for this type of development in these areas.
27 May 2014	A report was prepared to appoint a Consultant to assist the City in preparing a Scheme Amendment and Local Planning Policy however this was withdrawn due to the 2014 Residential Design Codes review.
24 June 2014	A recommendation was prepared for the Council to initiate a Scheme Amendment which would prohibit multiple dwellings in Mount Hawthorn, it also was recommended to appoint a consultant to prepare design guidelines for Multiple Dwellings in areas zoned less than R40 across the balance of the City.

**Previous Reports to Council:**

This matter was previously reported to the Council on the following dates:

- 17 December 2013;
- 11 February 2014; and
- 24 June 2014.

The Minutes of these Item is available on the City's website at the following link:  
[http://www.vincent.wa.gov.au/Your\\_Council/Agenda\\_Minutes](http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes).

**DETAILS:**

The Council, at its Ordinary Meeting held on 24 June 2014, deferred a resolution for further consideration to initiate a scheme amendment which would act to prohibit multiple dwellings in Mount Hawthorn.

Since this time, a petition from members of the Mount Hawthorn community has been received outlining their opposition to *future high density flats on quiet streets in [our] local area*. The basis of the petition is that multiple dwellings are a 'P' use on residential zoned land and that a compliant application for a multiple dwelling has no legal basis for refusal, despite community opposition to that form of development. It was proposed by the petition that Multiple Dwellings be removed as a 'P' use from the residential column of the Zoning Table and replaced as a 'SA' or 'A' use.

**Officers' Comments:**

The City's Officers do not support this recommendation from the community as it has been presented because it would apply to all residential zoned land in the City. This would be inequitable and unnecessarily prohibitive to multiple dwelling developments in other parts of the City where they are considered appropriate and accepted by the community, particularly if all multiple dwelling developments that are advertised within Mount Hawthorn will be likely to be opposed by the community.

Three approaches to dealing with this issue were discussed at a recent meeting with City offices, Mayor Carey and representatives from Mount Hawthorn which are summarised below.

Approach	Risk	Comments
1. A ban on multiple dwellings on land zoned R30 and below in Mount Hawthorn	HIGH	Prohibiting multiple dwellings as part of a Scheme Amendment would unlikely to be supported by the WAPC, especially while they are contemplating an amendment to the R Codes which would go some way to deal with this issue.
2. The introduction of multiple dwellings as a 'SA' use in Mount Hawthorn	MEDIUM	Introducing 'multiple dwellings' as a 'SA' use in Mount Hawthorn is not prohibiting multiple dwellings altogether and may be considered by the WAPC to work in conjunction with the proposed amendment to the R Codes as an effective way to deal with multiple dwellings and could act to support State Planning Policy. It is anticipated to be more likely to be supported by the WAPC a proposal that would prohibit multiple dwellings completely.
3. Down-coding of Mount Hawthorn	HIGH	A rezoning of parts of Mount Hawthorn to a lower zone would re-allocate a density which would not have plot ratio calculations attached such as R20 and serves to isolate areas where development will be prevented and thereby protect current neighbourhood amenity. If advertised and adopted by Council before Draft TPS2 is gazetted it could be applied to the new Scheme if supported. However, it is likely to receive opposition from many areas within the community and has a high risk of not progressing.

Officers preferred option is Option 2 which is a variation of the petition received. In this regard the zoning table is amended to allow multiple dwellings to continue to be permitted ('P' use) across the City, yet also be a use that is required to be advertised ('SA' use) and determined by the Council as follows.

Use Class	Zones
	Residential Zone
Multiple Dwelling	P/SA*

\* Refer to Clause 20 (4) (h) (ii)

Clause 20 (4) (h) (ii) would be included as follows:

*"The use Multiple Dwelling is a 'SA' use in accordance with Clause 13 (2)(e) on land zoned R30 and below"*

This is considered to be a more bespoke approach as an equitable approach which would not restrict development which is appropriate in other areas, but allows the Council the opportunity to advertise and determine the development on a case by case basis in Mount Hawthorn. It also does not prohibit multiple dwelling developments altogether which provides an approach that is likely to be supported by the Western Australian Planning Commission because it is not seen to be contrary to state planning policy.

### Residential Design Codes Amendment

Further advice was sought from the Department of Planning on 17 July 2014 regarding the progression of the amendments to the Residential Design Codes which would propose to remove the plot ratio calculations for development on land zoned R30 and R35. During their preliminary consultation with local government, 23 submissions were received containing a mix of views on the matter. The matter is now before the Minister who must agree to the formal amendment being initiated by the Western Australian Planning Commission, it is not known when this will be resolved.

Based on advice, the Department of Planning and Western Australian Planning Commission are still obliged to receive and process any scheme amendments that have been adopted by Council although it is highly unlikely that such amendments would be determined until the R Codes matter is settled. Unlike development applications received by the City, there is no statutory obligation or timeframe for the Western Australian Planning Commission to make a determination on any scheme amendment.

### **CONSULTATION/ADVERTISING:**

In relation to Scheme Amendment No. 39, the City will carry out consultation with all affected landowners within the subject areas for a period of forty-two (42) days, in line with the Town Planning regulations 1967 and the City's Community Consultation Policy.

### **LEGAL/POLICY:**

- City of Vincent Town Planning Scheme No. 1 and associated Policies;
- Residential Design Codes 2013;
- Planning and Development Act 2005; and
- Town Planning Regulations 1967.

### **RISK MANAGEMENT IMPLICATIONS:**

**Medium:** The initiation of a scheme amendment to require advertising and then Council determination is likely to have a higher rate of success with the Western Australian Planning Commission as it does not involve the prohibition of multiple dwellings directly.

### **STRATEGIC IMPLICATIONS:**

The City's *Strategic Plan 2013-2017* states:

#### "Natural and Built Environment:

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

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

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

#### Leadership, Governance and Management:

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

*4.1.4 Plan effectively for the future.*

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

**SUSTAINABILITY IMPLICATIONS:**

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

<b>ENVIRONMENTAL</b>
The Amendment and preparation of local planning policy will assist in preserving amenity in character areas and achieving high design quality (including liveability) for new dwellings.
<b>SOCIAL</b>
The Amendment will facilitate the City's intention to protect and promote housing and precinct character, and assist in providing a diverse housing choice within the municipality.
<b>ECONOMIC</b>
The Amendment may assist in preserving and enhancing property values in the precincts, by promoting the retention of architectural character of properties in the area.

**FINANCIAL/BUDGET IMPLICATIONS:**

Expenditure for this matter will be paid from the operating budget: Town Planning Scheme Amendment Policies.

**CONCLUSION:**

The petition received from community members of Mount Hawthorn has requested Council to initiate an amendment to Town Planning Scheme No. 1 immediately to amend the zoning table to make multiple dwellings a use that's not permitted unless Council has approved it.

Whilst City officers do not support the amendment as it was presented, a variation could be supported which would ensure that it does not infringe on the rights of other areas to build multiple dwellings.

It is likely the Western Australian Planning Commission may also support the amendment in this varied form.

Whilst there are other options presented to the Council, proceeding with an amendment to the zoning table as recommended is considered to have the greatest chance of avoiding negative community backlash and attract a high level of support from the Commission.

On this basis it is recommended the Council support the officer's recommendation and initiate the amendment.

**9.1.4 No. 58 (Lot 12; D/P 6049) Milton Street, Mount Hawthorn– Proposed Demolition of Existing Dwelling and Construction of Two (2) Storey Multiple Dwelling Development Comprising Five (5) Multiple Dwellings and Associated Car Parking**

<b>Ward:</b>	North	<b>Date:</b>	11 July 2014
<b>Precinct:</b>	Mount Hawthorn, P1	<b>File Ref:</b>	PRO6267; 5.2014.116.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans <a href="#">002</a> – Additional Justification		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A. Dyson, Acting Senior Planning Officer (Statutory)		
<b>Responsible Officer:</b>	G Poezyn, 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 Richard Szklarz Architects on behalf of the owners, R Pretl, for Proposed Demolition of Existing Dwelling and Construction of Two (2) Storey Multiple Dwelling Development Comprising Five (5) Multiple Dwellings and Associated Car Parking at No. 58 (Lot 61; D/P 6049) Milton Street, Mount Hawthorn and as shown on amended plans stamp-dated 27 June 2014, subject to the following conditions:

1. **Boundary Wall**

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 56a and 56b Milton Street in a good and clean condition. The finish of the walls is to be fully rendered or face brickwork;

2. **On-Site Car Parking**

2.1 A minimum of five (5) residential car bays and one (1) visitor bay, are to be provided on site for the development;

3. **Car Parking and Accessways**

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

3.2 The car park area for visitors shall be shown as common property on any strata plan; and

3.3 Visual Truncations shall be provided at the exit of the car parking area in accordance with the City's Visual Truncation requirements;

4. **Vertical Landscaping**

4.1 All vertical landscaping along the eastern elevation of the building and along the eastern boundary fence, in addition to all other landscaping on-site is to be appropriately maintained to the satisfaction of the City;

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

5.1 **Landscape and Reticulation Plan**

A detailed landscape and reticulation plan in accordance with the requirements of the Multiple Dwelling Policy No. 7.4.8 for the development site and adjoining road verge shall be submitted to the City for assessment and approval;

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

- 5.1.1 The location and type of existing and proposed trees and plants;
- 5.1.2 All vegetation including lawns;
- 5.1.3 Areas to be irrigated or reticulated;
- 5.1.4 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 5.1.5 Separate soft and hard landscaping plans (indicating details of plant species and materials to be used).

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

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

5.2 **Acoustic Report**

An Acoustic Report in accordance with the City's Policy No. 7.5.21 relating to Sound Attenuation shall be prepared and submitted. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development;

5.3 **Construction Management Plan**

A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the City, in accordance with the requirements of the City's Policy No. 7.5.23 relating to Construction Management Plans, and Construction Management Plan Guidelines and Construction Management Plan Application for approval Proforma;

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

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

5.4.1 the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units. The on-site car parking was in accordance with the requirements of the Residential Design Codes of WA 2013, the City's Policy No. 7.7.1 relating to Parking and Access;

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

6. **PRIOR TO THE SUBMISSION OF AN OCCUPANCY PERMIT, the following shall be completed to the satisfaction of the City;**

**6.1 Clothes Drying Facility**

Each multiple dwelling shall be provided with a clothes drying facility to be incorporated into the development in accordance with the City's Policy No. 7.4.8 relating to Development Guidelines for Multiple Dwellings and the Residential Design Codes of WA 2013;

**6.2 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 and maintained thereafter by the owner(s)/occupier(s) 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 Milton Street;
2. No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning;
3. With regard to condition 1, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
4. Structures including walls, fencing, retaining and any proposed landscaping within 1.5 metres of a driveway meeting a property boundary must comply with the requirements for visual truncation, being that anything above 0.65 metres in height is to have a minimum visual permeability of 50 percent, with the exception of a single pier which may not exceed 355mm in width; and
5. A demolition permit shall be obtained from the City prior to commencement of any works on the site.

**COUNCIL DECISION ITEM 9.1.4**

**Moved Cr Buckels, Seconded Cr Cole**

That the recommendation be adopted.

Debate ensued.

**AMENDMENT**

**Moved Cr Buckels, Seconded Cr Peart**

“That the Car parking bay behind the tree be removed.”

**AMENDMENT PUT AND LOST (2-6)**

**For:** Presiding Member Mayor Carey, Cr Cole, Cr Harley, Cr McDonald, Cr Pintabona and Cr Topelberg

**Against:** Cr Buckels and Cr Peart

**(Cr Wilcox was on approved leave of absence.)**

Debate ensued.

**MOTION PUT AND CARRIED (5-3)**

**For:** Presiding Member Mayor Carey, Cr Cole, Cr McDonald, Cr Pintabona and Cr Topelberg

**Against:** Cr Buckels, Cr Harley and Cr Peart

**(Cr Wilcox was on approved leave of absence.)**

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**ADDITIONAL INFORMATION:**

Additional information supporting the proposal in the form of a Development Application/Context Report has been provided by the applicant as required by the provisions of the City's Policy 7.4.8 in relation to Development Guidelines for Multiple Dwellings. The report outlines information relating the design of the development, how it achieves the ten (10) principles of design and an outline of the sites context.

**PURPOSE OF REPORT:**

The application is referred to the Council for determination, as the proposal is for multiple dwellings.

**BACKGROUND:**

Nil

**DETAILS:**

<b>Landowner:</b>	R Pretl
<b>Applicant:</b>	Richard Szklarz Architects
<b>Zoning:</b>	Residential R60
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	"P"
<b>Use Classification:</b>	Multiple Dwellings
<b>Lot Area:</b>	756 square metres
<b>Right of Way:</b>	Not Applicable

The proposed application is for the Demolition of Existing Dwelling and Construction of Two (2) Storey Multiple Dwelling Development Comprising Five (5) Multiple Dwellings and Associated Car parking.

**ASSESSMENT:**

**Town Planning Scheme/Residential Design Codes Assessment**

Design Element	Complies 'Deemed to Comply' or TPS Clause	OR	'Design Principles' Assessment or TPS Discretionary Clause
Plot Ratio	✓		
Streetscape	✓		
Street Walls and Fencing	✓		
Street Setback			✓
Lot Boundary Setbacks			✓
Building Height	✓		
Landscaping	✓		
Open Space	✓		
Roof Forms			✓
Bicycles	✓		
Access & Parking	✓		
Privacy	✓		
Solar Access	✓		
Site Works	✓		
Utilities & Facilities	✓		
Surveillance			✓

**Town Planning Scheme/Residential Design Codes Assessment**

Issue/Design Element:	Street Setbacks
Requirement:	<b>Residential Design Elements SADC 5</b> Ground Floor– 5.44 metres Upper Floor – A minimum of two metres behind lower floor (7.44 metres)
Applicants Proposal:	Ground Floor - 3.715 metres (Variation of 1.725 metres) First Floor – Directly Above (Variation of 3.725 metres)
Design Principles	<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> </ul>

Issue/Design Element:	Street Setbacks
	<ul style="list-style-type: none"> <li>allow for the provision of landscaping and space for additional tree plantings to grow to maturity;</li> </ul>
	<ul style="list-style-type: none"> <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> <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>
Applicant justification summary:	<p><i>“The proposed development is for 5 multiple dwellings not the maximum of 6 allowable with the specific intent of improving liveability. The proposed development is only 2 storeys and not 3 to reduce the impact and bulk to adjoining neighbours. Each multiple dwelling has been designed to maximize northern winter sun penetration to the ground floor living areas as per the Council’s objectives within its Development Guidelines for Multiple Dwellings.”</i></p>
Officer technical comment:	<p>Supported. It is considered that the northern side of Milton Street is in transition with a number of new residential developments constructed over the past number of years. These newer developments at Nos. 50 and 52 Milton Street are characterised by developments approved with front setbacks of between 3.7 metres – 5.0 metres. These front setbacks fit in effectively with the proposed design of the subject multiple dwelling. The articulated design fronting Milton Street is well referenced with large openings as well as the inclusion of colour and finish. These elements help to maintain the emerging streetscape pattern of Milton Street.</p> <p>The design of the front area of the building towards the middle of the lot, allows for significant areas of light and ventilation to permeate through to the adjoining dwellings on the eastern and western sides. It also allows for privacy and any impacts of building bulk to be ameliorated. This in effect enables the amenity of the adjoining dwellings to be maintained.</p> <p>The design of the building and the access of the property down the eastern side of the property allows the two existing street trees to soften the appearance of the building to the street. In addition the presence of vertical landscaping along the eastern elevation of the building and along the eastern boundary fence assists in the greening of the site.</p>

Issue/Design Element:	Lot Boundary Setbacks
Requirement:	<p><b>Residential Design Codes Clause 6.1.3 C3.1</b></p> <p><b>Lower</b> Western – Balance- 1.5 metres <del>Eastern – Balance – 1.5 metres</del></p> <p><b>Upper</b> Western – Ensuite 1 – Bed 1) – 2.3 metres</p> <p>Laundry – 1.2 metres</p> <p><b>Building on the Boundary.</b> Average Height – 3.0 metres</p>
Applicants Proposal:	<p><b>Lower</b> Western - <del>0.7</del> <del>1.2</del> <u>1.0 metres (minimum)</u> (Variation of <del>0.3 metres – 0.8 metres</del> <u>0.5 metres</u>) <del>Eastern – 0.5 metres (Variation of 1.0 metre)</del></p> <p><b>Upper</b> Western – Ensuite 1 – Bed 1 - 1.5 metres (minimum) (Variation of 0.8 metres)</p> <p><b>Laundry-</b> <u>1.0 metre</u> (Variation of 0.2 metres)</p> <p><b>Building on the Boundary</b> Average Height - 3.2 metres (Variation of 0.2 metres)</p>
Design Principles:	<p><b>Residential Design Codes Clause 6.1.3 P3.1</b> 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>

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

<b>Issue/Design Element:</b>	<b>Lot Boundary Setbacks</b>
Requirement:	<p><b>Residential Design Codes Clause 6.1.3 C3.1</b></p> <p><b>Lower</b> Western – Balance- 1.5 metres Eastern – Balance – 1.5 metres</p> <p><b>Upper</b> Western – Ensuite 1 – Bed 1) – 2.3 metres</p> <p>Laundry – 1.2 metres</p> <p><b>Building on the Boundary.</b> Average Height – 3.0 metres</p>
Applicants Proposal:	<p><b>Lower</b> Western - 0.7 -1 .2 metres (Variation of 0.3 metres – 0.8 metres) Eastern - 0.5 metres (Variation of 1.0 metre)</p> <p><b>Upper</b> Western – Ensuite 1 – Bed 1) - 1.5 metres (minimum) (Variation of 0.8 metres)</p> <p><b>Laundry-</b> metre (Variation of 0.2 metres)</p> <p><b>Building on the Boundary</b> Average Height - 3.2 metres (Variation of 0.2 metres)</p>
Design Principles:	<p><b>Residential Design Codes Clause 6.1.3 P3.1</b> 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>

Issue/Design Element:	Lot Boundary Setbacks
Applicant justification summary:	<p><i>"The patio structures to the north, east and west have been removed.</i></p> <p><i>Upper</i> <i>There is no clear example of calculating a setback to an angled boundary. Due to Council's requirement for northern winter sun to living areas together with the angled western boundary stepping of the building was possible along the western boundary. This stepping provides a greater volume of space between the proposed building and boundary than would otherwise be achieved by applying 2.3 metre parallel setback for 20 metres. Additionally the areas created at ground level are more useable and defined spaces that enhance the occupant's amenity in terms of usable private open space and its northern orientation.</i></p> <p><i>The required western area of setback units 1, 2 and 3 is 46m<sup>2</sup> which is calculated assuming a 2.3 metre setback by 20m building length. The actual area provided is 57m<sup>2</sup>.</i></p> <p><i>The required western area of setback for unit 4 is 48m<sup>2</sup> which is calculated assuming a 3.0 metre setback by 16 metres building length. The actual area provided is 58m<sup>2</sup>."</i></p>
Officer technical comment:	<p>Supported. The proposed setbacks provided allow for light and ventilation to be proposed to the subject and adjoining properties due to the articulated design.</p> <p>It is also noted that due to the orientation of the site (north-south) that any overshadowing will fall over the subject lot or onto Milton Street. No privacy issues are proposed by the design.</p> <p>It is considered on balance that the proposed setbacks do not have a major impact to the adjoining properties as sufficient setbacks are provided.</p>

Issue/Design Element:	Roof Forms
Requirement:	<b>Residential Design Elements Policy BDADC 3</b> 30-45 degrees
Applicants Proposal:	20 degrees
Design Principles	<p><b>Residential Design Elements Policy BDPC 3</b></p> <p>(i) The roof of a building is to be designed so that:</p> <ul style="list-style-type: none"> <li>• It does not unduly increase the bulk of the building;</li> <li>• In areas with recognised 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 have deliberately reduced the roof pitch from the suggested 30-45 degrees to 20 degrees to reduce the bulk and scale of the development"</i> .
Officer technical comment:	Supported. The proposed roof pitch is contemporary in nature and complements the existing streetscape. The low roof pitch also reduces the scale of the building to the street.

Issue/Design Element:	Surveillance
Requirement:	<b>Development Guidelines for Multiple Dwellings Policy No. 7.4.8 A1.4</b> The ground floor at the front of the development is occupied by a dwelling without any parking between the dwelling and the front boundary.
Applicants Proposal:	Visitor Car Bay in front setback
Design Principles	<b>Development Guidelines for Multiple Dwellings Policy No. 7.4.8 P1.3</b> Multiple Dwelling developments shall be designed to integrate with the street through providing a clear and identifiable entry from the street and to the development and ensuring garages and car parks do not dominate the streetscape.
Applicant justification summary:	<i>"Landscaping to screen visitor car parking has been introduced to assist with screening"</i>
Officer technical comment:	Supported. The proposed visitor car bay does not reduce visibility to the front of the building and does not dominate the Milton Street frontage of the property. It is considered to be largely obscured from the front letterboxes and landscaping.

**Proposed Car Parking**

Residential Car Parking	
Medium Multiple Dwelling (75-110 square metres)- 1 bays per dwelling (5 dwellings)= 5.0 car bays Visitors= 0.25 per dwelling (5 dwellings) = 1.25 car bays – 1.0 car bay Total Required = 6.00 car bays (5 Residential/1 Visitors)	7.0 Car Bays Proposed (5.0 Residents/ 2.0 Visitors)
Surplus	1.0 car bays (Visitor)

Residential Bicycle Parking		
<b>Bicycle Parking</b>	Residential component (as per the R-Codes- 1 bicycle space to each 3 dwellings for residents (5 dwellings – 1.66 or 2.0 bays required) and 1 bicycle space to each 10 dwellings for visitors (5.0 dwellings – 0.5 or 1.0 bicycle bay):	Proposed
	Two (2) bicycle bays for the residents and one (1) bicycle bay for the visitors.	Two (2) Bicycles Bays for the residents and One (1) Bicycle Bay for the Visitors

**CONSULTATION/ADVERTISING:**

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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<b>Comments Period:</b>	23 May 2014 – 6 June 2014
<b>Comments Received:</b>	Three (3) comments received with three (3) objections and three (3) comment of concern.

<b>Summary of Comments Received:</b>	<b>Officers Technical Comment:</b>
<p><u>Issue: Scale of Building</u></p> <ul style="list-style-type: none"> <li>The proposed scale of the development is unsuitable given the bulky scale of the development.</li> <li>Consider the design of the dwellings to be overcrowded with an impact to the liveability of the units.</li> <li>Consider the proposed development and the totality of the design variations provides for a precedent in the area which will impact the future development of the area and the existing residents.</li> </ul>	<p>Not supported. It is considered the proposed development is of a scale and plot ratio that is appropriate for the site. The plot ratio at 0.61 is under the 0.7 permitted for the site. The development of two storeys is in line with other developments recently completed along Milton Street and appropriately includes open areas which react to the existing site characteristics.</p> <p>Not supported. See Above.</p>
<p><u>Issue: Car Parking and Traffic</u></p> <ul style="list-style-type: none"> <li>Consider any car bays and lack of bicycle parking to the street is an issue which should be compliant.</li> <li>Concern in relation to the number of cars provided for each individual unit proposed.</li> <li>Concern in relation to increased traffic from the development especially in regard to off-street car parking.</li> </ul>	<p>Not Supported. The proposed development is compliant with car parking and the bicycle requirements of the Residential Design Codes.</p> <p>Not Supported. See Above.</p> <p>See Above.</p>
<p><u>Issue: Landscaping</u></p> <ul style="list-style-type: none"> <li>Concern the proposed landscaping will not work or be maintained on-site.</li> </ul>	<p>Noted. The landscaping provided is to be at the maintained appropriately and is conditioned accordingly. It is noted however that it is in the occupier's interest that the property be maintained to ensure the building is maintained to its optimum. A standard agreement of occupation is that all vegetation on-site be well maintained to ensure the upkeep of the premises. The strata body would need to employ a landscaper to maintain the vertical landscaping on-site for the grow walls along the eastern elevation of the building and along the boundary fencing.</p>
<p><u>Issue: Noise</u></p> <ul style="list-style-type: none"> <li>Concern in relation to noise likely to be generated from the air conditioning units.</li> </ul>	<p>Supported. Any location of air conditioning units must be in accordance with the Environmental (Noise) Regulations 1997. The basis for this legislation is that air conditioning units are located well away from habitable rooms such as bedrooms.</p>

Summary of Comments Received:	Officers Technical Comment:
<p><u>Issue: Front Setbacks</u></p> <ul style="list-style-type: none"> <li>Concern in relation to the setbacks proposed and the minimal setbacks in particular and the impact of bulk. The proposed development appears to waive these requirements to facilitate an overdevelopment of the site.</li> </ul>	<p>Not supported. The proposed front setbacks are similar to other contemporary developments approved on the northern side of Milton Street particularly at No. 52 Milton Street. It is considered the façade presents with an active frontage which promotes street surveillance.</p>
<p><u>Issue: Side Setbacks</u></p> <ul style="list-style-type: none"> <li>Concern in relation to the minimal setbacks proposed along the western boundary and the impact to existing and future residents.</li> </ul>	<p>Not supported. The proposed side setbacks to the western boundary have been effectively articulated to respond to the characteristics of this boundary. The portions of wall contain minimal openings and generous setbacks which attempt to reduce bulk to the boundary.</p>
<p><u>Issue: Privacy</u></p> <ul style="list-style-type: none"> <li>All windows along the western boundary to have a minimum sill height of 1.6 metres.</li> </ul>	<p>Noted. All windows are either compliant with the requirements of the Residential Design Codes or glass blocks have been proposed to allow for light where overlooking could occur.</p>

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

**Design Advisory Committee:**

Referred to Design Advisory Committee: Yes

The proposal was referred to the City's DAC on the 22 January 2014.

***“Discussion:***

***The Design Advisory Committee provides architectural advice and context which informs the planning process at the City of Vincent. It does not constitute general planning advice or reflect the final decision which is solely at the discretion of the decision making body, which is the Council or the Development Assessment Panel (as applicable).***

- *Plot ratio is slightly over.*
- *One or two visitors bays will be required.*
- *Front setback should be part of Unit 1.*
- *Indicate front fence on the plan.*
- *Reduce the impact of the driveway by using a different material for the pedestrian access than the vehicle access.*
- *One or two visitor's car bays will be required- confirm with Technical Services.*
- *Improve the street surveillance. Perhaps incorporate a corner window to articulate the front and provide opportunities for street surveillance.*
- *An extra level of detail is required by showing materials etc.*
- *Unit 5 bin store needs to be shown.*
- *Consider a pergola with polycarbonate (to allow northern sunlight) or extend concrete slab to provide a screen for noise, light etc from windows in units above.*
- *Crossover to be pulled back 0.5m from lot boundary.*
- *Configuration of Unit 4 between living area and kitchen could be improved to reduce wasted space.*

***“Recommendation:***

***The proposed design is very close to technically conforming however the DAC considers a number of minor design items will significantly improve the relationship to the street, acoustic privacy between apartments and impact on the West adjoining neighbours. These items are considered ‘mandatory’ to obtain the support of the DAC. If such changes are adopted the project will not require re-presentation to the DAC by the applicant and can be submitted for internal reconsideration at the next available DAC meeting (the applicant will not be required to attend).***

**Mandatory:**

- *Improve the relationship of apartment 1 to the street by indicating the front fence design including direct gate access. The garden in the set-back area should become part of apartment 1.*
- *Introduce an additional window at the upper level of apartment 1 from bedroom 2 that looks on to the street. This may be in the form of a corner window. This will improve opportunities for street surveillance.*
- *While the DAC appreciates the design is based on maximising the exposure of living areas to north winter sun, this results in two negative items. The impact on the adjoining property is increased and the extent of paving in the driveway and visible from the street is significantly increased. This can in part be reduced by shifting apartment 1 and 2 further to the east while resulting in an improved private garden size.*
- *The upper level of an apartment overlaps a different apartment below, including the adjacent outdoor living area, resulting in acoustic and privacy issues. An overhanging concrete or clear roof was proposed by the applicant during the review, this will require some careful design to balance acoustic and privacy requirements with capacity for winter sun penetration.*

**Design Considerations:**

- *Review the ground level design of apartment 4 to reduce the extent of wasted space adjacent to the WC and improve the connection between the dining and living space.*

**Technical:**

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

- *Confirm the requirement for visitor parking bays on the lot.*
- *Integrate bin stores adjacent to apartments where possible.*
- *Elevated service courts to be fully screened and of a high visual quality. These areas (for clothes drying and a/c units) are very exposed to the street.*
- *The driveway will require a 500mm minimum side setback.*
- *Stores to be identified and conform with minimum sizes."*

The applicant has amended the plans to provide the following:

- The applicant has included a front fence with direct gate access from Unit 1 to the street;
- An additional window has been included to bedroom 2 at the first floor level facing the street.
- Units 1, 2 and 3 have been relocated 0.2 metres to the east as recommended by DAC and the driveway reduced to accommodate more landscaping.
- The upper level windows have incorporated glass blocks to allow for improved privacy and acoustics to remove sound transmissions.

In view of the above amendments to the design as noted and recommended at the original meeting of DAC, the City's Planning staff feel that the proposed development is deemed to have generally addressed the mandatory requirements of the DAC. Given the proposal is a two (2) storey development, no design excellence is required in this instance.

**LEGAL/POLICY:**

The following legislation and policies apply to the Proposed Demolition of Single Dwelling and Construction of Two (2) Storey Multiple Dwelling Development Comprising Five (5) Multiple Dwellings and Associated Car parking.

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1
- Residential Design Codes of Western Australia 2013;
- Development Guidelines for Multiple Dwelling Policy No. 7.4.8; and
- Mount Hawthorn Precinct Policy No. 7.1.1.

**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."*

**ENVIRONMENTAL**

The design of the building allows for adequate light and ventilation.

**SOCIAL**

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**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS & CONCLUSION:**

**Heritage Comments**

The proposed development application involves the demolition of the existing property at No. 58 Milton Street, Mount Hawthorn. The subject property is not listed on the City's Municipal Heritage Inventory (MHI) or the MHI review List.

A preliminary heritage assessment indicates that the place has little aesthetic, historic, scientific or social heritage significance and the place is not rare and does not represent any aspect of cultural heritage of the City of Vincent that may be endangered. In accordance with the City's Policy No. 3.6.2 relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the City's Municipal Heritage Inventory. As such, the place is considered to require no further investigation and that a full Heritage Assessment is not warranted in this instance.

In light of the above, it is considered that approval should be granted for demolition subject to the following advice note:

- (i) *a Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site;*

### **Comments**

The proposed development mainly proposes variations to the street setback to the Milton Street frontage, and side setbacks to the eastern and western elevations. It is however considered that the proposed built form is of a scale and nature that is appropriate for the site. In addition the design has been well considered through the DAC process and amendments appropriately incorporated to facilitate a more thought out proposal.

The street setbacks proposed provide an articulated and attractive street form that will fit well with the developing streetscape of Milton Street. The main variation is in relation to a small portion of Unit 1 which intrudes into the front setback area. The street contains a number of new developments which have been approved and are currently under construction with front setbacks of between 3.7 – 4.5 metres.

The proposed western and eastern elevations are considered to be well articulated to afford the subject and adjoining properties good access to light and ventilation, reduction in bulk and the maintaining of privacy. With the variation to the required setbacks considered to be minor.

The remaining variations to roof form and surveillance are also considered minor and will not impact the existing streetscape.

### **Conclusion**

Overall, the proposed development is considered to improve the streetscape and surrounding area through the redevelopment of an under-utilised site, which will fit in with other similar developments along Milton Street. Milton Street itself is considered to be in transition from a typical single house on large block street characteristic to a smaller lot apartment style appearance. The appearance of the built form meets the contemporary developments that have become common along the street.

In light of the above, it is recommended that the proposed development be approved subject to the above mentioned conditions.

**9.1.5 Amendment No. 126 to Planning and Building Policies – New Policy No. 7.5.9 - ‘Home Business, Home Occupation, Home Office and Home Store’**

<b>Ward:</b>	Both Wards	<b>Date:</b>	11 July 2014
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	SC1316
<b>Attachments:</b>	<a href="#">001</a> – Policy No. 7.5.9 – ‘Home Business, Home Occupation, Home Office and Home Store’ <a href="#">002</a> – Summary of Submissions		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	M Tarca, Planning Officer (Strategic)		
<b>Responsible Officer:</b>	G Poezyn, Director Planning Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **ADOPTS** the final amended version of Policy No. 7.5.9 relating to Home Business, Home Occupation, Home Office and Home Store as shown in Attachment 001; and
2. **AUTHORISES** the Acting Chief Executive Officer to advertise the final amended version of Policy No. 7.5.9 relating to Home Business, Home Occupation, Home Office and Home Store in accordance with Clause 47(6) of the City of Vincent Town Planning Scheme No. 1.

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**COUNCIL DECISION ITEM 9.1.5**

**Moved** Cr Topelberg, **Seconded** Cr Peart

That the recommendation be adopted.

Debate ensued.

**PROCEDURAL MOTION**

**Moved** Cr Topelberg, **Seconded** Cr Harley

That the item be DEFERRED to the Ordinary Meeting of Council to be held on 26 August 2014.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Wilcox was on approved leave of absence.)

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**PURPOSE OF REPORT:**

The purpose of this report is for the Council to adopt Planning and Building Policy No. 7.5.9 which relates to the assessment, approval and management of Home Businesses, Home Occupations, Home Offices and Home Stores in the City of Vincent.

**BACKGROUND:**

This Policy is required to be consistent with new definitions which appear in the City's Draft Town Planning Scheme No. 2 (TPS2). Under the guidance of the provisions of the Model Scheme Text, the City's Draft TPS2 contains definitions of four different types of home based business operations including:

- Home Business;
- Home Occupation;
- Home Office; and
- Home Store.

The inclusion of these definitions into the scheme was part of the Schedule of Modifications the Department of Planning provided to the City in 2013 prior to the new Scheme being advertised.

This represents a change to how the City's current Town Planning Scheme No. 1 (TPS1) deals with home based business operations. Under TPS1, 'Home Occupations' is the only listed type of home based business defined. Furthermore, these type of operations are currently exempt from requiring planning approval under the City's Minor Nature Development Policy No. 7.5.1.

With the completion of advertising of TPS2 on 27 June 2014, the City requires a local planning policy that addresses the new provisions contained in TPS2.

**History:**

Date	Comment
27 May 2014	The Council at its Ordinary Meeting initiated Amendment No. 126 to consider a new Policy No. 7.5.9 relating to Home Business, Home Occupation, Home Office and Home Store
10 June 2014	The advertising period for Amendment No. 126 commenced
8 July 2014	The advertising period for Amendment No. 126 concluded.

**Previous Reports to Council:**

This matter was previously reported to the Council on 27 May 2014.

The Minutes of Item 9.1.1 from the Ordinary Meeting of Council held on 27 May 2014 relating to this report is available on the City's website at the following link: [http://www.vincent.wa.gov.au/Your\\_Council/Agenda\\_Minutes](http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes).

**DETAILS:**

A key strategy of the City's Draft Local Planning Strategy is to *Promote and diversify economic development in the City...* To support this, one of the 'actions' is to *allow for further opportunity to work from home through policy provisions to support sustainable work practices.*

On this basis, and in conjunction with the proposed new provisions contained within Draft TPS2, a draft planning and building policy was prepared to provide more clarity to those who wish to operate a business from home, while aiming to protect the amenity of the surrounding area.

The draft policy clearly identifies procedural issues, such as approvals required and fees whilst also containing the provisions of draft TPS2 in such a way that applicants can identify which 'type' of business they are and which provisions relate to their operations.

The following table summarises the processes and provisions which apply each of the 4 home business categories as outlined in the policy:

	Planning Approval Required	Advertising to Neighbours	Car Parking	Employees	Customers	External Signage	Floor Area
<b>Home Business</b>	Yes	2 weeks	2 parking bays provided on-site	No more than 2 external staff	No more than 2 at any one time	Not to exceed 0.5m <sup>2</sup>	Not to exceed 50m <sup>2</sup>
<b>Home Occupation</b>	No	No	No	No	No customers allowed to attend property	Not to exceed 0.2m <sup>2</sup>	Not to exceed 20m <sup>2</sup>
<b>Home Office</b>	No	No	No	No	No customers allowed to attend property	No	None specified
<b>Home Store</b>	Yes	2 weeks	2 parking bays provided on-site	No more than 2 external staff	No more than 2 at any one time	Not to exceed 0.5m <sup>2</sup>	Not to exceed 100m <sup>2</sup>

The requirements for each of the above 'types' of home based businesses has largely been driven by the definitions which can be found in the City's Draft TPS2 and guided by the Model Scheme Text.

The Draft Policy however, also contains other general provisions which apply to each of the four categories, including how many customers are permitted to be at the property at any one time and whether or not signage is permitted. Experience from other local governments has also been relied on when drafting this policy, particularly in regards to parking provisions, customer attraction rates, signage and employment of persons that are not residents of the dwelling.

These additional provisions have been included to help manage the different types of operations depending on their intensity. Should an operation be defined as a 'Home Store' then greater restrictions do apply to that of a 'Home Office' or 'Home Occupation' as they are considered to have a lower impact on the surrounding community.

It is noted that Clause 2.17 in the City's Policy No. 7.5.1 relating to Minor Nature Development excludes 'home occupations' from requiring a planning approval, when the proposed operation complies with the policy. Given the proposed draft Policy identifies different types of home based business operations within the City, the provisions within the Minor Nature Development Policy are required to be deleted. Following advertising of this Draft Policy 7.5.9 relating to Home Business, Home Occupation, Home Office and Home Stores, City Officers will request that Council consider deleting the relevant Clauses of Policy No. 7.5.1 so as to not to conflict with the draft policy should it proceed.

As a result of the community consultation and the submissions received, amendments have been made to Policy No. 7.5.9 following the advertising period.

**CONSULTATION/ADVERTISING:**

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

Consultation Period: 28 days, 10 June 2014 to 8 July 2014.

Consultation Type: Four adverts in a local paper, a notice on the City's website, copies displayed at City of Vincent Administration and Civic Building and Library and Local History Centre, a letter to the Western Australian Planning Commission, neighbouring local governments, appropriate precinct groups and government agencies as determined by the City of Vincent (such as Main Roads etc).

A total of five submissions were received during the four week consultation period, four of which were received from authorities and organisations which provided no comments. One community submission was received and is outlined in the table below.

**Summary of Comments Received**

<b>Issue</b>	<b>Comment</b>
<i>Policy should be rewritten as it is too long, repetitive and poorly structured. Introduction of the Home Store is fraught with danger people need to apply for a local shop with 100sqm of floor space so they are not subject to 1 car park per 20sqm of shop.</i>	Noted, amendments have been made to the policy as per the recommendations of the submission where considered appropriate.
<i>1. Definitions in clause 1 are repetitive as they are repeated in Clauses 2 &amp; 6. Results in inconsistent approaches.</i>	Noted, definitions are consistent with that in Draft Town Planning Scheme No. 2 and as per the Model Scheme Text, however they have been deleted from the policy in the interim to avoid confusion.
<i>2. Policy does not technically say that a Home Office is a subset of a Home Occupation, it is too easy to miss the point. Clause 3 makes no reference makes no reference to the fact that they cannot employ anybody outside of the household</i>	Supported, a clause has been added to Home Office which does not allow the employment of anybody outside of the household.
<i>3. Definitions for Home Business and Home Occupation say they will not cause injury to the neighbourhood, Home Store does not contain this definition</i>	Noted, definitions are consistent with that in Draft Town Planning Scheme No. 2 and as per the Model Scheme Text, however they have been deleted from the policy in the interim to avoid confusion.
<i>4. Clause 2 numbering is strange, needs to include a 2.2.</i>	Supported, numbering of Clause 2 has been updated.
<i>Clause 2.1.2 states that traffic and parking are the same issue, not the case and should be treated separately</i>	Supported, "traffic" has been replaced with "on street parking"
<i>6. Clause 2.1.5 states no deliveries or customers outside normal business hours, forgets to specify Monday to Friday</i>	Supported, clause has been amended to delete the word 'customers' and include "Monday to Friday" which relates to deliveries only.

<b>Issue</b>	<b>Comment</b>
7. <i>Not clear why 2.1.6 prohibits skin penetration</i>	Business which relate to skin penetration e.g. tattoo and piercings operate under health regulations which are not appropriate in homes.
8. <i>Clause 3.1 says “the City encourages” this is a wish washy word, why impose an extra burden when the use is invisible. No planning approval is required for Home Occupation under 4.1 but does not mention notification for the City.</i>	Supported, Clause 3.1 & 4.1 have been amended to both establish the “requirement” for appropriate notification to be given to the City and to be consistent with one another.
9. <i>Why impose a 20sqm limit on a Home Office when it does not involve anybody outside the household as an employee or customer?</i>	No square metre limit is imposed for a Home Office
10. <i>Clause 3.4 is unclear, it appears that if they do not meet the requirements in 3.2 then they need a different type of home use.</i>	Supported, Clause 3.4 has been deleted as it is clear that if not conforming, must be assessed under the provisions which do
11. <i>Clause 3.5 makes reference to Clause 3(a)(ii) which does not exist, also if it doesn't require planning approval then it should not require advertising.</i>	Supported, Clause 3.5 has been deleted from the policy as per the deletion of Clause 3.4 which does not require planning approval nor advertising
12. <i>Clause 4.2.2 repeats 2.2.1 (no Clause 2.2.1 in the policy, is referring to Clause 2.1.1)</i>	Noted, Clause 4.2.2 has been deleted as it is stated in the general definitions under 2.1.1
13. <i>Clause 4.5 states that neighbours will be notified after approval is given, and further consultation, how can there be further consultation when there hasn't been any consultation to being with?</i>	Supported, Clause 4.5 has been removed from the policy
14. <i>Clause 4.4 requires planning approval for Home Occupation which doesn't comply, most likely to become a Home Business or Home Store</i>	Supported, Clause 4.4 has been deleted as it is clear that when a Home Occupation does not comply it becomes a Home Store or Home Business and subject with those requirements.
15. <i>Clause 5.1.3 requires extra on site parking. What if they intend to employ 1 person and is a visiting customers type business</i>	Noted, Clause 5.1.3 has been amended and the term “An additional” has been removed as per the comment.
16. <i>Clause 5.2.7 is unclear, is the intention that no more than 2 customers or employees who are not members of the household are allowed at one time? Or is it customers only?</i>	Noted, the clause relates only to customers. Clause 5.2.7 has been amended to clarify the fact that this clause only relates to customers
17. <i>Clause 5.4.1, what is the intention of further consultation, if a condition is breached action will be taken</i>	Supported, Clause 5.4.1 has been removed from the policy as further consultation is not required
18. <i>Clause 6.2.6. is similar to 5.2.7, unclear on the customers or Employees</i>	Noted, the clause relates only to customers. Clause 6.2.6 has been amended to clarify

<b>Issue</b>	<b>Comment</b>
19. A shop with 100sqm should be limited to two customers? Toilets and eating facilities would be housed elsewhere and would not be included in the 100sqm. How are store keeps expected to control number of customers?	Noted, the responsibility of restricting the limit of 2 customers at any one time would be up to the shop/store keeper to manage.

A summary of the submissions received is outlined in Attachment 002.

**LEGAL/POLICY:**

- 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 Home Business, Home Occupation and Home Office 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:**

In keeping with the City's *Strategic Community Plan 2011-2021* Objectives 1.1.1:

*"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:

<b>ENVIRONMENTAL</b>
Nil

<b>SOCIAL</b>
This Policy will provide a clear framework for considering applications for Home Business, Home Occupation and Home Office which will give appropriate notification to the neighbouring properties when these applications are considered

<b>ECONOMIC</b>
This Policy will provide a clear framework for those who wish to conduct business at home and ensure that the process for preparing an application, if needed, is more efficient.

**FINANCIAL/BUDGET IMPLICATIONS:**

Expenditure for this matter will be paid from the operating budget: Town Planning Scheme Amendment Policies.

**COMMENTS & CONCLUSION:**

The intent of this policy is to provide clarity and guidance for residents who wish to contribute to the diversity of the economic landscape within the City and eliminating unnecessary red tape. By introducing standards for the four (4) types of home based businesses into the policy the City is able to promote diverse development of the economic and residential landscape, while ensuring that any home based business does not adversely impact residential streetscapes or amenity of the neighbourhood.

Changes that have been made to the advertised policy serve to strengthen the intent and purpose of the policy as they eliminate repetitions within the policy and re-align previously conflicting statements.

It is recommended that the Council adopt the Officer Recommendation and adopt the draft local planning policy.

**9.2.3 Parking Management: Various Location – Public Consultation Results**

<b>Ward:</b>	South	<b>Date:</b>	11 July 2014
<b>Precinct:</b>	Norfolk (10)	<b>File Ref:</b>	SC1211, SC738, SC228
<b>Attachments:</b>	<a href="#">001</a> – Plan No. 3154-PP-01 <a href="#">002</a> - Plan No. 3153-PP-01 <a href="#">003</a> - Plan No. 3141-PP-01		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	C Wilson, Manager Asset & Design Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES** the following;
  - 1.1 introduction of 2P Parking Restrictions, 8.00am and 5.30pm Monday to Friday and 8.00am to 12noon on Saturday, in Chelmsford Road, Hutt Street to William Street, Mount Lawley, as shown on attached Plan No. 3154-PP-01;
  - 1.2 introduction of 2P Parking Restrictions, 8.00am to 8.00pm Monday to Sunday, in Grosvenor Road, west of the City’s public carpark to Hutt Street, Mount Lawley, as shown on attached Plan No. 3153-PP-01; and
  - 1.3 introduction of 2P Parking Restrictions, 8.00am and 6.30pm Monday to Friday and 8.00am to 12noon on Saturday, in Harold Street, between Stirling and Curtis Streets, Mount Lawley/Highgate, as shown on attached Plan No. 3141-PP-01; and
2. **PLACES** a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signage.

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**COUNCIL DECISION ITEM 9.2.3**

**Moved** Cr Topelberg, **Seconded** Cr Buckels

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND CARRIED (6-2)**

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

**(Cr Wilcox was on approved leave of absence.)**

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**PURPOSE OF REPORT:**

The purpose of this report is to inform the Council of the outcome of the public consultations undertaken regarding the proposed installation of timed parking restrictions in three (3) locations in Mount Lawley and Highgate.

**BACKGROUND:**

The City has in past, and continues to receive requests from residents of Chelmsford and Grosvenor Roads and Harold Street for parking restrictions to be introduced as a means of ensuring that their street it is not used as a 'free parking zone' by employees and patrons of the nearby Beaufort Street entertainment/commercial precinct.

**DETAILS:**

**Chelmsford Road Consultation:**

At its Ordinary Meeting of 25 February 2014 the Council approved the installation of timed parking restrictions in Chelmsford Road from Hutt Street to the one-way slow point between Nos. 7 and 8 Chelmsford Road (Beaufort Street end) as a means of limiting the impact of weekday long term parking.

At the time some residents west of Hutt Street voiced concerns that it could result in the displaced 'parker's moving further up the street to the unrestricted portion (Hutt Street to William Street). They were also concerned about commuters taking advantage of the free parking at the William Street end and catching the bus into the City and subsequently approached the City requesting that the same restrictions as those installed east of Hutt Street be imposed west of Hutt Street to William Street.

As a consequence of the changes (east of Hutt Street) random surveys have indicated that the Hutt to William Streets section was becoming increasingly congested.

Therefore in light of the above the City consulted with the residents of the aforementioned section of Chelmsford Road seeking their views on the introduction of a 2P, 8.00am to 5.30pm Monday to Friday and 8.00am to 12noon on Saturday parking restrictions.

In accordance with the Council's *Community Consultation Policy*, the City wrote to all the residents of Chelmsford Road from Hutt to William Streets on 16 June 2014.

Forty nine (49) letters were sent out to which the City received six (6) responses by the close of the consultation period on 2 July 2014.

Of those who responded four (4), or 66%, were in favour and one (1), or 17%, was against. A another respondent also suggested that the problem extended into William Street (which was not part of the consultation) and that Chelmsford Road should be a residents only parking zone.

A summary of the comments received are below.

Related Comments *In Favour* of the Proposal:

- 3 x in favour with no further comments.
- This will only work if the rangers are vigilant.

Related Comments *Against* the Proposal:

- ... I have lived here since the end of 2013 and in this time I have not had any trouble finding parking... I think the additional cost such as signs, people patrolling this section, admin. etc. won't be justified.

Related Comments Neither in Support nor Objecting:

- In my opinion its better before putting parking sign in the street give permission to the residents of this street please.

Officers Comments:

While the response rate was low (12%), of those who took the opportunity to comment, four (4) of the six (6) supported the installation of timed parking restrictions.

Further, as indicated above the random site surveys have shown that the between William and Hutt Street it does appear to be more congested (since the introduction of restrictions east of Hutt Street) and given that it is a narrow road pavement, the timed restrictions will assist services vehicles, and specifically the City's Waste Collection trucks, to safely traverse the street.

Therefore it recommended that the Council approve the proposed parking restrictions.

**Grosvenor Road Consultation:**

Grosvenor Road, Mt Lawley, from the City's public car park second entrance at the Beaufort Street end, through to Hutt Street, has an existing 8.00am to 5.30pm Monday to Friday and 8.00am to noon Saturdays parking restrictions.

However, the residents in the aforementioned section have contended over a number of years that these restrictions are inadequate and that their situation is unique.

Their concern is that patrons of the nearby Beaufort Street entertainment/commercial precinct are using their street to avoid the parking fees in the City's carpark and further they are subject to antisocial behaviour and excessive noise later in the evening as people return to their cars.

In light of the continued requests the City consulted with the residents of the Grosvenor Road, from west of the carpark to Hutt Street, on 16 June 2014, seeking their views on the introduction of a 2P, 8.00am to 8.00pm Monday to Sunday parking restrictions.

Forty eight (48) letters were sent out to which the City received seven (7) responses by the close of the consultation period on 2 July 2014.

Of those who responded five (5), or 71%, were in favour, two (2), or 29% were against. A summary of the comments received are below.

Related Comments *In Favour* of the Proposal:

- 4 in favour with no further comments.
- ...Our major problems begin after 6.00pm and at weekends...It is pretty common not to be able to find a parking spot at all between Hutt and Beaufort St in the evenings. Some of us have been forced to call the ranger late in the evening to deal with vehicles parked on the verge destroying reticulation...We need to know that there will be resources provided to monitor parking along the street in the evening...

Related Comments *Against* the Proposal:

- The proposal Council approvals, such as commercial and residential subdivisions are responsible for parking congestion on this street... the only way I would support this proposal is if the number of visitor parking permits were doubled – the current 2 allowed are insufficient for family visits etc which would usually occur on the weekend.
- We rarely have any traffic problems at our end of Grosvenor Road. We often have an overnight guest or group of friends...Also I already have friends that won't come to dine/theatre in Mt Lawley area as they can't get long enough safe parking...

Officers Comments:

While the response rate was again low (15%), of those who took the opportunity to comment, five (5) of the seven (7) supported the installation of the extended parking restrictions.

As with Chelmsford Road random surveys of parking demand in Grosvenor Road in the evening tends to support the residents contention that patrons of the Mt Lawley entertainment/commercial precinct are using their street to avoid parking fees. The 8.00pm restriction should deter the majority of casual visitors while improving the resident's amenity. However, it is unlikely to have a significant impact upon the anti-social element, who, one would hope, are not driving.

Therefore it recommended that the Council approve the proposed parking restrictions.

**Harold Street Consultation:**

At its Ordinary Meeting of 13 May 2004, when considering a report on the installation of parking restrictions in Clarence Street Mt Lawley, Council requested that the City consult with the residents of remaining unrestricted portion of Harold Street, Mt Lawley/Highgate, between Stirling and Curtis/Smith Streets.

This was in recognition that with the installation of parking restrictions in Clarence Street that effectively the aforementioned section of Harold Street was the last unrestricted street on the eastern side of Beaufort Street within easy walking distance of the entertainment precinct and therefore likely to be placed under further pressure as the demand for parking in the vicinity increases.

Councils decision was in part:

*"That the Council;...*

2. *CONSULTS with the residents of Harold Street, Mount Lawley between Stirling and Curtis/Smith Streets about the introduction of 2P parking restriction 8.00am to 6.30pm Monday to Friday and 8.00am to 12.00 Noon Saturday as shown on attached Plan No. 3141-PP-01;*
3. *RECEIVES a further report at the conclusion of the Harold Street consultation;"*

In accordance with the Council's decision and *Community Consultation Policy*, the City wrote to all the residents of Harold Street between Stirling and Curtis/Smith Streets on 19 June 2014.

Two hundred and seventy seven (277) letters\* were sent out to which the City received eight (8) responses by the close of the consultation period on 4 July 2014.

Note: \*the large number of letters was due to having to consult with the residents of the St Mark's development located on the corner of Harold and Stirling Streets. The actual number of dwellings in the aforementioned section, and directly affected by the proposal, was far smaller. Further, the residents of St Mark's are not eligible for parking permits as a condition of development approval and subsequently did not respond.

Of those who responded five (5), or 63%, were in favour, two (2), or 25% were against and one (1) provided other feedback. A summary of the comments received are below.

Related Comments In Favour of the Proposal:

- 2 in favour with no further comments.
- ..provided residents are issued with parking exemption cards for themselves and visitors. There are 3 (not 2 ½ P parking bays on north side of Harold St....these bays are superfluous and at ½ P restriction severely inhibit parking opportunities.....the 2P will only work if regular patrols by rangers occur...

- ...limiting time will enable us to secure at times a street park after returning home from work. By not limiting day time street parking the problem will only increase with many people choosing free all day parking over paid parking in Harold St, compounding the already congested parking spaces.
- I do not have off street parking, and the workmen at... park in front of my house or across the road. I have a broken leg and broken arm and it is no easy to bring shopping home unless I can park close to my house.

Related Comments *Against* the Proposal:

- Will this affect visitor/car permits? Leave it as it is. Nothing is wrong with it now.
- ...have been refused a permit to park on the street...we cannot park 2 cars in the space...If the 2 hour parking restriction comes into force where am I supposed to park? ...builders parking their cars all day thus limiting residents, permit holders or otherwise, on the street....

Related Comments *Neither in Support or Objection* to the Proposal:

- Thank you for your letter. Would you please clarify in writing (email ok) what this means for residents that do not have off street parking. I currently have a resident's parking permit and two visitors permits....

Note: Officers have since spoken to the above respondent and explained the parking permit eligibility criteria and specifically that their existing permits are still valid.

Officers Comments:

As can be seen the response rate was very low in the context of the number of letters delivered. However the actual number of respondents, eight (8) when compared with the number of dwellings, twenty (20), abutting the proposed restriction area, represents a 40% response rate of which five (5) were in favour.

Therefore it recommended that the Council approve the proposed parking restrictions.

**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:** Mainly related to amenity improvements for residents and their visitors.

**STRATEGIC IMPLICATIONS:**

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

- "1.1: *Improve and maintain the natural and built environment and infrastructure.*
- 1.1.4 *Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment.*
  - 1.1.5(a) *Implement the City's Car Parking Strategy and associated Precinct Parking Management Plans."*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The inclusive cost to install signage (in all three locations) is estimated to be \$1,800.

**COMMENTS:**

As discussed in the body of the report with regards to the three (3) locations, Chelmsford and Grosvenor Roads and Harold Street, the majority of those who responded supported either the new or extended parking restrictions being imposed.

Therefore it is recommended that the Council endorses the various parking improvements as discussed in the report.

**9.4.1 Mobile Food Vendor Policy**

<b>Ward:</b>	Both	<b>Date:</b>	11 July 2014
<b>Precinct:</b>	All	<b>File Ref:</b>	ENS0133
<b>Attachments:</b>	<a href="#">001</a> – Draft Mobile Food Vendor Policy <a href="#">002</a> – Location Map		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	D Doy, Place Manager W Pearce, Manager Health and Compliance A Birch, A/Manager Community Development		
<b>Responsible Officer:</b>	J Anthony, A/Director Community Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** the report relating to the Draft Policy No. 3.8.12 – Mobile Food Vendor Policy as shown in Appendix 9.4.1A;
2. **APPROVES BY AN ABSOLUTE MAJORITY** the Draft Policy No. 3.8.12 – Mobile Food Vendor Policy as shown in Appendix 9.4.1A;
3. **AUTHORISES** the Acting Chief Executive Officer to:
  - 3.1 advertise the Draft Policy No. 3.8.12 – Mobile Food Vendor Policy, for a period of twenty-one (21) days, seeking public comment;
  - 3.2 report back to Council with any public submissions if received;
  - 3.3 include the Policy in the City’s Policy Manual if no submissions are received; and
4. **APPROVES BY AN ABSOLUTE MAJORITY** pursuant to Section 5.42 of the *Local Government Act 1995*, the delegation of the exercise of its powers and duties to the Acting Chief Executive Officer, as detailed below:

**No: 5.16A Food Act 2008 – Mobile Food Vendor Permits**

<b>Function to be performed</b>	A local government may, in writing, approve of Mobile Food Vendor Permits.
<b>Legislative power or duty delegated</b>	<i>Local Government Act 1995, Section 9.10(1).</i> <i>City of Vincent Local Government Property Local Law 2008.</i>
<b>Delegation to</b>	Chief Executive Officer
<b>Delegation</b>	<p>The Director Community Services is delegated the power to:</p> <ol style="list-style-type: none"> <li>1. Approve (or refuse) Mobile Food Vendor permits</li> <li>2. Approve of variations to the City’s Mobile Food Vendor, Permits and Policy in respect to:           <ol style="list-style-type: none"> <li>2.1 Locations and Trading areas</li> <li>2.2 Terms and Conditions</li> <li>2.3 The number of Mobile Food Vendors for each park, reserve or town centre.</li> </ol> </li> <li>3. Cancel or vary a Mobile Food Vendor Permit.</li> <li>4. Advertise for EOIs for Mobile Food Vendor Permits.</li> </ol>
<b>Chief Executive Officer delegates to</b>	Manager Health and Compliance the authority to sign and issue renewal of a Mobile Food Vendor Permit
<b>Conditions and Reporting Requirements</b>	<ol style="list-style-type: none"> <li>1. All actions taken must be recorded in writing in the appropriate file or record.</li> <li>2. All Mobile Food Vendor Permits shall be in accordance with the Council’s Policy and the <i>City of Vincent Local Government Property Local Law 2008.</i></li> </ol>

**COUNCIL DECISION ITEM 9.4.1**

**Moved Cr Harley, Seconded Cr Peart**

**That the recommendation be adopted.**

**Debate ensued.**

**PROCEDURAL MOTION**

**Moved Cr Harley, Seconded Cr Pintabona**

**That the item be DEFERRED to the Ordinary Meeting of Council to be held on 12 August 2014.**

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

**(Cr Wilcox was on approved leave of absence.)**

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**PURPOSE OF REPORT:**

To inform the Council of the basis for developing the Draft Mobile Food Vendor Policy as shown in Appendix 9.4.1A, and to obtain approval from the Council to seek comment from the local community in relation to the proposed Policy.

**BACKGROUND:**

30 October 2012

Acting Manager Health Services presented a potential model for Mobile Food Vendors within the City to the Council Forum. It was raised that the City's *Food Act Policy 2008* states that the City currently does not support Itinerant Vendors, and the policy requires an amendment if itinerant (roaming) vendors are to be permitted.

It was discussed during the Forum that a model be developed by Health Services to continue the approach of prohibiting itinerant vendors, however, to allow Mobile Food Vending at a number of suitable parks and reserves within the City, with an annual tender proposed for the locations. It was also agreed that Health Services would report to Council once a model had been drafted.

12 March 2013

A Draft Mobile Food Vendor Policy was submitted to Council for approval, however it was resolved that the item be deferred to allow further investigation to be undertaken.

At the Ordinary Meeting of Council held on Tuesday 8 July, 2014, it was resolved that Item 9.3.1 Hyde Park and Banks Reserve – Proposed Provision of Kiosk/Café Facilities be deferred for consideration at the Ordinary Meeting of Council to be held on Tuesday 22 July 2014, to allow further review to be undertaken of Draft Mobile Food Vendor Policy as shown in Appendix 9.4.1A.

**DETAILS:**

**A Successful International Trend and a Progressive Initiative**

New York, Sydney, Fremantle and other cosmopolitan cities in the world have adopted the idea of food trucks, which are regarded as a successful international trend and a progressive initiative. Food trucks are generally seen as culturally unique experiences with good quality, healthy and affordable food.

They create community spirit and generate a festival atmosphere when two or more operate in the same location. They add colour and life to an area and activate previously quiet locations improving community safety.

**Interest from Food Truck Operators**

The City of Vincent has received a number of letters from food truck vendors expressing their desire to operate within the City. They have expressed interest in operating in a number of town centres, parks and reserves within the City such as:

- Oxford Street Reserve, Leederville Town Centre;
- Hyde Park, William Street;
- Birdwood Square, Beaufort Street;
- Weld Square, Harold Street Frontage; and
- Braithwaite Park, Scarborough Beach Road.

**City of Fremantle 'Unique Food Vehicles Licence' Trial**

In July 2013, the City of Fremantle commenced its 'Unique Food Vehicles Licence' trial. Eleven (11) licences were issued and thirteen (13) locations for food trucks were designated. There was no limit to the number of food trucks per location, although there was seldom more than two (2) in any spot at any one time. Hours of operation were between 7.00 am and 9.00 pm.

At the end of the trial, the City of Fremantle conducted a survey, the results of which were published in the 'Unique Food Vehicles Licence' Trial Survey Results April 2014. The food truck trial was regarded as a success and beneficial to Fremantle overall, bringing more visitors to the Port City. A summary of the survey results follows:

- 813 survey responses were received;
- 792 responses from customers and members of the public;
- 11 responses from local businesses;
- 97% of feedback was very positive to positive;
- 66% of responses said the food trucks should operate even longer hours than 7.00 am – 9.00 pm;
- 3 local businesses rated the food trucks negative to very negative;
- 2 local businesses claimed they lost revenue;
- 37.5% of local businesses preferred the food trucks to be no closer than 25 metres; and
- 37.5% of local businesses preferred the food trucks to be no closer than 500 metres.

### Proposed Locations in the City of Vincent

It is proposed to designate one (1) to three (3) spots for Food Truck Vendors in eighteen (18) locations around fourteen (14) of the City's passive parks, active sporting reserves and Town Centres as outlined in attachment 002 and as follows:

Location	Name	Street Address	No.	
<b>Passive Parks</b>	Hyde Park	Glendower Street off road Car Park	3	
		Throssell Street off road Car Park	3	
		Weld Square	Parry Street frontage	2
		Banks Reserve	Summer Street Car Park	3
		Birdwood Square	Baker Avenue Car Park	1
		Forrest Park	Harold Street frontage	2
		Robertson Park	Stuart Street off road car park adjacent to Memorial	3
		Loton Park	On grassed area adjacent to Gate Four (To be used ONLY during concerts at nib Stadium)	3
	<b>Active Sporting Reserves</b>	Britannia Road Reserve	Britannia Road end car park	2
		Bourke Street verge near playground	2	
		Menzies Park	Purslowe Street Car Park	2
		Charles Veryard Reserve	Bourke Street car parks, one in each car park	2
<b>Town Centres</b>	Leederville Town Centre	Frame Court Car Park, alongside Oxford Street Reserve	2	
	Mount Hawthorn Town Centre	Braithwaite Park-Kalgoorlie Street Car Park	3	
		Axford Park-Hobart Street Car Park	2	
		North Perth Town Centre	View Street outside North Perth Town Hall	3
		Beaufort Street Town Centre	Barlee Street Car Park (in Lot 48, which is owned by the City)	1
			Barlee Street on road parking along side Barlee Street Car Park	2
<b>Total</b>			<b>41</b>	

### Paid Parking Bays

Of the forty-one (41) potential spots identified, only four (4) of these locations incorporate paid parking bays – Weld Square two (2) proposed bays; Frame Court Car Park two (2) proposed bays; Barlee Street on road parking two (2) proposed bays; and Barlee Street Car Park one (1) proposed bay. A total of seven (7) paid parking bays are proposed to be allocated for Mobile Food Vendors out of a total of forty-one (41) proposed parking bays.

The lost revenue for these paid parking bays, which will be offset by the fees for "Vending Vincent" licences, is as follows:

Weld Square	Parry Street on road parking	2 bays	\$2.30/hr
Leederville Town Centre	Frame Court Car Park	2 bays	\$2.30/hr, \$16.50 all day
Beaufort Street Town Centre	Barlee Street on road parking	2 bay	\$2.30/hr, \$16.50 all day
Beaufort Street Town Centre	Barlee Street Car Park, Lot 48 owned by the City	1 bay	\$2.30/hr

Rangers will be given detailed maps indicating where Mobile Food Vendors are permitted to park and the Vendors will be required to have their "Vending Vincent" Permits in their vehicles at all times of operation within the City.

### **Consultation with Town Teams:**

#### North Perth Local

At the North Perth Local meeting held on Thursday 25 June 2014, the City's Place Manager discussed the Mobile Food Vendor topic. Members of the group were both for and against Mobile Food Vendors being located in the Town Centre but were supportive of the draft policy being advertised for public comment.

#### Beaufort Street Network

The Beaufort Street Network strongly supports food trucks in the Town Centre. They note that more restaurants and cafes have attracted more people to the street, thus building the vibe, and that food trucks could potentially benefit all businesses. They would prefer that food trucks were placed in areas where there are more retailers than food businesses, and that the food offerings were not in direct competition with other food businesses in the Town Centre. In order to address concerns of some businesses, the Network has suggested that the food trucks be charged at least the equivalent (pro rata) of what Council rates would be for local businesses.

#### Leederville Connect

The City's Place Managers attended the Leederville Connect meeting held on Wednesday 2 July 2014. Those present expressed the view that food trucks should be restricted to parks and reserves, that they should offer healthy food, and should not compete with local businesses.

#### Mount Hawthorn Hub

Preliminary feedback from Mount Hawthorn Hub regarding food trucks in the Town Centre is positive.

### **Festivals**

During annual festivals, parades or special events, a Mobile Food Vendor Permit located within the event precinct will not be valid. Reasonable notice will be given to the operators where possible.

### **Operation Specific**

Specific operational matters, such as recommended times of operation, locations and numbers of Mobile Food Vendors per location, are outlined as follows:

- The recommended hours of operation for Mobile Food Vendors are between 7.00 am and 9.00 pm;
- Foods offered for sale from Mobile Food Vendors may be restricted and described within the permit;
- City Officers will call for Expressions of Interests from Mobile Food Vendors;

- Forty one (41) locations have been identified for Mobile Food Vendors. Each location can accommodate up to three (3) Mobile Food vans, with vendors being able to choose on a daily basis which site they would prefer to operate within; and
- 'Vending Vincent' permits will allow the Mobile Food Vendors to operate within any of the City's nominated locations, within the conditions set for each location, which include adherence to maximum number of Mobile Food Vendors per location.

**CONSULTATION/ADVERTISING:**

The Draft Policy No. 3.8.12 – Mobile Food Vendor Policy as shown in Appendix 9.4.1A will be advertised for a period of twenty-one (21) days, and will be included in the City's Policy Manual if no public submissions are received. The matter will be reported to Council again for further consideration should comments be received. Subject to Council approval, an Expression of Interest for Mobile Food Vendors will be advertised in September 2014.

**LEGAL/POLICY:**

- Food Act 2008;
- Food Regulations 2009;
- Australian and New Zealand Food Standards Code;
- Environment Protection (Noise) Regulations 1997;
- Environment Protection (Unauthorised Discharge) Regulations 2004;
- City of Vincent Health Local Law 2004; and
- City of Vincent Local Government Property Local Law 2008.

To ensure efficient and effective implementation of the Policy, it is recommended that the Council delegate authority to the Director Community Services to administer the Policy.

**RISK MANAGEMENT IMPLICATIONS:**

Mobile Food Vendor permit holders must take out and keep current a public and product liability insurance policy noting specifically City of Vincent as an interested party. The policy must insure for the amount of at least \$10,000,000 (\$10 Million) and must cover injury, loss or damage to persons or property arising out of the activity carried out under this Permit or the granting of this permit by the Council.

Safety measures may be required at Mobile Food Vending locations and will be assessed on a case-by-case basis by the City. If public safety cannot be reasonably addressed, permits will not be issued.

**STRATEGIC IMPLICATIONS:**

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

*"Natural and Built Environment*

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

*Economic Development*

*2.2.1 Promote business development and the City of Vincent as a place for investment appropriate to the Vision for the City.*

*2.1.2 Develop and promote partnerships and alliances with key stakeholders.*

*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."*

**SUSTAINABILITY IMPLICATIONS:**

The functions of the *Food Act 2008* are delegated to local government. Food safety education and enforcement is one of the key functions of Health Services, which includes the licensing and approval of Temporary Food Premises, such as Mobile Food vendors.

There are minimal additional sustainability implications by the introduction of the Mobile Food Vendor Policy, as the key functions remain similar to those already in place in Health and Compliance Services.

**FINANCIAL/BUDGET IMPLICATIONS:**

The fees will be consistent with the food van fees detailed in the City's Schedule of Fees and Charges for the relevant year, which for the 2014/15 Financial Year are:

- Notification (assessment of initial application) - \$50
- Annual Permit - Medium Risk \$858; Low Risk - \$619

In general, the weekends appear to be the most successful times for the Food Trucks to operate. Based on three (3) full days of operation per week for Friday, Saturday and Sunday, it is estimated that the cost of lost revenue from paid parking bays will be approximately \$19,625. Using Fremantle's estimates for the number of Food Truck licences granted, it is estimated that the City of Vincent will issue six (6) medium-risk 'Vending Vincent' licences at \$858 each, and six (6) low-risk 'Vending Vincent' licences at \$619 each. This is in addition to a fee of \$50 for each of the twelve (12) applications. The total revenue from the issue of 'Vending Vincent' licences is estimated to be \$9,462.

**COMMENTS:**

It is proposed that Council support the Officer Recommendation to approve the Mobile Food Vendor Policy, including the recommended hours of operation between 7.00 am and 9.00 pm within the eighteen (18) proposed locations around fourteen (14) of the City's Town Centres, reserves and parks.

Food trucks are an increasingly popular international trend adopted by such cities as New York, Sydney and Fremantle. They create community spirit and generate a festival atmosphere when two (2) or more operate in the same location. They add colour and life to an area and activate previously quiet locations improving community safety.

Should public submissions be received, the Policy will be reported back to Council for consideration.

**9.4.3 Establishment of Dog Exercise Areas**

<b>Ward:</b>	Both	<b>Date:</b>	10 July 2014
<b>Precinct:</b>	All	<b>File Ref:</b>	LEG0009
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	S Butler, Manager Ranger and Community Safety Services		
<b>Responsible Officer:</b>	J. Anthony, Director Community Services		

**OFFICER RECOMMENDATION:**

That the Council;

- APPROVES BY AN ABSOLUTE MAJORITY** the establishment of the following places as Dog Exercise Areas at specified times, pursuant to Section 31 (2B) (b) of the Dog Act 1976;

NO.	DESCRIPTION OF PUBLIC PLACE	TIMES DURING WHICH PLACE IS A DOG EXERCISE AREA
1.	Forrest Park-Mount Lawley: - Reserve No. 7338.	At all times except where the public place is used for a function, sports training or activities approved by the local government.
2.	Woodville Reserve-North Perth: Bounded by Namur, Fitzgerald, Farmer and Mignonette Streets, North Perth.	At all times except where the public place is used for a function, sports training or activities approved by the local government.
3.	Les Lilleyman Reserve-North Perth, except that portion of the reserve roughly bounded by Gill Street, to the south and the prolongation of the northern kerb-line of Woodstock Street, eastwards across Les Lilleyman Reserve: - part of Certificate of Crown Land Title Volume 1077 Folio 517.	At all times except where the public place is used for a function, sports training or activities approved by the local government.
4.	Menzies Park-Mount Hawthorn: Bounded by East, Purslowe, Egina and Berryman Streets, Mount Hawthorn.	At all times except where the public place is used for a function, sports training or activities approved by the local government.
5.	<del>Britannia Road Reserve South: Bounded by the Mitchell Freeway, Richmond Street and the prolongation of Namatjira Place where it meets the Mitchell Freeway.</del> <u>Britannia Road Reserve in its entirety: Bounded by the Mitchell Freeway; Bourke Street and Britannia Road</u>	<del>At all times except where the public place is used for a function, sports training or activities approved by the local government.</del> <u>At all times, except where that part of the public place is being used for a function, sporting event, training or other activities approved by the local government.</u>
6.	That portion of No. 310 Pier Street, Perth, known as Loton Park, bounded by Lord Street, Bulwer Street and the eastern fence-line of the rectangular Stadium, at that address, and excluding the enclosed fenced area used by Loton Park Tennis Club	At all times except when the public place is used for an event, function, sports training or other activities, approved by the local government.

2. APPROVES BY AN ABSOLUTE MAJORITY the establishment of the following places as Dog Exercise Areas pursuant to Section 31 (3A) of the Dog Act 1976; and:

NO.	DESCRIPTION OF PUBLIC PLACE
1.	<del>Britannia Road Reserve: Between E D Litis Stadium and Freeway Reserve, north-east of the E D Litis Stadium, Leederville. Britannia Road Reserve in its entirety: Bounded by the Mitchell Freeway; Bourke Street and Britannia Road</del>
2.	Lake Monger Estate: Between Brentham Street and Oxford Street, south of Wylie Street, Leederville.
3.	The south east portion of Charles Veryard Reserve, situated between the car park of the Macedonian Hall and Bourke Street, North Perth.
4.	Robertson Park: on the north-east corner of the intersection of Fitzgerald and Stuart Streets, Perth (South of Halvorson Hall).
5.	Jack Marks Reserve: on the north east corner of the intersection of Broome and Wright Streets, Highgate.
6.	Banks Reserve: Joel Terrace, East Perth.
7.	The south portion of Les Lilleyman Reserve bounded by Gill Street, to the south and the prolongation of the northern kerb-line of Woodstock Street, eastwards across Les Lilleyman Reserve.

3. APPROVES BY AN ABSOLUTE MAJORITY the establishment of Charles Veryard, as a new Dog Exercise Area at specified times, pursuant to Section 31 (2B) (b) of the Dog Act 1976 and advertising pursuant to Section 31 (3C) as follows;

NO.	DESCRIPTION OF PUBLIC PLACE	TIMES DURING WHICH PLACE IS A DOG EXERCISE AREA
1.	Charles Veryard Reserve in its entirety; Bounded by Bourke Street, Barnet Street and Albert Street, North Perth.	At all times except where the public place is used for a function, sports training or activities approved by the local government.

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

Moved Cr Harley, Seconded Cr Cole

That the recommendation be adopted.

Debate ensued.

#### AMENDMENT

Moved Cr Cole, Seconded Cr Topelberg

That clause 3 be amended and a new clause 4 be added to read as follows:

~~“3. APPROVES BY AN ABSOLUTE MAJORITY the establishment of Charles Veryard, as a new Dog Exercise Area at specified times, pursuant to Section 31 (2B) (b) of the Dog Act 1976 and advertising pursuant to Section 31 (3C) Community Consultation to be invited from residents within 500 metres of Charles Veryard Reserve and Sporting and Community Groups who regularly use the Reserve for a period of not less than twenty-one (21) days for the proposed additional Dog Exercise Area as follows:~~

NO.	DESCRIPTION OF PUBLIC PLACE	TIMES DURING WHICH PLACE IS A DOG EXERCISE AREA
1.	Charles Veryard Reserve in its entirety; Bounded by Bourke Street, Barnet Street and Albert Street, North Perth.	At all times except where the public place is used for a function, sports training or activities approved by the local government.

4. NOTES that a further report be submitted to the Council after the expiry of the consultation period and adhere to the requirements pursuant to Section 31 (2B) (b) of the Dog Act 1976 and advertising pursuant to Section 31 (3C) with regards to the establishment of a new Dog Exercise Area."

Debate ensued.

**AMENDMENT PUT AND CARRIED (6-2)**

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

**Against:** Cr Harley and Cr Peart

(Cr Wilcox was on approved leave of absence.)

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

(Cr Wilcox was on approved leave of absence.)

**COUNCIL DECISION ITEM 9.4.3**

That the Council;

1. APPROVES BY AN ABSOLUTE MAJORITY the establishment of the following places as Dog Exercise Areas at specified times, pursuant to Section 31 (2B) (b) of the Dog Act 1976;

NO.	DESCRIPTION OF PUBLIC PLACE	TIMES DURING WHICH PLACE IS A DOG EXERCISE AREA
1.	Forrest Park-Mount Lawley: - Reserve No. 7338.	At all times except where the public place is used for a function, sports training or activities approved by the local government.
2.	Woodville Reserve-North Perth: Bounded by Namur, Fitzgerald, Farmer and Mignonette Streets, North Perth.	At all times except where the public place is used for a function, sports training or activities approved by the local government.
3.	Les Lilleyman Reserve-North Perth, except that portion of the reserve roughly bounded by Gill Street, to the south and the prolongation of the northern kerb-line of Woodstock Street, eastwards across Les Lilleyman Reserve: - part of Certificate of Crown Land Title Volume 1077 Folio 517.	At all times except where the public place is used for a function, sports training or activities approved by the local government.
4.	Menzies Park-Mount Hawthorn: Bounded by East, Purslowe, Egina and Berryman Streets, Mount Hawthorn.	At all times except where the public place is used for a function, sports training or activities approved by the local government.
5.	Britannia Road Reserve in its entirety: Bounded by the Mitchell Freeway; Bourke Street and Britannia Road	At all times, except where that part of the public place is being used for a function, sporting event, training or other activities approved by the local government.

6.	That portion of No. 310 Pier Street, Perth, known as Loton Park, bounded by Lord Street, Bulwer Street and the eastern fence-line of the rectangular Stadium, at that address, and excluding the enclosed fenced area used by Loton Park Tennis Club	At all times except when the public place is used for an event, function, sports training or other activities, approved by the local government.
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2. **APPROVES BY AN ABSOLUTE MAJORITY** the establishment of the following places as Dog Exercise Areas pursuant to Section 31 (3A) of the Dog Act 1976; and:

NO.	DESCRIPTION OF PUBLIC PLACE
1.	Britannia Road Reserve in its entirety: Bounded by the Mitchell Freeway; Bourke Street and Britannia Road
2.	Lake Monger Estate: Between Brentham Street and Oxford Street, south of Wylie Street, Leederville.
3.	The south east portion of Charles Veryard Reserve, situated between the car park of the Macedonian Hall and Bourke Street, North Perth.
4.	Robertson Park: on the north-east corner of the intersection of Fitzgerald and Stuart Streets, Perth (South of Halvorson Hall).
5.	Jack Marks Reserve: on the north east corner of the intersection of Broome and Wright Streets, Highgate.
6.	Banks Reserve: Joel Terrace, East Perth.
7.	The south portion of Les Lilleyman Reserve bounded by Gill Street, to the south and the prolongation of the northern kerb-line of Woodstock Street, eastwards across Les Lilleyman Reserve.

3. **APPROVES** Community Consultation to be invited from residents within 500 metres of Charles Veryard Reserve and Sporting and Community Groups who regularly use the Reserve for a period of not less than twenty-one (21) days for the proposed additional Dog Exercise Area as follows:

NO.	DESCRIPTION OF PUBLIC PLACE	TIMES DURING WHICH PLACE IS A DOG EXERCISE AREA
1.	Charles Veryard Reserve in its entirety; Bounded by Bourke Street, Barnet Street and Albert Street, North Perth.	At all times except where the public place is used for a function, sports training or activities approved by the local government.

4. **NOTES** that a further report be submitted to the Council after the expiry of the consultation period and adhere to the requirements pursuant to Section 31 (2B) (b) of the Dog Act 1976 and advertising pursuant to Section 31 (3C) with regards to the establishment of a new Dog Exercise Area.

**PURPOSE OF REPORT:**

The purpose of this report is to ratify existing Council approved Dog Exercise Areas as required by recent amendments to the Dog Act 1976 and the Dog Regulations 2013, and introduce an additional area of Charles Veryard Reserve as a new dog exercise area.

**BACKGROUND:**

Prior to 1 November 2013, dog exercise areas specified in Dogs Local Law 2007 were established pursuant to *Section 51- 'Local law making powers'*, of the Dog Act 1976.

**DETAILS:**

The Dog Act 1976 was amended effective November 2013 and the sections which gave Local Government the power to establish and control dog areas, section 51(b), (ba) or (bb), were deleted. Section 31 was amended to provide the ability for Council to specify dog exercise areas by way of an absolute majority.

Section 31 (2B) provides:

*A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a place where dogs are prohibited;*

- (a) at all times; or*
- (b) at specified times.*

Section 31 (3A) provides:

A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area.

On 20 May 2014, the Dog Regulations 2013 were amended with the addition of regulation 37 which in effect makes dog areas previously specified in local laws inoperative after 31 July 2014.

Regulation 37 (1) provides:

Transitional regulation: provisions of certain local laws have no effect after 31 July 2014

- (1) In this regulation - place control provision means a provision of a local law that was made under the Dog Act 1976 section 51(b), (ba) or (bb) before 1 November 2013 (the day on which section 51(b), (ba) and (bb) were deleted by the Dog Amendment Act 2013 section 56(a).
- (2) Each place control provision has no effect after 31 July 2014.

**Petition – Charles Veryard Reserve**

At the Council Meeting held on 27 May 2014, a petition was received along with 95 signatures, in regard to the Charles Veryard Reserve and supporting the following:

- 1. the bringing in line with most City of Vincent Dog Parks including Britannia Road Reserve, Forrest Park and Les Lilleyman Reserve, the designation of the whole of Charles Veryard Reserve (not including playground area) to be accessible for Dog off leash; and importantly Dog Owner Exercise; and
- 2. the permanent Dog Exercise Designated Area to be expanded north to include the Dog Water bowl and Dog Waste Bin - currently outside of the Designated Permanent Dog Exercise Area (still required during sporting activity event times).

It is recommended that with point 1 above, that this is supported for Charles Veryard Reserve in its entirety, as bounded by Bourke Street, Barnet Street and Albert Street, North Perth, at all times except where the public place is used for a function, sports training or activities approved by the local government. This will be in line with other sporting reserves within the City.

Point 2 will be managed by moving the dog water bowl and dog waste bin into the existing permanent Dog Exercise Designated Area.

These recommendations have been discussed and agreed to with Ms Emma Chester who submitted the petition.

**CONSULTATION/ADVERTISING:**

Any new dog control areas to be specified by Council pursuant to section 31 are now only required to be advertised for twenty eight (28) days prior to the intention to specify a place. No public consultation is required.

Section 31 (3C) provides:

*At least 28 days before specifying a place to be*

- (a) *a place where dogs are prohibited at all times or at a time specified under subsection (2B); or*
- (b) *a dog exercise area under subsection (3A); or*
- (c) *a rural leashing area under subsection (3B);*

*a local government must give local public notice as defined in the Local Government Act 1995 section 1.7 of its intention to so specify.*

The City is not required to advertise existing areas as public consultation was undertaken prior to the areas being included in the Dogs Local Law 2007 policy. Essentially, if the areas made by local law are not changing when the Council makes its resolution, the public notice is not needed, as it would have been given when the local law was made.

The extract below is from advice provided to Local Government by WALGA:

*The Act does, indeed require public notice be given – “at least 28 days before” The public notice was, however, given at the time that the local laws were made when the local law making process was followed.*

*There is no requirement in the Act that the public notice is to be immediately before the decision. As no change is being made to the exercise or prohibited areas that were previously consulted on, no additional notice is required.*

**LEGAL/POLICY:**

Dog Act 1976  
Dog Regulations 2013  
Dogs Local Law 2007

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** Risk is considered low as this will have no effect on existing dog control or exercise areas.

**STRATEGIC IMPLICATIONS:**

In keeping with the City's *Strategic Plan 2013-2017*, Objective 3.1.5(b) states:

*“Deliver a range of leisure programs to encourage structured and unstructured recreation in the community.”*

**FINANCIAL/BUDGET IMPLICATIONS:**

In accordance with Section 31 (C) of the Dog Act 1976, the City must advertise the Council's intention to specify a place. There will be minimal cost associated with advertising in local newspapers for the newly established dog exercise area in Charles Veryard Reserve.

**COMMENTS:**

The amendment to the Dog Regulations allows local governments to govern and control the establishment of dog exercise areas or prohibit dogs absolutely from areas without following the rigorous local law making process as set out in the Local Government Act 1995.

**9.5.1 Policy No. 4.2.7 – Council Members Allowances, Fees and Re-imbursment of Expenses – Amendment**

<b>Ward:</b>	Both	<b>Date:</b>	11 July 2014
<b>Precinct:</b>	All	<b>File Ref:</b>	ADM0051
<b>Attachments:</b>	<a href="#">001</a> – Salaries and Allowances Tribunal Determination 2014 <a href="#">002</a> – Amended Draft Policy No. 4.2.7		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	Mike Rootsey, Acting Chief Executive Officer		
<b>Responsible Officer:</b>	Mike Rootsey, Acting Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council;

1. **NOTES** the Determination of the Salaries and Allowances Tribunal (the Tribunal) on Local Government Elected Council Members, issued in June 2014, as shown in Attachment 001;

2. **APPROVES BY AN ABSOLUTE MAJORITY;**

2.1 pursuant to relevant amendments to the Local Government (Administration) Regulations 1996, the financial support that will be provided to Council Members through the payment of allowances, fees and reimbursement of expenses incurred and insurance cover while performing their official functions and duties of office, as detailed in the amended draft Policy No. 4.2.7 – “*Council Member - Allowances, Fees and Re-imbursment of Expenses*”, as shown in Attachment 002; and specifically;

2.2 In accordance with Section 5.99 of the Local Government Act 1995, the payment of an Annual Meeting Attendance Fees to the maximum amount allowable within the prescribed legislation, which currently is as follows:

ITEM	AMOUNT
Councillors	\$22,660
Mayor	\$30,385

2.3 In accordance with Section 5.98 (5) of the Local Government Act 1995, the payment of an Annual Mayoral Allowance to the maximum amount allowable within the prescribed legislation, which currently as follows:

ITEM	AMOUNT
Mayor	\$61,800

2.4 In accordance with Section 5.98A of the Local Government Act 1995, the payment of a Deputy Mayoral Allowance as follows:

ITEM	% of the Mayoral Allowance	AMOUNT
Deputy Mayor	20%	\$12,360

2.5 To **AMEND** Council Policy No. 4.2.7 – “*Council Member - Allowances, Fees and Re-imbursment of Expenses*”, as shown in Clause 2.2 to 2.5 above and in Attachment 002; and

**Moved Cr Harley, Seconded Cr Buckels**

That the recommendation, together with the following change(s), be adopted:

That the Council;

1. NOTES the Determination of the Salaries and Allowances Tribunal (the Tribunal) on Local Government Elected Council Members, issued in June 2014, as shown in Attachment 001;

2. APPROVES BY AN ABSOLUTE MAJORITY;

2.1 pursuant to relevant amendments to the Local Government (Administration) Regulations 1996, the financial support that will be provided to Council Members through the payment of allowances, fees and reimbursement of expenses incurred and insurance cover while performing their official functions and duties of office, as detailed in the amended draft Policy No. 4.2.7 – “*Council Member - Allowances, Fees and Re-imbursment of Expenses*”, as shown in Attachment 002; and specifically;

2.2 In accordance with Section 5.99 of the Local Government Act 1995, the payment of an Annual Meeting Attendance Fees to the maximum amount allowable within the prescribed legislation, which currently is as follows:

ITEM	AMOUNT
Councillors	\$22,660
Mayor	\$30,385

2.3 In accordance with Section 5.98 (5) of the Local Government Act 1995, the payment of an Annual Mayoral Allowance to the maximum amount allowable within the prescribed legislation, which currently as follows:

ITEM	AMOUNT
Mayor	\$61,800

2.4 In accordance with Section 5.98A of the Local Government Act 1995, the payment of a Deputy Mayoral Allowance as follows:

ITEM	% of the Mayoral Allowance	AMOUNT
Deputy Mayor	20%	\$12,360
	25%	\$15,450

2.5 To AMEND Council Policy No. 4.2.7 – “*Council Member - Allowances, Fees and Re-imbursment of Expenses*”, as shown in Clause 2.2 to 2.5 above and in Attachment 002; and

**2.6 Following the annual Determination of Salary and Allowance Tribunal for Local Government Elected Council Members are to receive the maximum, amount payable for all. Allowances and Fees (including the Deputy Mayor Allowance) and AUTHORISES the Chief Executive Office to include the amounts in the Annual Budget.**

Debate ensued.

**MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (7-1)**

**For:** Presiding Member Mayor Carey, Cr Buckels, Cr Cole, Cr Harley, Cr McDonald, Cr Peart and Cr Pintabona

**Against:** Cr Topelberg

**(Cr Wilcox was on approved leave of absence.)**

**COUNCIL DECISION ITEM 9.5.1**

That the Council;

1. **NOTES** the Determination of the Salaries and Allowances Tribunal (the Tribunal) on Local Government Elected Council Members, issued in June 2014, as shown in Attachment 001;

2. **APPROVES BY AN ABSOLUTE MAJORITY;**

- 2.1 pursuant to relevant amendments to the Local Government (Administration) Regulations 1996, the financial support that will be provided to Council Members through the payment of allowances, fees and reimbursement of expenses incurred and insurance cover while performing their official functions and duties of office, as detailed in the amended draft Policy No. 4.2.7 – “*Council Member - Allowances, Fees and Re-imbursment of Expenses*”, as shown in Attachment 002; and specifically;

- 2.2 In accordance with Section 5.99 of the Local Government Act 1995, the payment of an Annual Meeting Attendance Fees to the maximum amount allowable within the prescribed legislation, which currently is as follows:

ITEM	AMOUNT
Councillors	\$22,660
Mayor	\$30,385

- 2.3 In accordance with Section 5.98 (5) of the Local Government Act 1995, the payment of an Annual Mayoral Allowance to the maximum amount allowable within the prescribed legislation, which currently as follows:

ITEM	AMOUNT
Mayor	\$61,800

- 2.4 In accordance with Section 5.98A of the Local Government Act 1995, the payment of a Deputy Mayoral Allowance as follows:

ITEM	% of the Mayoral Allowance	AMOUNT
Deputy Mayor	20%	\$12,360
	25%	\$15,450

- 2.5 To AMEND Council Policy No. 4.2.7 – “*Council Member - Allowances, Fees and Re-imbursment of Expenses*”, as shown in Clause 2.2 to 2.5 above and in Attachment 002; and

- 2.6 Following the annual Determination of Salary and Allowance Tribunal for Local Government Elected Council Members are to receive the maximum, amount payable for all. Allowances and Fees (including the Deputy Mayor Allowance) and AUTHORISES the Chief Executive Office to include the amounts in the Annual Budget.

**PURPOSE OF REPORT:**

The purpose of this report is to inform the Council of the Determination of the Salaries and Allowances Tribunal [**the Tribunal**] on Local Government Elected Council Members, issued on the 19 June 2014 and to amend the Policy No. 4.2.7 – “*Council Member - Allowances, Fees and Re-imbursment of Expenses*”, (as shown in Appendix 7.1 – Attachment 002).

**BACKGROUND:**

On 19 June 2014, the Salaries and Allowances Tribunal published its Local Government Elected Council Members Determination No.1 of 2014 – [**the Determination**], as shown in Appendix 7.1 (Attachment 001).

The SAT Determination advised as follows:

**“PREAMBLE:**

1. *In accordance with Section 7B(2) of the Salaries and Allowances Act 1975 (‘the SA Act’), the Salaries and Allowances Tribunal is required to “inquire into and determine:*
  - a. *the amount of fees, or the minimum and maximum amounts of fees, to be paid under the Local Government Act 1995 [‘the LG Act’] to elected council members for attendance at meetings; and*
  - b. *the amount of expenses, or the minimum and maximum of expenses, to be reimbursed under the Local Government Act 1995 to elected council members; and*
  - c. *the amount of allowances, or the minimum and maximum amounts of allowances, to be paid under the Local Government Act 1995 to elected council members.”*

**BACKGROUND**

2. *Following the proclamation of relevant sections of the Local Government Amendment Act 2012 on 8 February 2014, the Tribunal was empowered to determine certain payments that are to be made or reimbursed to elected council members with effect from 1 July 2014.*
3. *Sections 5.98 to 5.100 of the LG Act were also amended with effect from 1 July 2014 to complement the changes to the SA Act.*
4. *The legislation confers entitlements to claim fees, expenses and allowances associated with the performance of functions carried out under the express authority of their Local Government. These entitlements cannot be taken away by any decision or action of the Council.*
5. *The Tribunal has the capacity to determine either particular amounts for these payments or minimum and maximum ranges within which Local Governments can then set the amounts.*
6. *Where the Tribunal has chosen to determine a range, Local Governments are obliged to set, by absolute majority, the amount to be paid or reimbursed.*
7. *Elected Council members have the ability to waive their entitlements or claim less than the awarded amount by writing to their Local Government in accordance with any relevant policies.*
8. *The Tribunal notes that the fees, expenses and allowances outlined in this determination are not intended to be reflective of full time salaries given the recognized element of voluntary community service associated with the role of Elected Council Member.*

### **CURRENT INQUIRY**

9. *In discharging its statutory requirement with respect to the entitlements of elected Council Members, the Tribunal's approach has been:*
- *advertise for public submissions;*
  - *Write via to local governments and regional local governments inviting them to raise any comments or issues relevant to the determination of fees, expenses and allowances;*
  - *Seek information from local governments and regional local governments regarding the fees, expenses and allowances paid to elected council members in consideration of the 2013 determination;*
  - *considered relevant labour market and economic data; and*
  - *seek advice from the Statutory adviser, Ms Jennifer Mathews, Director General, Department of Local Government and Communities (DLGC).*

### **SUBMISSIONS**

10. *An advertisement calling for public submissions to the Tribunal's inquiry was placed in The West Australian newspaper on, 22 March 2014 with a closing date of, 11 April 2014, and on the Tribunal's website.*
11. *On 27 March 2014, the Tribunal emailed local government and regional local government Chief Executive Officers (CEOs) to invite submissions from themselves and their elected council members on issues relevant to the determination by 18 April 2014.*
12. *On 31 March 2014, the Tribunal wrote to the Western Australian Local Government Association (WALGA) and the Western Australian division of the Local Government Managers Australia (LGMA), inviting submissions to its inquiry by 18 April 2014.*
13. *A total of ten submissions were received from seven local governments and three councilors.*
14. *Aside from the those local governments who requested an increase in classification, matters raised in the submissions included that:*
- a. *Elected council members have responsibility for making strategic decisions and determining substantial budgets but because they are not adequately remunerated, cannot afford to take leave from their main employment to attend relevant training courses to enhance their skills and qualifications;*
  - b. *There is an increasing requirement for elected council members to have a good knowledge of a wide range of legislation and good governance, be approachable and accountable and be strategic thinkers who can plan for their community's future. Remuneration should therefore reflect the level of expertise, knowledge, work load and time commitment of elected council members.*
  - c. *the need to attract and retain young, motivated men and women to the role of elected council member is crucial in order to secure a healthy outlook for local government;*
  - d. *Any future increases to meeting and annual attendance fees should only be awarded to elected council members and not their mayor/president/chairperson in order to make the current pay differential more equitable;*
  - e. *The greater responsibilities of a mayor/president/chairperson are sufficiently rewarded with higher meeting and annual attendance fees and should not be further recognised by provision of an annual allowance;*

- f. *the annual attendance fee in lieu of council and committee meetings should be amended to include meetings of a prescribed nature in accordance with section 30(3A) of the Local Government (Administration) Regulations 1996 ('LG Regulations');*
- g. *The Tribunal should clarify the travel and accommodation reimbursement rates to which elected council members are eligible under the Public Service Award 1992 ('the Award'), or determine a rate altogether independent of the Award; and*
- h. *The Tribunal should determine particular amounts of fees and allowances rather than a range to avoid any political grandstanding and remove the requirement for elected council members to vote publicly on aspects of their remuneration.*

*The Tribunal took into account all feedback received through the inquiry process. Several of the issues raised above have been acted upon in this determination.*

## **CONCLUSIONS**

The Tribunal reached the following conclusions:

- “56. *During the course of the inquiry, the Tribunal received feedback that increases awarded in the 2013 determination acknowledged the workload and responsibilities of elected council members, mayors, presidents and chairpersons across a range of different sized local governments.*
- 57. *The Tribunal has determined a general adjustment of 3 per cent to the maximum ranges of the council meeting fees, committee meeting and prescribed meeting fees, annual attendance fees in lieu of council and committee meeting fees and the annual allowances for mayors, presidents and chairpersons. All adjustments to the maximum ranges have been rounded to the nearest dollar and are effective 1 July 2014.*
- 58. *The Tribunal considers that an increase of 3 per cent is sufficient given the current economic climate and the substantial increases awarded in the 2013 determination. The Tribunal's decision also takes into account information provided by local governments and regional local governments throughout the inquiry process and maintains the understanding that there is a recognised element of community service associated with the role of elected council member.*
- 59. *In light of the above, the Tribunal advises that a local government would have to satisfy itself that there was sound justification to award elected council members an increase within their allocated band range which was in excess of 3 per cent.*
- 60. *The Tribunal has maintained a separate annual allowance for the Lord Mayor in recognition of the significant ceremonial and civic responsibilities associated with being a representative of the State's capital city and involved in state and national planning initiatives. The 3 per cent general adjustment is therefore also applicable to the maximum range of the annual allowance awarded to the Lord Mayor.*
- 61. *The minimum ranges outlined for the abovementioned entitlements in the Tribunal's determination have been maintained in order to prevent placing undue pressure on those local governments which may not have the financial capacity to pay increased amounts.*
- 62. *In continuing to set minimum and maximum amounts, the Tribunal has maintained the ability for local governments and regional local governments to exercise discretion in setting particular amounts within the ranges outlined in this determination.*

63. *The Tribunal has found that the current classification framework and band allocation model have been effective and that no further amendment is warranted at this time. Regional local governments will continue to be provided with a single range of fees and allowances rather than in accordance with the band allocation awarded to them under the Tribunal's 2013 determination for local government CEOs.*
64. *After considering all of the relevant information, the Tribunal has increased the classification for the City of Kwinana from Band 2 to Band 1. The Tribunal considered a range of factors including the City's increased levels of work value, growth and responsibility outlined in their submission and in data collected by the Tribunal. Whilst the Tribunal is mindful that the City may be impacted by the State Government's metropolitan reform program, the extent of the change will only be understood once recommendations have been made by the Local Government Advisory Board and accepted by the Minister for Local Government. The increases in work value, growth and responsibility factors were considered significant enough to warrant reclassification at this time.*
65. *Aside from the City of Kwinana, the Tribunal has maintained the classifications awarded to all local governments and regional local governments. Although several local governments demonstrated increases in terms of operating expenditure, FTE and population, they were not considered significant or consistent enough to warrant an increase in classification at present.*
66. *The annual attendance fees in lieu of council meeting and committee meeting attendance fees have been amended to include meetings of a prescribed nature as defined in Regulation 30(3A) of the LG Regulations. However, the Tribunal did not consider it necessary that the inclusion of prescribed meetings required the maximum ranges of the annual attendance fees to be increased beyond the 3 per cent general adjustment.*
67. *The Tribunal reinforces its preference for the reimbursement of actual expenses wherever possible and accordingly, has maintained the annual allowances for information and communication technology (ICT) and travel and accommodation provided for in the 2013 determination. Although these annual allowance are to be paid in lieu of reimbursement of such expenses, the Tribunal maintains the fundamental principle that elected council members should not be out of pocket for expenses properly incurred in the fulfilment of their duties and that any expense incurred beyond the annual allowance amount received should continue to be reimbursed in accordance with the LG Regulations.*
68. *In conclusion, the Tribunal would like to acknowledge those who provided information to this inquiry. This enabled the Tribunal to appreciate the issues impacting various local governments and the wider sector, and also gain feedback regarding the effectiveness of its inaugural determination into the fees, expenses and allowances of elected council members.*
69. *The Tribunal also wishes to thank Ms Jennifer Mathews, Director General DLGC, for the invaluable advice and assistance provided by herself and her staff, and express their appreciation to the former Executive Officer, Mr John Lukin, and the current Executive team for the research and dedication that has enabled the compilation of this determination.*

**DETAILS:**

The general adjustment of three (3) percent to the maximum ranges of the Council Meeting fees, Committee Meeting and prescribed meeting fees, annual attendance fees in lieu of Council and Committee meeting fees and the Annual Allowance for Mayors, Presidents and Chairpersons are effective from 1 July 2014.

The main changes are as follows:

**Annual Meeting Attendance Fees In Lieu Of Council Meeting and Committee Meeting Attendance Fees – Local Governments**

**Councillors:**

Local Government Band	Minimum	Maximum
1	\$24,000	\$30,900
2 (City of Vincent)	\$14,500	\$22,600
3	\$7,500	\$15,965
4	\$3,500	\$9,270

**Mayor/President:**

Local Government Band	Minimum	Maximum
1	\$24,000	\$46,350
2 (City of Vincent)	\$14,500	\$30,385
3	\$7,500	\$24,720
4	\$3,500	\$9,055

**Annual Allowance for a Mayor or President:**

Local Government Band	Minimum	Maximum
1	\$50,000	\$87,550
2 City of Vincent	\$15,000	\$61,800
3	\$1,000	\$36,050
4	\$500	\$19,570

**CONSULTATION/ADVERTISING:**

In recent years It has been the Council's practice not to advertise for public comment the amendment to this Policy (the last occasion it was advertised for public comment was May 2003).

**LEGAL/POLICY:**

**Policy No. 4.2.7 – Council Members – Allowances, Fees and Re-imbusement of Expenses**

It is recommended that the Policy be amended to pay the maximum amount allowable to be claimed for annual meeting Attendance fees and the Mayoral Allowance.

**The Local Government Act 1995**

The Local Government Act 1995 provides that a Member has a legal right to be reimbursed for rental on one telephone line and one facsimile line and in addition, can claim child care costs incurred whilst attending to Council business.

The Local Government (Administration) Regulations also provide:

*“The extent to which an expense can be reimbursed is the actual amount, verified by sufficient information”.*

The above criteria must be met before any reimbursement can be made. That is:

- the Council must first approve the types of expenses which can be reimbursed (and may set limits to these);
- the expense must be incurred in performing a function as a council member;
- reimbursement is limited to the actual expense incurred; and
- the expense must be verified by sufficient information.

### **Salaries and Allowances Act 1995**

The amendment to the Local Government Act now prescribes that the Tribunal will carry out an Annual Review of the salaries and allowances in accordance with S 7B (2) of the Salaries and Allowances Act 1995.

As the matter will be reviewed on an annual basis, a number of consumer price index increases for various reimbursement of expenses in the City's Policy will no longer be required (eg: childcare expenses).

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

**Low:** The risk associated with this Policy is considered low. However, the City will need to closely monitor the Policy to ensure that it meets the needs of the Council Members.

#### **STRATEGIC IMPLICATIONS:**

This matter is in keeping with the Strategic Plan 2011 – 2016 Objective 4.1.1 *“Develop leadership skills, behaviours and culture that enhance the public image of the City”*;

*“(b)Maintain high standards of Council Member induction, training and knowledge”*.

#### **SUSTAINABILITY IMPLICATIONS:**

Not applicable.

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

The increases proposed by the Salaries and Allowances Tribunal. Determination 2014, will increase the payments to Council Members by an estimated amount of \$8,325 for the 2014/2015 Financial Year.

#### **COMMENTS:**

Accordingly, approval of the Officer Recommendation is requested.

**9.5.2 Review of the City of Vincent Policy No. 4.1.5 – Community Consultation – Consideration of Submissions and Adoption**

<b>Ward:</b>	-	<b>Date:</b>	11 July 2014
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0023
<b>Attachments:</b>	<a href="#">001</a> – Community Consultation Submissions <a href="#">002</a> – Community Consultation Policy Guidelines and Appendices		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J Highfield, Executive Assistant		
<b>Responsible Officer:</b>	Mike Rootsey, Acting Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council:

1. **CONSIDERS** the three (3) submissions received concerning amended Policy No. 4.1.5 – “*Community Consultation*”; and
2. **APPROVES BY AN ABSOLUTE MAJORITY** to adopt the amended Policy No. 4.1.5 – “*Community Consultation*”.

---

**Moved Cr Topelberg, Seconded Cr Cole**

That the recommendation, together with the following change(s), be adopted:

That the Council:

1. **CONSIDERS** the three (3) submissions received concerning amended Policy No. 4.1.5 – “*Community Consultation*”; and
2. **APPROVES BY AN ABSOLUTE MAJORITY** to adopt the amended Policy No. 4.1.5 – “*Community Consultation*”.
3. **ENDORSE Appendices 4 and 5 is a separate document titled Community Consultation Guidelines for staff to accompany the Community Consultation Policy on the City’s website and intranet; and**
  - 3.1 **REMOVE the “Frequently Asked Questions” section from Appendix 4 and include these at the end of Appendix 3.**

Debate ensued.

**PROCEDURAL MOTION**

**Moved Cr Topelberg, Seconded Cr Peart**

That the item be DEFERRED to properly consider the responses received during the Consultation period.

**PROCEDURAL MOTION PUT AND CARRIED (3-5)**

**For:** Presiding Member Mayor Carey, Cr Cole, Cr Harley, Cr McDonald, and Cr Pintabona

**Against:** Cr Buckels, Cr Peart and Cr Topelberg

**(Cr Wilcox was on approved leave of absence.)**

**MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (5-3)**

**For:** Presiding Member Mayor Carey, Cr Cole, Cr Harley, Cr McDonald, and Cr Pintabona

**Against:** Cr Buckels, Cr Peart and Cr Topelberg

**(Cr Wilcox was on approved leave of absence.)**

### **COUNCIL DECISION ITEM 9.5.2**

**That the Council:**

1. **CONSIDERS** the three (3) submissions received concerning amended Policy No. 4.1.5 – “*Community Consultation*”; and
  2. **APPROVES BY AN ABSOLUTE MAJORITY** to adopt the amended Policy No. 4.1.5 – “*Community Consultation*”.
  3. **ENDORSE** Appendices 4 and 5 is a separate document titled **Community Consultation Guidelines for staff to accompany the Community Consultation Policy on the City’s website and intranet; and**
    - 3.1 **REMOVE** the “*Frequently Asked Questions*” section from Appendix 4 and include these at the end of Appendix 3.
- 

### **PURPOSE OF REPORT:**

For the Council to consider that three (3) submissions were received and to adopt the amended Council Policy No.4.1.5 – Community Consultation.

### **BACKGROUND:**

The Council adopted in Principle a draft policy at the Ordinary Council Meeting held on 13 May 2014.

The Draft Policy was advertised on 27 May 2014 – The Perth Voice and 31 May 2014 – Guardian Express, for fourteen (14) days, and at the close of the consultation period three (3) submissions were received from D Saunders, D Maier and E Amato (attachment 001).

D Saunders submission was concerned with the removal of public consultation on public art.

D Maier’s submission was concerned with the length and structure of the policy and suggested the guidelines be simplified with the use of appendices for ease of use.

The submission also did not support the removal of consultation on public art.

E Amato submission raised concern to the extent of consultation especially in relation to the ability of the Council to avoid consultation and the ability of the Chief Executive Officer to amend the Community Consultation.

A petition was also received from D Saunders with 104 signatories out of whom 64 signatories are non Vincent address. Requesting that the Council: resolve that community consultation is required for all public art that is Council, and therefore ratepayer, funded or is on public land. Also, that Council abide by their stated aim of encouraging community involvement in decision making by not removing the requirement for consultation on public art from the Community Consultation Policy.

### **CONSULTATION/ADVERTISING:**

The draft Policy was advertised on 27 May 2014, for fourteen (14) days, and at the close of the consultation period three (3) submissions were received.

### **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 review Council Policies will not result in any breach of legislation. 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 2014 – 2023 – 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:**

Nil.

**COMMENTS:**

The City's Policies are reviewed every five years. The amended and new policies will provide guidance to the Council and the City's Administration in these important matters.

**9.5.3 Review of Policy No. 4.2.13 relating to Design Advisory Committee**

<b>Ward:</b>	-	<b>Date:</b>	11 July 2014
<b>Precinct:</b>	-	<b>File Ref:</b>	PLA0220
<b>Attachments:</b>	<a href="#">001</a> – Amended Design Advisory Committee Policy No. 4.2.13		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	P Mrdja, Manager of Planning and Building Services		
<b>Responsible Officer:</b>	G Poezyn, Director Planning Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES BY AN ABSOLUTE MAJORITY to adopt an amended Policy No. 4.2.13 relating to Design Advisory Committee (DAC);**
2. **ADVERTISES Policy No. 4.2.13 - Design Advisory Committee (DAC) for a period of fourteen (14) days, seeking public comment;**
3. **after the expiry of the period of submissions:**
  - 3.1 **REVIEWS Policy No. 4.2.13 - Design Advisory Committee (DAC) having regard to any written submissions; and**
  - 3.2 **DETERMINES to proceed with, or not to proceed with Policy No. 4.2.13 - Design Advisory Committee (DAC) with or without amendment;**
4. **AUTHORISES the Acting Chief Executive Officer to include the above policy in the City's Policy manual if no submissions are received from the public; and**
5. **APPROVES BY AN ABSOLUTE MAJORITY the following fee structure for 2014/2015 financial year, the pay period commencing 1 July 2014, subject to each Design Advisory Committee (DAC) meeting being limited to the Chairperson and three (3) members per meeting;**
  - 5.1 **An hourly fee of \$250, capped at a maximum of four (4) hours, paid to the Design Advisory Committee Chairperson for attendance and assistance in the preparation of each Design Advisory Committee meeting;**
  - 5.2 **An hourly fee of \$200, capped at a maximum of three (3) hours, paid to each Design Advisory Committee Member for attendance at each Design Advisory Committee meeting; and**
  - 5.3 **No additional fee is to be paid to the Design Advisory Committee Members for supplementary work associated with the Design Advisory Committee unless authorised by the Acting Chief Executive Officer.**

**COUNCIL DECISION ITEM 9.5.3**

**Moved Cr Topelberg, Seconded Cr Buckels**

That the recommendation be adopted.

Debate ensued.

Cr Cole departed the Chamber at 9.10pm.

Debate ensued.

Cr Cole returned to the Chamber at 9.12pm.

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

**(Cr Wilcox was on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to obtain the Council's approval to amend Policy No. 4.2.13 relating to the Design Advisory Committee (DAC); and also to seek the Council's support for a revised fee structure for Committee members.

**BACKGROUND:**

Date	Comment
28 June 2011	The Council at its Ordinary Meeting resolved to establish a Design Advisory Committee with 5 external members and 3 deputy members.
31 May 2006	The Council at a Special Meeting resolved to establish a selection panel for the DAC and an annual DAC operating budget.
11 October 2011	The Council at its Ordinary Meeting resolved to approve by an absolute majority, a new Policy No. 4.2.13 relating to Design Advisory Committee; and the appointment of the first Committee members.
2 November 2011	DAC Commences
24 September 2013	The Council at its Ordinary Meeting resolved to increase the sitting fee of the DAC Chairperson and Committee Members and notes that a review of the DAC Terms of Reference will be reviewed and in a further report in October/November 2013.
19 November 2013	The Council at its Ordinary Meeting resolved to introduce a \$500 fee for applicants who may require third and subsequent meetings of the Design Advisory Committee. The Council also resolved to refer the amendments proposed to Policy No. 4.2.13 to the Design Advisory Committee. The Council resolved to re-appoint the existing Design Advisory Committee members to new terms as part of confidential item 14.4.
11 March 2014	The Council at its Ordinary Meeting resolved to appoint additional members to the DAC.
5 June 2014	The Chairperson of the Design Advisory Committee (DAC) presented to the Council forum suggested improvements to the process and policy regarding the DAC.

The Design Advisory Committee (DAC) was established in 2011. Since this time there have been ongoing reviews and improvements to the operation and management of the Committee to ensure it is effective and provides high quality information to applicants and the Council. These changes include improvements to the minute taking; clarity in recommendations documented; consistency in Committee member attendance; and pre-meeting advice to applicants.

The Council at its Ordinary Meeting held 19 November 2013 resolved to refer the Officer's recommended amendments to the DAC for their comments. This referral resulted in a meeting between the Council members, City Staff and DAC members. The resulting key recommendations are as follows:

- A dedicated Planning Officer responsible for applications requiring referral to the Committee be made available;
- A review of the threshold for applications to be referred to the Committee; and
- A review of the DAC's fee structure.

The abovementioned key recommendations were presented to the Council at a Councillor Member Forum held 5 June 2014 by the Chairperson of the Committee. The presentation outlined the benefits of the Committee; the way in which the Committee assesses development; and recommended improvements. These recommendations are further discussed in the details section of this report.

**Previous Reports to Council:**

This matter was previously reported to the Council on 19 November 2013. The Minutes of item 9.5.6 from the Ordinary Meeting of Council are available on the City's website at the following link:

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

**DETAILS:**

The Department of Planning and the Western Australian Planning Commission, *Planning Reform* discussion paper proposes that all Local Government Authorities establish design advisory panels to assist in the determination of Development Applications. The City of Vincent embraced this initiative and resolved at its Ordinary Meeting held on 11 October 2011 to establish a Design Advisory Committee.

The City's Design Advisory Committee provides expert knowledge and advice in the field of architectural building design to create desirable, high quality outcomes for the built environment. The Committee utilises a holistic approach by investigating the compatibility of developments within their proposed context whilst also seeking improved internal amenity for future occupants. The Committee assesses development against ten design principles in order to achieve the above, these include:

- Context;
- Scale;
- Built Form;
- Density;
- Resource, Energy and Water Efficiency;
- Landscape;
- Amenity;
- Safety and Security;
- Social dimensions and Housing Affordability; and
- Aesthetics.

These design principles are included in the City's Policy No. 7.4.8 relating to Multiple Dwellings, and are proposed to be included as Appendix 1 of Policy No. 4.2.13 relating to Design Advisory Committee for ease of reference for applicants.

**Design Excellence**

Since the DAC's inception in 2011, there have been a growing number of applications referred to the Committee. In 2013 for example, the DAC generally held meetings once every two to three weeks, with each meeting usually considering six items. The table below shows the number of applications referred to the DAC per year below:

<b>Year</b>	<b>Number of DAC Applications received</b>
2012	55 including 9 reconsidered applications
2013	107 including 46 reconsidered applications
2014 (January to June)	53 including 24 reconsidered applications
<b>Total</b>	<b>215 of which 79 were reconsidered applications</b>

The growing number of applications referred to the DAC can be attributed to, in part, the City's Policy No. 7.5.11 relating to Exercise of Discretion for Development Variations, which effectively allows the City to "incentivise" additional height. This policy contains provisions relating to height in excess of the prescribed maximum for proposed developments.

An *essential* requirement for proponents to achieve additional height is to be awarded "Design Excellence" from the DAC. Design Excellence is awarded by the Committee when the proposal is deemed to have responded in an exemplary capacity to the recommendations provided by the Committee. To date, the DAC has awarded eight developments "Design Excellence".

### **Threshold for Applications referred to the Design Advisory Committee**

In reviewing the Design Advisory Committee processes it was noted that not all applications presented to the Committee required referral. This prompted the review of the threshold of applications and the need for a dedicated Planning Officer to screen applications to ensure that appropriate applications were presented to the DAC. The City has implemented this request with the appointment of a dedicated Planning Officer in May 2014 to assist the operation of the DAC.

A review of the threshold for applications to be presented to the Design Advisory committee prompted a change in the referral requirement for multiple dwellings to, '*Multiple Dwelling Development's of four (4) or more dwellings or proposals for Multiple Dwellings which are considered significant as determined by the Manager of Planning and Building services*'.

Applications for two to three multiple dwellings generally convey a building of two storeys and can therefore be processed as a development application without the likely need to be referred to the DAC. It should be noted that the City is currently working on engaging a planning consultancy to assist in preparing guidelines for multiple dwelling development in medium zoned areas. Those multiple dwelling proposals which are not required to be referred to the DAC will still be assessed under these guidelines, thereby allowing the City to apply various design mechanisms for affirmative built form outcomes.

Multiple dwelling proposals requiring referral to the DAC are commonly generous in terms of bulk and scale and are considered to impose themselves on the immediate built environment. The amendment to the minimum referral requirement for DAC applications will improve the efficiency of the Committee as it is anticipated that there will be a feasible reduction in applications referred to each meeting.

### **Remuneration of Committee Members**

The collaborative review resulted in an evaluation of the remuneration for Design Advisory Committee members. A comparison table of the surrounding local governments is included below:

<b>Local Government</b>	<b>Design Advisory Committee Fee Structure</b>
City of Perth	Free services, no fee for members.
City of South Perth	\$200 per meeting.
City of Subiaco	\$200 per hour with a maximum meeting time of three (3) hours.
Town of Victoria Park	Commercial hourly rates per member.
City of Melville	\$200 per hour for unlimited hours.
City of Fremantle	\$200 per hour plus GST per member.
City of Vincent	\$450 per meeting to the Chair \$350 per meeting to each member.

Based on the above Local Government comparison, it is considered appropriate to address the rate paid to the City's DAC to ensure that aligns with other local practices and is more reflective of commercial realities.

In reviewing the fee structure it was considered most appropriate to introduce hourly rates, which are capped at three hours for Committee members and four hours for the DAC Chair. This has been done in acknowledgement of the additional time spent by the Chair assisting in the preparation of the meeting and the minutes.

The Officer recommendation is to instate an hourly rate of \$250 for the Chairperson; and \$200 for each member which, when capped at four and three hours respectively, results in a cost to the City of \$1,000 per meeting for the Chair and \$600 per Committee member. With three Committee members and the Chair present at each meeting, the DAC will cost the City a total of \$2,800 per meeting. If the DAC were to meet roughly once every two to three weeks as it did in 2013, then the City will need to budget approximately \$56,000 in 2014/15 for the DAC.

The following table outlines a list of amendments that are proposed in Policy No. 4.2.13 with an Officer justification.

Amendment	Comments
An additional objective has been included in the policy.	The additional objective highlights the importance of responding to the DAC's ten good design principles which the Committee utilises to assess development.
A section titled, ' <i>What is Good Design and why is it important?</i> ' Has been included following the objectives of the document.	This section conveys the expectations of the City of Vincent in terms of good building design.
Inclusion of clause 2.2 (b)	To allow the DAC to advise on improvements to the City's Planning and Building Policies.
Amendment to clause 2.2(d) of the policy.	The clause has been re-worded for clarification and now covers a broader range of spectrum.
A new clause 2.2(h) has been added to the policy.	This clause has been added to respond to the social context and needs of the local community in terms of lifestyle, affordability and access to social facilities.
A new clause 2.3 has been included in the policy.	This clause notes that the DAC members are to provide advice to the City on whether a development is considered to incorporate exemplary design excellence, in accordance with the City's Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations. This policy was adopted after the original DAC policy was adopted.
Amendment to clause 3.1 of the policy and throughout the policy.	This amendment reduces the number of DAC members required to attend the meeting from five to four at any one time.
Amend clause 4.2	Include provision for the Chair of the DAC to require 5 sitting members where a large number of reconsiderations are to be considered.
Amendment to clause 5.1(c).	This clause has been amended to state that applications for Multiple Dwellings consisting of, ' <i>4 or more dwellings or proposals for Multiple Dwellings which are considered significant as determined by the Manager of Planning and Building services</i> ', are required to be submitted to the DAC for consideration. This will create a more efficient procedure for determining applications as not all multiple dwelling developments will be need to be referred to the Committee.
A new clause 5.6 has been added to the policy.	This clause has been added to ensure that applications for development are formally processed through the DAC Pre-Lodgement phase prior to being lodged as a Development Application.

Amendment	Comments
A new clause 7.10 (d) has been added to the policy.	This clause outlines that there is a prescribed fee required for the lodgement of a DAC application.
A new Appendix 1 has been added to the policy.	Appendix 1 explains the 10 design principles that the DAC use to consider planning applications. These principles are also referred to in the City's Multiple Dwellings policy as a framework for good quality design.
Amendment to Appendix 2 of the policy.	Appendix 2 supersedes the previous Appendix 1 and provides a process for the pre-lodgement of Development Applications as well as the Development Assessment process.

Generally, the proposed amendments to the policy do not alter the intent of the policy, but are considered to refine and better the process.

**CONSULTATION/ADVERTISING:**

The Council has a policy of advertising for a period of fourteen (14) days seeking comments from the public.

**LEGAL/POLICY:**

Local Government Act Sections 5. 8 and 100.  
Town Planning Scheme No. 1  
Policy No. 4.2.13 Design Advisory Committee

**RISK MANAGEMENT IMPLICATIONS:**

**Medium:** There is a potential for applications required to be referred to the DAC to experience a delay. To avoid this, applicants will be encouraged to submit their plans to the DAC prior to being lodged with the City's Administration.

**STRATEGIC IMPLICATIONS:**

The City's *Strategic Plan 2013-2017* – Objective 1 states:

*“Natural and Built Environment:*

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

**SUSTAINABILITY IMPLICATIONS:**

It is considered that the DAC provide a holistic approach to the assessment of Development Applications. The panel of expertise aims to ensure that the best design outcome is achieved for the environment, the community and the applicant.

**FINANCIAL/BUDGET IMPLICATIONS:**

Expenditure for the Design Advisory Committee will be paid out of the operating budget, *Design Advisory Committee Member Fees.*

**CONCLUSION:**

It is recognised that the Design Advisory Committee add value to development in the City of Vincent through the provision of architectural advice and recommendations. An improvement in re-numeration for Committee members comparable to industry standards is considered appropriate to recognise the importance of the DAC.

Proposed amendments to the Policy No. 4.2.13 will result in improvements to the operation and management of the DAC process to ensure it is effective and provides high quality information to applicants and the Council.

It is therefore recommended that the Council approve the Officer Recommendation to adopt the amended Policy No. 4.2.13 relating to Design Advisory Committee; and the revised fee structure.

## 10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### 10.1 NOTICE OF MOTION: Mayor John Carey – Request a report to initiate an amendment to Planning and Building Policy No. 7.6.2

That the Council REQUESTS the Acting Chief Executive Officer to prepare a report to initiate an amendment to Planning and Building Policy No. 7.6.2, to amend Table 1 so that the 'Further Action' requirements under 'Moderate Level of Significance' be separated for residential and commercial properties and require that a commercial property be placed on the City's MHI without the consent of the owner.

Moved Cr Harley, Seconded Cr Cole

That the motion be adopted.

Debate ensued.

#### AMENDMENT

Moved Cr Topelberg, Seconded Cr Pintabona

"That the Officer Recommendation be amended as follows:

That the Council REQUESTS the Acting Chief Executive Officer to prepare a report to initiate an amendment to Planning and Building Policy No. 7.6.2, to amend Table 1 so that the 'Further Action' requirements under 'Moderate Level of Significance' be separated for residential and commercial properties and ~~require~~ allow that a commercial property be placed on the City's MHI without the consent of the owner.

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

(Cr Wilcox was on approved leave of absence.)

Debate ensued.

Cr McDonald departed the Chamber at 9.15pm.

Debate ensued.

Cr Buckels departed the Chamber at 9.15pm and did not return to the Meeting.

Debate ensued.

#### MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (6-0)

(Cr Wilcox was on approved leave of absence.)

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

(Cr Buckels departed the Meeting and did not return.)

#### COUNCIL DECISION ITEM 10.1

That the Council REQUESTS the Acting Chief Executive Officer to prepare a report to initiate an amendment to Planning and Building Policy No. 7.6.2, to amend Table 1 so that the 'Further Action' requirements under 'Moderate Level of Significance' be separated for residential and commercial properties and allow that a commercial property be placed on the City's MHI without the consent of the owner.

**10.2 NOTICE OF MOTION: Mayor John Carey – Request a Report To Investigate The Current Introduction Of New Cat Laws**

That the Council REQUESTS a report on the current introduction of new cat laws, what enforcement action has been to date and whether we need to make additional policy to deal with stray cats.

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**COUNCIL DECISION ITEM 10.2**

**Moved Cr Peart, Seconded Cr Pintabona**

That the motion be adopted.

Debate ensued.

Cr McDonald returned to the Chamber at 9.16pm.

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

(Cr Wilcox was on approved leave of absence.)

(Cr Buckels departed the Meeting and did not return.)

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

Nil.

**12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES**

Nil.

**13. URGENT BUSINESS**

Nil.

**PROCEDURAL MOTION**

At 9.15pm **Moved Cr Harley, Seconded Cr Pintabona**

That the Council proceed “behind closed doors” to consider confidential item 14.1, as this matter contains information concerning legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

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

(Cr Wilcox was on approved leave of absence.)  
(Cr Buckels departed the Meeting and did not return.)

There were no members of the public present.

Executive Assistant (Minutes Secretary) – Jerilee Highfield and Julie Lennox-Bradley departed the meeting.

Media departed the meeting

**PRESENT:**

Mayor John Carey	Presiding Member
Cr Roslyn Harley ( <i>Deputy Mayor</i> )	North Ward
Cr Emma Cole	North Ward
Cr Laine McDonald	South Ward
Cr James Peart	South Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Mike Rootsey	Acting Chief Executive Officer
Rick Lotznicker	Director Technical Services
Jacinta Anthony	Acting Director Community Services
Bee Choo Tan	Acting Director Corporate Services
Gabriela Poezyn	Director Planning Services

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

**14.1 CONFIDENTIAL ITEM: Local Government Reform Process**

<b>Ward:</b>	-	<b>Date:</b>	14 July 2014
<b>Precinct:</b>	-	<b>File Ref:</b>	
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	Mayor John Carey		
<b>Responsible Persons:</b>	Mayor John Carey		

**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 matter, relating to the Local Government Amalgamation update; and
2. **AUTHORISES** the Acting 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 McDonald**

That the recommendation be adopted.

Debate ensued.

**MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (7-0)**

(Cr Wilcox was on approved leave of absence.)  
(Cr Buckels departed the Meeting and did not return.)

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**DETAILS:**

Nil.

**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 and the Acting Chief Executive Officer.

In accordance with the legislation, the report is to be kept confidential until determined by the Council to be released for public information. At the conclusion of these matters, the Council may wish to make some details available to the public.

**PROCEDURAL MOTION**

At 9.48 pm **Moved Cr McDonald, Seconded Cr Pintabona**

**That the Council resume an “open meeting”.**

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

**(Cr Wilcox was on approved leave of absence.)  
(Cr Buckels departed the Meeting and did not return.)**

**15. CLOSURE**

**There being no further business, the Presiding Member, Mayor John Carey, declared the meeting closed at 9.48pm with the following persons present:**

Mayor John Carey	Presiding Member
Cr Roslyn Harley ( <i>Deputy Mayor</i> )	North Ward
Cr Emma Cole	North Ward
Cr Laine McDonald	South Ward
Cr James Peart	South Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Mike Rootsey	Acting Chief Executive Officer
Rick Lotznicker	Director Technical Services
Jacinta Anthony	Acting Director Community Services
Bee Choo Tan	Acting Director Corporate Services
Gabriela Poezyn	Director Planning Services

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 22 July 2014.

Signed: .....Presiding Member John Carey.

Dated this ..... day of ..... 2014.