



CITY OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

3 DECEMBER 2013

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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 3 December 2013, 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:

Nil.

(c) Present:

Mayor John Carey	Presiding Member
Cr Roslyn Harley (<i>Deputy Mayor</i>)	North Ward
Cr Matt Buckels	North Ward (from 6.06pm)
Cr Emma Cole	North Ward
Cr Laine McDonald	South Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Community Services (until approximately 10.05pm)
Rick Lotznicker	Director Technical Services (until approximately 10.05pm)
Mike Rootsey	Director Corporate Services (until approximately 10.05pm)
Petar Mrdja	Acting Director Planning Services (until approximately 10.05pm)
Gaby Pieraccini	Director Special Projects (until approximately 9.05pm)
Jerilee Highfield	Executive Assistant (Minutes Secretary until approximately 9.30pm)
<u>Employee of the Month Recipient</u>	
Jean Lowther	Ranger – Ranger and Community Safety Services Section (until approximately 6.46pm)
Allan Siapno	Finance Officer – Financial Services Section (until approximately 6.46pm)
<u>Media</u>	
Sara Fitzpatrick	Journalist – “The Guardian Express” (until approximately 9.30pm)
David Bell	Journalist – “The Perth Voice” (until approximately 7.42pm)

Approximately 24 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. Paul Kotsolo of Planning Solutions – 296 Fitzgerald Street, Perth – Item 14.3
Stated the following:
 - He is the Managing Director at Planning Solutions. He had circulated a document prior to the meeting relating to the development at Matlock Street.
 - Previously the Council correctly resolved to refuse the application presented by the applicant; regrettably the application did not meet the City's standards in terms of design requirements and guidelines.
 - The site is located in the City's Policy Area 3.1.1 – Mt Hawthorn Precinct, which stipulates design elements that should be taken into account, the aim is to harmonise, not have an undue impact, in terms of streetscape and building form and provides a series of design guidelines to multiple dwellings.
 - It is clear that the flat roof is not a pitched roof, the development does not relate well to the context, the street and its neighbourhood, regardless of how many times someone comes to the Council to deal with a proposal, quite frankly if it is wrong its wrong.
2. Neil Teo of Dynamic Planning – 953 Beaufort Street, Inglewood – Item 9.1.1
Stated the following:
 - Mr Teo spoke in relation to an amendment that he had before him relating to the development at No.440 William Street, Perth.
 - Effectively what it suggests is that car stackers for use and development are inappropriate and I must emphasis that the car stackers already exist in the development that is being constructed on site.
 - Mr Teo stated that they were supportive of the Alternative Recommendation that recommended approval for the development as this shows in a way to recognise that this is an entertainment hub.
 - In relation to the original Officer Recommendation that had been presented in the Agenda that was released last week regarding 8.3.3 with regard to acoustic glazing, the condition is published asking for a minimum 10millimetre thicken glass and the construction material is already on site and being installed as we speak.
3. Michelle Dean of Eager Crescent, Hocking Stated the following:
 - Spoke in relation to the Lingerie Football LOeague (LFL) and she had written a letter to the Chief Executive Officer a few weeks ago. Although they have rebranded themselves as the Legends Football League, it has not changed the original intent of the founder to combine the two things of sex and sport.
 - The league have been granted approval to perform at the NIB Stadium owned by the City of Vincent on the basis that they are a sport, they have been given a one plus one year licence to perform.
 - Australian Womens Sport and Recreation Association are also on record stating that the LFL is sexist and demeaning to all women. These comments are because the LFL require bikini clad photos of any potential players before they are accepted. They are required to sign an accidental nudity clause if they want to be a part of the team and they are required to wear a uniform that is no more than lingerie and are required to not wear anything underneath it.
 - Asked Is it not the responsibility of Local and State Government to champion women's sport and not to become the enablers of this blatant objectification of women?
 - It is very disturbing that the LFL gained the approval that it was seeking, seemingly without the blink of an eye from those giving the approval, *I ask you; "how can this be?"*

The Presiding Member Mayor John Carey advised Ms Dean that the City has already provided information to her from the Chief Executive Officer, however it will provide a formal reply, which will appear in the minutes. Whilst the City of Vincent is the owner of the Stadium, it did not give approval for this event.

4. Simon Psaris of 177 Stirling Street, Perth – Item 9.1.9 Stated the following:
 - He accepted the Officer Recommendation put forward for tonight’s meeting and looked forward to the discussion.
5. Margaret Kingus of 226 Beaufort Street, Perth – Item 9.1.9 Stated the following:
 - Ms Kingus owns a property at 177 Stirling Street, Perth and asked if the Council could consider rejecting the proposal as it was presented.
 - The original use of this space was a cafe meant to operate during business hours, to serve the local business. This is a residential area it is not an entertainment district.
 - Her main concern is the hours of operation. An outdoor use of licence has been granted from 7am – midnight on Friday and Saturday evenings. This is definitely going to prevent the quiet enjoyment of the residents in this building because of the extra noise, the street traffic, and the people coming and going.
 - Her other concern related to patrons smoking. Stated they are not going to be allowed to smoke outside the restaurant or in the outdoor seating area, so they are going to move to the side and all of that smoke is going to go directly up onto residents balconies and into their bedrooms and basically into their homes.
6. Ian Kerr of 92 Vincent Street, Mount Lawley – Item 14.1 Stated the following:
 - He was not only speaking as a resident of the City of Vincent, but also as a deputy convener of the 2009 Mainstreet Conference, which Vincent actively supported and a member of the editorial advisory board of the Journal of Place Management Development.
 - Although this is a confidential item and therefore he does not know the details of what is proposed, he congratulates the City for taking a much needed step to ensure the continuing and hearts vitality of our local centres.
 - It is appropriate that this comes hot on the heels of the very successful recent street festivals, but Place Making and Place Management are about more than just festivals. Place is one of the most central concepts to human existence but successful places evolve to meet the changing needs of those that use them and as our towns and cities become more complex this evolution needs to be managed, through some type of proactive intervention process.
 - The essence of Place Management, as he is sure, as many of you are aware, may encompass community development, regeneration, management, marketing, economic development or any combination, but the aim is the same, to improve the place for the benefit of its users.
 - Place Management also recognises the importance of the areas between places. In many cases that’s the catchment that surrounds them, the areas served by those centres, but in some cases these are corridors that are also subject to development and commercial pressures and in Vincent, Oxford Street between Mount Hawthorn and Leederville is one such corridor that has such potential to detract from the effective functioning of the centre’s at either end.
 - I know some Councillors have raised this issue recently in respect of a development application, but is important that the Place Manager for Mount Hawthorn and Leederville, has the ability also to influence what happens along Oxford Street.
 - If the Council does not do this he believes the commercial activity will sprawl along a kilometre of road, to the detriment of activity in the two centres and also reducing the ability of people to live within walking distance of those activities and if he can just add one topical note, its possible that the City of Vincent may get absorbed into the City of Perth, for that reason he believes it is an urgent that Vincent develop and implement its Place Making credentials, because frankly this is the sort of thing City of Perth does not do well.

The Presiding Member Mayor John Carey thanked Mr Kerr for his positive feedback.

7. Craig Willis of 13 Woodville Street, North Perth – Item 9.4.6 Stated the following:
 - Congratulated the Mayor and the Councillors for their election to Council.
 - He was appalled that the amount of time this has been carrying on with the Council. Community Consultation was carried out on a piece of artwork and now we are probably going to spend more money discussing what is going to go on a piece of land.
 - He was not happy in relation to the development next door as when he wakes up in the morning with workmen looking into his bedroom - as the first floor of the development next door has commenced building.
 - Asked if the Council could look into a shade cloth being placed between his property and the current development. He had made a number of complaints regarding the parking and the Director Technical Services had responded to his query and he noted that the permits are from 7am-7pm each day from Monday to Saturday.

8. Carlie Keene of Lawler Street, North Perth – Item 9.4.2 Stated the following:
 - Spoke on behalf of the Kyilla Primary School P&C. She thanked the Councillors, City's Officers and the Community for their ongoing support of the market over the past six (6) months, the P&C are thrilled with the outcome and the real Community atmosphere that is present at the Market each week.

9. Michael Skelly of 68 Bourke Street, Leederville – Item 14.4 Stated the following:
 - He is opposed and objects to any proposal relating to alterations to an existing outbuilding and brought to the Council attention.
 - Strongly disagreed with the City of Vincent granting planning approval to a third party for a structure that is situated partly on his land and granting planning approval to a structure situated in the setback as this amenity issues and effects the enjoyment of his property.
 - The height and design of the pool pump shed is inappropriate and should not be approved and this structure does not comply without the setback regulations, this pool store has been built on and is attached to his home and is built over the boundary.
 - It encroaches onto his home and has in effect joined the two homes together. There has been four (4) property surveys on this matter and it confirmed that his house is setback behind the boundary.
 - The structure has been built without his consent encroaching along and over the boundary of his property.
 - In summary the structure has been attached to his house and has created a number of issues and the pool pump vibrates through his home, which creates noise issues, the air conditioner vibrates through his home and creates excessive noise. The health and wellbeing of his family is being seriously and adversely affected.

10. Sharon Pinesi-O'Brien of 14A Scott Street, Leederville – Item 14.4 & 14.5 Stated the following:
 - They have already supplied in writing a response to all of the previous objections from their neighbours on Bourke Street, Leederville and had addressed all the issues raised. It is after careful consideration that she put forward her proposal to the Council and they will try their best to resolve all the current issues currently before the City.

11. Carol Gooding of 68 Bourke Street, Leederville – Item 14.4 Stated the following:
- This is about a non confirming, non consenting pool room which is erected on her property. It also contains a 105 kg air conditioning unit.
 - Strongly opposed to the development and strongly objected and would have done this if she was asked before the development was carried out.
 - A development that she was not given the opportunity to originally oppose or object in January 2012, had the correct channels been sort prior to this development a pool room within the setbacks of bulk scale and height, that does nothing to enhance the streetscape or her home.
 - Purely the applicants for their own selfish gain and their own private amenity, privacy, convenience, comfort and wellbeing so as they cannot hear or see their mechanical devices or their monstrosity of the commercial air - conditioner and their pool pump which is housed in and above this, but they just wanted to enjoy the benefits of these devices.
12. Debbie Saunders of 150 Oxford Street, Leederville Stated the following:
- She sympathised with the previous speaker as it shows another example of Community Consultation that does not occur and obviously put through under Delegated Authority.
 - Her main issue was in relation to the letter she received from the Chief Executive Officer Mr. John Giorgi. She had two questions relating to the letter;
 - Question No:1 *“Does the City have a policy regarding Liquor Licences and Community Consultation. If someone is applying for a Liquor Licence, does the City require any Community Consultation to be carried out?”*
The Presiding Member Mayor John Carey advised that there is a new Policy listed in the Agenda. The Presiding Member asked the Chief Executive Officer to answer Ms Saunder’s question.

The Chief Executive Officer Mr. John Giorgi responded as follows: “Yes. There is a Policy and there is also a Clause in Section 7 of the Council Policy 4.1.5 Community Consultation.”
 - Ms Saunders asked Question No: 2, *“Are they required to carry out Community Consultation for a Liquor Licence, - then why was this not carried out?”*
The Chief Executive Officer advised that without more specific details he could not comment on the question.
 - Ms Saunders stated that the Chief Executive Officer wrote the letter to her with the specific details.
The Chief Executive Officer advised that if the matter is relating to Pinchos in Leederville, his understanding is that the Council Procedures and requirements have been fully met.
 - Ms Saunders asked the Chief Executive Officer; Question No: 3 *“what does that exactly mean?”, “That you did carry out Community Consultation?”*
The Chief Executive Office advised that Consultation was not required in this specific instance.
 - Ms Saunders stated that this was the bit that she was seeking clarification if this can be provided in writing.
The Presiding Member Mayor John Carey advised Ms Saunders that a written response will be provided.
 - Ms Saunders asked Question No: 4 *“Can she could be supplied with a date of issue of a Section 39 for Pinchos restaurant.”*
The Presiding Member advised Ms Saunders that this question will be “taken on Notice.” and a written reply will be sent.

13. Phil Fogliani of 66 View Street, North Perth Stated the following:
- Would make some comments and clarifications in relation to the Minutes from the Ordinary Meeting of Council held on 19 November 2013, relating to Item 9.1.1.
 - Wanted to clarify comments made by Lynette Hail and Garry Connell with regards to the Consultation which he believed was adequate. They had three (3) available evenings for local residents to attend and he had also made himself available by appointment. They were pretty meticulous in detailing and recording the issues that were raised and ensured that all the issues were dealt with and recorded.
 - To prove this, a matrix of issues, comments and strategies that were sent to the Council, as part of their reconsideration and as part of this consultation it was resolved to reduce the impact of the development by removing the eating house portion to a retail portion which will hopefully reduce the impact by twenty (20) people overall.
 - Mr Fogliani clarified that there were copies of the plans available on the nights via two (2) ipads and a laptop, which allowed them to zoom in on specific parts of the development, so that certain people who wanted to enquire on the number of toilets, where the courtyards were positioned. Hardcopies were available at the end of the night, by post or delivery by hand or by email and only one (1) resident that request a copy via email.
 - In response to the properties being derelict, he did agree and hence the application for a change of use to facilitate some substantial refurbishment. With regards to amenity, he believed that this kind of vibrancy and activation will create and add amenity and provide a positive influence on the values in the area.
 - Regarding trading hours, he noted that trading times within this strip has had a long history of having extended hours. There is currently a twenty four (24) hours Laundromat which is still operating, there was previously a twenty four (24) hour fast food and convenience store which no longer existed and there is a licence Restaurant which is still operating there at the minute.
 - In summary his vision is for a family and resident friendly venue.

The Presiding Member Mayor John Carey addressed the Public Gallery advising that due to a number of Members of the Public who has raised Confidential Items, the Council normally deal in the order as address by the Public Gallery. However the Confidential Items will be dealt with at the end of the night. He advised the Members that all those waiting for those, the Chief Executive Officer will notify parties that are interested in the results of the outcomes.

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

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

[3.1](#) Reply to Ms D. Saunders – relating to Pinchos and Leederville Hotel.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

- 5.1 Petition received from Ms P. Newby of Vincent Street, North Perth along with seventeen (17) signatures objecting to the proposed development at 192 Vincent Street, North Perth.

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

Moved Cr Pintabona, Seconded Cr Wilcox

That the petition be received as recommended.

CARRIED UNANIMOUSLY (8-0)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Minutes of the Ordinary Meeting of Council held on 19 November 2013

Cr Harley queried the accuracy of the Minutes concerning deferral of the Item relating to the Redundancy Policy. The Chief Executive Officer advised that he has been informed that the wording of the Procedural Motion to defer the Item was accurate.

Moved Cr Topelberg, Seconded Cr Buckels

That the Minutes of the Ordinary Meeting of Council held on 19 November 2013 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY (8-0)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

The Presiding Member Mayor John Carey read the following;

7.1 Employee of the Month Awards For The City Of Vincent For November And December 2013

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.

November 2013

The Employee of the Month Award for November 2013 is awarded to Jean Lowther, Ranger in the City's Ranger and Community Safety Services Section.

Jean was nominated by the Chief Executive Officer as a result of an email of appreciation received by resident, Shelley Spivey, who wrote to the City's Ranger Services about the outstanding assistance she received on a very special day, as follows:

"Firstly I would like to thank you for organising the reserved parking for our special day.

Secondly I would like to say what an amazing job your colleague Jean is doing. She was an absolute pleasure to speak with and gave me her mobile number in case I had any problems. Turned out I forgot to organise the reserved signs for the park and didn't realise until Saturday when the City of Vincent is closed.

I was a very distressed bride and the only number I had was Jean's. I called her and she offered much assistance and even phoned me with a follow up call to see if I had sorted something out. Upon advising her I couldn't get hold of Giardini she advised that should I have any problems on the day with people not moving to call her and she will issue them with a move on notice.

It really was a blessing to have someone like Jean to deal with and considering it wasn't her job to handle it she went out of her way to make sure I was ok. I really can't thank her enough for lifting such a weight off my shoulders.

If you could please pass on my sincere thanks for her help, I would really appreciate it ..."

This award is presented to Jean for the excellent customer service provided, not only on this but also many other occasions. In line with the City's Customer Service Charter - it really is "taking ownership of the customer's enquiry"!

Received with Acclamation!

December 2013

The Employee of the Month Award for December 2013 is awarded to Allan Siapno, Finance Officer in the City's Financial Services Section (part of Corporate Services).

Allan was nominated by the Manager Financial Services, Bee Choo Tan, who advises as follows:

"Allan is a quiet, yet very hard-working staff member in the Financial Services team. He is often called upon by other service areas to use his Excel computer skills to provide analytical information by creating new worksheets.

During the recent Fair Value revaluation of Council assets, Allan undertook a physical stock take of all of the assets, that is furniture and fittings, plant and equipment and buildings - a tedious and time consuming process. He completed this task systematically and diligently, with good outcomes.

Allan is always happy and willing to take on additional tasks. He was nominated to provide web support for Finance and later Business Intelligence (BIS) support and more recently, a new reporting tool (CMM) for the whole organisation.

The Community Development Services Section has often requested Allan to provide support in their events and many positive comments have been received from the Manager Community Development of Allan's dedication and hard work when carrying out his duties."

These comments have also been endorsed by the Director Corporate Services, Mike Rootsey.

Received with Acclamation!

7.2 **Withdrawal of Item 9.1.5**

It is announced that the Chief Executive Officer has WITHDRAWN Item 9.1.5 relating to Heritage Protection Areas and Design Guidelines - Appointment of Consultant and Reallocation of Funds, from tonight's Agenda.

In response to questions received concerning the Request for Quotation (RFQ), the Chief Executive Officer has commenced a review of the matter. Unfortunately, he will not be in a position to finalise his review before tonight's meeting.

In view of the above, it is aimed to report the matter to the Ordinary Meeting of Council to be held on 17 December 2013.

7.3 **Light up Leederville Carnival**

The City of Vincent continues its reputation as the City of Festivals and the Leederville Carnival which is organised by Leederville Connect, attracted some 45,000 patrons based on ranger estimates which exceeds last year's attendances of approximately 24,000.

This being the second year of the Festival, we saw an increased number in stalls, exhibitions and artists and was well received by the community.

The City sponsored this Festival and also organized a stall and I wish to thank the Community Development staff particular Yvette Coyne, who worked hard on preparing this festival, so sincere thanks to them.

8. DECLARATIONS OF INTERESTS

- 8.1 Cr Cole declared that this declaration be considered as a standing declaration, in relation to Liquor Licence Premises. Cr Cole declared that this Declaration is in relation to any matter before Council concerning a Liquor Licence or premise or a Policy in relation to those matters. She stated that in making this Declaration on the basis of the possible perception of an Impartiality Interest and she will consider matters concerning the above on the basis of merits and what she believes to be in the interest of the Vincent Community. She does not work on the are of the DAO responsible for the provision of the advice of Liquor Licencing matters.
- 8.2 Cr Cole declared an Impartiality interest in Item 14.3 – CONFIDENTIAL REPORT: Nos. 132 – 134 (Lots: 278 & 279; D/P 3845) Matlock Street, Mount Hawthorn — Review (Appeal) State Administrative Tribunal (SAT) DR 330 of 2013 – Proposed Construction of Two-Storey Building Comprising Eight (8) Two Bedrooms Multiple Dwellings The extent of her interest being that she knows one of the complaints, which is represented by Planning Services, through a person who attends a playgroup that she is a member of.

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

Nil.

10. REPORTS

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

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

Items 9.1.1, 9.1.9, 9.4.2, 9.4.6, 14.1, 14.3, 14.4 and 14.5

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 9.1.5, 9.4.2, 9.4.4, 9.5.2, 9.5.3, 10.1, 14.1, 14.2 and 14.5

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	9.2.1
Cr Buckels	9.2.3, 9.2.4, 9.3.2 & 9.4.3
Cr Cole	9.1.8
Cr Harley (Deputy Mayor)	Nil
Cr McDonald	9.4.5
Cr Pintabona	Nil
Cr Topelberg	9.1.3 & 9.1.7
Cr Wilcox	Nil.

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

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

Items 9.1.2, 9.1.4, 9.1.6, 9.2.2, 9.3.1, 9.3.3, 9.4.1, 9.5.1 & 9.5.4

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

Items, 14.1, 14.2, 14.3, 14.4 and 14.5

New Order of Business:

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

(a) Unopposed items moved *En Bloc*;

Items 9.1.2, 9.1.4, 9.1.6, 9.2.2, 9.3.1, 9.3.3, 9.4.1, 9.5.1 & 9.5.4

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

Items 9.1.1, 9.1.9, 9.4.2, 9.4.6, 14.1, 14.3, 14.4 and 14.5

(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 McDonald, Seconded Cr Pintabona

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

Items 9.1.2, 9.1.4, 9.1.6, 9.2.2, 9.3.1, 9.3.3, 9.4.1, 9.5.1 & 9.5.4.

CARRIED UNANIMOUSLY (8-0)

9.1.5 Heritage Protection Areas and Design Guidelines – Appointment of Consultant and Reallocation of Funds

ITEM WITHDRAWN BY CHIEF EXECUTIVE OFFICER FOR FURTHER REVIEW

9.1.2 No. 3 (Lot 50; D/P: 26397) Mabel Street, North Perth – Proposed Three Storey Residential Dwelling

Ward:	North	Date:	22 November 2013
Precinct:	North Perth, P8	File Ref:	PRO2119; 5.2013.288.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicant Submission		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Planning Officer		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by Acologic on behalf of the owners, D Leslie and S Oates, for Proposed Construction of a Three (3) Storey Residential Dwelling at No. 3 (Lot 50; D/P 26937) Mabel Street, North Perth and as shown on amended plans stamp-dated 17 October 2013, subject to the following conditions:

1. The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 5 Mabel Street and 557 Fitzgerald Street, North Perth in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork;
2. The carport shall be one hundred (100) per cent open on all sides and at all times (open style gates/panels with a visual permeability of eighty (80) per cent are permitted), except where it abuts a dwelling or a property boundary on one side;
3. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION**, the following shall be submitted to and approved by the City:
 - 3.1 **Privacy**

The proposed first floor terrace being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level, any point within the cone of vision less than 6.0 metres from a neighbouring boundary. A permanent obscure material does not include a self-adhesive material or other material that is easily removed; and
4. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City's Chief Executive Officer.

ADVICE NOTES:

1. With regard to condition 1, the owners of the subject land should obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
2. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Mabel Street;
3. Any new street/front wall, fence and gate within the Mabel Street setback area, including along the side boundaries within this street setback area, shall comply with the City's Policy provisions relating to Street Walls and Fences; 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 9.1.2

Moved Cr McDonald, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

PURPOSE OF REPORT:

The application is referred to a meeting of Council as Officer's do not have delegation to determine a three (3) storey height single house.

BACKGROUND:

History:

Date	Comment
10 September 2002	The Council at its Ordinary Meeting of Council approved an application for a three storey dwelling.

DETAILS:

Landowner:	D Leslie & S Oates
Applicant:	Acologic Design
Zoning:	Residential R60
Existing Land Use:	Vacant
Use Class:	Single House
Use Classification:	"P"
Lot Area:	212 square metres
Right of Way:	N/A

The application proposes a three (3) storey dwelling on the existing vacant site at the rear of the North Perth Ballet Centre at No. 3 Mabel Street, North Perth. The lot itself is a steep site with a 4.0 metre fall to the south or rear of the block resulting in a three-storey dwelling being proposed.

ASSESSMENT:

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

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Density	✓		
Streetscape	✓		
Front Fence	✓		
Front Setback	✓		
Roof Forms			✓
Lot Boundary Setbacks			✓
Building Height & Storeys			✓
Dual Street Frontages			✓
Open Space	✓		
Bicycles	✓		
Access & Parking	✓		
Privacy			✓
Solar Access	✓		
Retaining Walls			✓
Essential Facilities	✓		
Surveillance	✓		

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

Issue/Design Element:	Roof Forms
Requirement:	Residential Design Elements Policy BDADC 3. Roof Forms 30- 45 degrees
Applicants Proposal:	Flat Roof
Design Principles:	Residential Design Elements Policy BDPC 3 The roof of a building is to be designed so that: <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space.
Applicant justification summary:	<i>"While the roof form is concealed and consists of a minimum pitch, we believe it satisfies the Design Principles of Clause 7.4.3 and Policy 3.2.1 in that:</i> <ul style="list-style-type: none"> • <i>It does not unduly increase the bulk of the building. We believe the concealed roof provides less bulk than a high pitched roof on two storeys would provide. The roof falls well within the 9.0 metre height limit for a pitched roof;</i> • <i>In areas with recognised streetscape.</i>
Officer technical comment:	The proposed development is considered to comply with the above design principles. <ul style="list-style-type: none"> • The proposed roof form reduces the bulk that would come from a pitched roof design and provides for a reduction in the overshadowing created by the building.

Issue/Design Element:	Lot Boundary Setback
Requirement:	<p>Residential Design Codes Clause 5.1.3 (C3.1)</p> <p><u>Undercroft</u> Balance – 1.5 metres</p> <p><u>Street Level</u> Gallery – 1.5 metres (Eastern) Balance – 2.0 metres (Eastern) Ensuite – 1.1 metres (Western) Balance – 2.0 metres</p> <p><u>First Floor</u> Planter – Living – 1.3 metres (Eastern) Balance – 2.3 metres (Eastern) Planter –Living – 2.1 metres (Western)</p> <p><u>Boundary Wall</u> Maximum Height – 3.5 metres Average Height – 3.0 metres</p>
Applicants Proposal:	<p><u>Undercroft</u> Balance – 1.22 metres (Eastern)</p> <p><u>Street Level</u> Gallery – 1.22 metres (Eastern) Balance – Nil metres (Eastern) Ensuite – 1.22 metres (Western) Balance – 1.0 metres</p>
	<p><u>First Floor</u> Planter – Living – 1.5 metres (Eastern) Balance – Nil metres (Eastern) Planter –Living – 1.2 -1.8 metres (Western)</p> <p><u>Boundary Wall</u> Maximum Height – 7.8 metres Average Height – 5.2 metres</p>
Design Principles:	<p>Residential Design Codes Clause 5.1.3 (P3.1)</p> <p>P3.1 Buildings set back from lot boundaries so as to:</p> <ul style="list-style-type: none"> • reduce impacts of building bulk on adjoining properties; • provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • minimise the extent of overlooking and resultant loss of privacy on adjoining properties. <p>P3.2 Buildings built up to boundaries (other than the street boundary) where this:</p> <ul style="list-style-type: none"> • makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas; • does not compromise the design principle contained in clause 5.1.3 P3.1; • does not have any adverse impact on the amenity of the adjoining property; • ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and • positively contributes to the prevailing development context and streetscape.

Issue/Design Element:	Lot Boundary Setback
Applicant justification summary:	<p><i>“Due to the extremely tight nature of the site, we have had to somewhat reduce certain setback provisions. These reductions pose no undue impact on the neighbouring sites in our opinion and satisfy the following provisions of the Design Principles of the code, namely:</i></p> <ul style="list-style-type: none"> <i>• Reduce impact of building bulk on adjoining property;</i> <i>• Allows adequate direct sun and ventilation to the buildings and open spaces on the site and adjoining properties.</i> <p><i>“Due to the nature of the site we have had to incorporate a parapet wall on the eastern boundary with the Ballet Centre. Although by necessity this is overheight, we believe it does not result in a lack of amenity for the Ballet Centre as this wall fronts what is in effect a service area. The wall is attractively finished, and as can be seen from the perspectives it does not detract from what is basically a large, featureless wall of the Ballet Centre”</i></p>
	<p><i>“As such we feel it complies with the Design Principles of the codes, namely:</i></p> <ul style="list-style-type: none"> <i>• Makes more effective use of space for enhance privacy;</i> <i>• Does not compromise the design principle of Clause 5.1.3 P3.1;</i> <i>• Does not have any adverse impact on the amenity of the adjoining property;</i> <i>• Ensures sun to adjoining properties is not restricted;</i> <i>• And positively contributes to the prevailing development context and streetscape.”</i>
Officer technical comment:	<p>The proposed development is considered to comply with the performance criteria.</p> <ul style="list-style-type: none"> • The proposed setback variations to the undercroft level abuts the commercial property to the east and will not provide any undue impact the existing building. • The proposed setback variations to the street level plans are minor and to the western properties will not pose significant detriment to the provision of light and ventilation to the adjoining property. The section of wall is articulated to break up its appearance and is compliant with privacy. • The proposed upper level is small in nature and well setback from the property boundary on the eastern and western elevations. Due to the north-south orientation of the lots, no overshadowing will impact onto to these properties. Furthermore the setback proposed will still afford the adjoining properties significant light and ventilation to the adjoining properties. • The proposed boundary parapet wall on the eastern side of the dwelling abuts a service area at the rear of the Ballet Centre Building and not considered to have an impact to the commercial lot.

Issue/Design Element:	Building Height/Number of Storeys
Requirement:	Residential Design Elements Policy 3.2.1 Clause 7.4.5 Concealed Roof – 7.0 metres Two Storeys and Loft
Applicants Proposal:	8.4 metres Three Storeys
Design Principles:	Residential Design Elements Policy BDPC 3 BDPC 5 (i) Building height is to be considered to: <ul style="list-style-type: none"> • Limit the height of dwellings so that no individual dwelling dominates the streetscape; • Limit the extent of overshadowing and visual intrusion on the private space of neighbouring properties; and • Maintain the character and integrity of the existing streetscape.
Applicant justification summary:	<p><i>“Although the slope of the land has forced us to look at a three level solution to fit a modest sized home, we believe it should be viewed as two storeys = undercroft rather than as three storeys. This is because the lower ground floor is substantially below the natural ground level at its north extremity while only presenting as a two storey home to the streetscape (and there are several two storey homes on raised sites in the street).</i></p> <p><i>We believe our design satisfies the Design Principles in that it:</i></p> <ul style="list-style-type: none"> • <i>Limits the height of dwellings so that no individual dwelling dominates the streetscape. (presents as 2 storeys to street, concealed roof reduces bulk).</i> • <i>Limits the extent of overshadowing and visual intrusion on the private space of neighbouring properties (see overshadowing and visual privacy diagrams of submission).</i> • <i>Maintains the character and integrity of the existing streetscape.”</i>
Officer technical comment:	The proposed development is considered to comply with the above performance criteria. <ul style="list-style-type: none"> • The fall of the lot from the road level to the rear makes it difficult to site an appropriate dwelling on site whilst still achieving a well articulated two storey design to the Mabel Street frontage. • The appearance of the dwelling at a two storey height from the street frontage together with a well stepped design reduces the impact of a third storey height and bulk to both the eastern and western adjoining properties. • The maximum proposed height at 8.4 metres is well within the permitted height of 9.0 metres that would otherwise be supported for a pitched roof design, and is of greater visual appearance with a flat roof design. The dwelling is also modest in design.

Issue/Design Element:	Privacy
Requirement:	Residential Design Codes Clause 5.4.1 C1.1 First Floor Level Rear Balcony – 6.0 metres
Applicants Proposal:	Upper Level Rear Balcony – 1.5 metres (West) 1.22 metres (East)
Design Principles:	Residential Design Codes Clause 5.4.1 P1.1 P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through: <ul style="list-style-type: none"> • building layout and location; • design of major openings; • landscape screening of outdoor active habitable spaces; and/or • location of screening devices.
	P1.2 Maximum visual privacy to side and rear boundaries through measures such as: <ul style="list-style-type: none"> • offsetting the location of ground and first floor windows so that viewing is oblique rather than direct; • building to the boundary where appropriate; • setting back the first floor from the side boundary; • providing higher or opaque and fixed windows; and/or • screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).
Applicant justification summary:	<i>"We have taken great care in the design to limit any visual overlooking issues. Although our living areas are on the first floor (to capture both the city view, and winter sunlight) we have only highlight windows to the west, avoiding overlooking the residence on Lot 40. Our terrace will also have an opaque privacy screen 1.6 metres high. We are sufficiently removed from Lot 450 to the south to have any overlooking issues. We believe the design positively engages the street front with large windows ensuring visual observation of the streetscape (thereby reducing anti-social behaviour)"</i>
Officer technical comment:	The proposed development is not considered to comply with the above performance criteria. <ul style="list-style-type: none"> • The proposed terrace does not comply with the 6.0 metre privacy cone of vision requirement and is required to be screened accordingly and is conditioned as part of the recommendation.

Issue/Design Element:	Dual Street Frontages and Corner Sites
Requirement:	Residential Design Elements Policy 3.2.1 Clause 6.4.2 Upper Floor – 7.5 metres (1.5 metres behind the ground floor)
Applicants Proposal:	6.0 metres (directly above the lower floor)

Issue/Design Element:	Dual Street Frontages and Corner Sites
Design Principles:	<p>SPC 10</p> <p>(i) Dwellings on dual street frontages or corner lots are to present an attractive and interactive elevation to each street frontage. This may be achieved by utilising the following design elements:</p> <ul style="list-style-type: none"> • Wrap around design (design that interacts with all street frontages); • Landscaping; • Feature windows; • Staggering of height and setbacks; • External wall surface treatments and finishes; and • Building articulation.
Applicant justification summary:	<p><i>"While the site can technically be seen as a corner site as it is part of a subdivision, in reality it only has one street frontage (Mabel Street) and we therefore request that this clause not be invoked. As it is, we believe the home complies with the design intent "to present an attractive and interactive elevation to each street frontage"</i></p>
Officer technical comment:	<p>The proposed development is considered to comply with the above performance criteria.</p> <ul style="list-style-type: none"> • The design of the front of the dwelling is articulated with use of differing materials and colour with the use of a planter on the upper storey providing for a softening in appearance of the upper floor. • The use of the projected window on the eastern side of the upper floor breaks up the bulk of the upper floor being located directly above the lower floor. • The front of the dwelling overall has a visually interesting appearance and offsets the upper floor being mainly located above the lower floor.

Issue/Design Element:	Retaining Walls
Requirement:	Residential Design Codes Clause 5.3.7 C7.2 0.5 metres
Applicants Proposal:	1.3 metres (West)
Design Principles:	Residential Design Codes Clause 5.3.7 P7.1 Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to clauses 5.3.7 and 5.4.1.
Applicant justification summary:	Nil
Officer technical comment:	<p>The proposed development is considered to comply with the above performance criteria.</p> <ul style="list-style-type: none"> • The dwelling maintains the existing features of the site with the retaining walls stepped down the site.

Issue/Design Element:	Setback of Garages and Carports
Requirement:	Residential Design Elements Policy 3.2.1 Clause 6.4.2 (iv) Carport – 50% Maximum Street Frontage
Applicants Proposal:	62.35% or 5.3 metres
Design Principles:	<p>SPC 8</p> <p>(i) Garages and carports are not to visually dominate the site or the streetscape.</p>

Issue/Design Element:	Setback of Garages and Carports
Applicant justification summary:	<p><i>"We believe the design complies with the Design Principle SPC8 in that "garages and car ports are not to visually dominate the site or streetscape".</i></p> <p><i>"Although the carport is over the 50% maximum street frontage provision (due to the site only being 8.44 metres wide) we have designed the carport as an open pergola style structure with a clear roof (polycarbonate) and in scale it is similar to the verandah of the Ballet Centre which has a zero setback to the boundary. Also, due to the living areas, balcony and planter being on the first floor overlooking the street, the visual focus is not on the carport but the home behind"</i></p>
Officer technical comment:	<p>The proposed development is considered to comply with the above performance criteria.</p> <ul style="list-style-type: none"> • The carport is open in nature which allows for maximum view of the dwelling to the street. Furthermore with the flat roof design the structure has no bulk or amenity impacts to the street.

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
Comments Period:	1 November 2013 to 15 November 2013		
Comments Received:	One (1) Comment received supporting to the development		

LEGAL/POLICY:

The following legislation and policies apply to the proposed construction of three (3) storey residential dwelling at No. 3 Mabel Street, North Perth

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2013;
- City of Vincent Town Planning Scheme No. 1;
- North Perth Precinct Policy No. 3.1.8;
- Residential Design Elements Policy No. 3.2.1.

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	
Issue	Comment
	The design of the dwelling allows for adequate natural light and good cross ventilation. These design elements have the potential to reduce the need or reliance on artificial heating, lighting and cooling.

SOCIAL	
Issue	Comment
	The proposal provides accommodation for smaller households.

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

CONCLUSION:

It is considered that the proposed building height, street setbacks and scale of the proposed dwelling would not adversely impact the existing streetscape, given the layout of the land of the property. The three-storey appearance is well within the maximum permitted height if the development, were of a pitched roof design (9.0 metres) and is only considered three storeys given the significant fall of the block from the street towards the rear of the lot.

The proposal is not considered to have an undue adverse impact on the amenity of the locality as it complies with the Design Principles of the City's Policy No. 3.2.1 relating to Residential Design Elements Policy and the Residential Design Codes of WA 2013.

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

9.1.4 Review of the City's Municipal Heritage Inventory (MHI) – Progress Report No. 2

Ward:	Both Wards	Date:	22 November 2013
Precinct:	All Precincts	File Ref:	PLA0098
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	H Au, Heritage Officer D Mrdja, Acting Manager Strategic Planning, Sustainability and Heritage Services		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

OFFICER RECOMMENDATION:

That the Council **APPROVES**, the proposed:

1. 'Staged Process' to complete the review of the 163 places identified, as detailed in this report; and
2. 'Indicative Timeline' for the staged process as outlined in the 'Details' Section of this report.

COUNCIL DECISION ITEM 9.1.4

Moved Cr McDonald, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

PURPOSE OF REPORT:

The purpose of the report is to obtain the Council's approval for the proposed 'Staged Process' and 'Indicative Timeline' for the review of the 163 places identified in this project.

BACKGROUND:

The City's first Municipal Heritage Inventory was endorsed by the Council in 1995. Following this, during the period of 2004-2007 the City undertook an extensive review of its MHI, which was endorsed by the Council in stages, during the course of late 2006 and early 2007.

The Council at its Ordinary Meeting held on 12 February 2013, considered a Notice of Motion for the request to review the City's MHI. On 9 April 2013, the Council approved to commence a review by external heritage consultants of all places that were identified in the 2004 MHI documentation, submitted by the original heritage consultants as part of the last review, but which were not entered on the City's MHI and provide recommendations. Subsequently, on 2 July 2013, an amount of \$25,000 was allocated in the Annual Budget 2013/2014 to implement this review.

History:

Date	Comment
12 February 2013	Notice of Motion resolved by the Council to investigate a review of the City's Municipal Heritage Inventory.
9 April 2013	The Council approved a review by external heritage consultants of all places that were identified in the 2004 MHI documentation, submitted by the original heritage consultants as part of the last review, but which were not entered on the City's MHI and provide recommendations. And lists for consideration an amount of \$25,000 in the Draft Budget 2013/2014 to implement the review.
2 July 2013	At a special meeting of Council, an amount of \$25,000 has been approved in the City of Vincent Annual Budget 2013/14 to implement the Review of MHI.
6 August 2013	The City's Officers sent a Request for Quotation Project Brief (RFQ) to 25 consultants.
23 August 2013	Submissions closed for the RFQ. A total of 8 submissions were received.

Previous Reports to Council:

This matter was presented to the Council on 9 April 2013 (Item 9.1.4). The Minutes for the above Ordinary Meeting of Council relating to this report are available on the City's website at the following link:

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

DETAILS:

Scope of Work

The City's Officers prepared a project brief with a request for a quotation for the review of the MHI and this was sent to 25 heritage architects and planning consultants. It is envisaged that the chosen consultant will review the 163 places that were identified in the 2004 draft MHI and were not entered on the City's MHI; and provide recommendations on which properties should now be considered for entrance on the MHI.

The project brief that was sent to the consultants requires the Consultant to:

- Assess the 163 places as per the City's Policy No. 3.6.2 relating to Heritage Management – Assessment, to determine whether the places meet the threshold to be entered onto the City's MHI;
- Review the existing Heritage Assessments or Place Record Form of the 163 places prepared by the City's Officers where available, prior to the commencement of the assessment;
- Undertake the assessment by a team comprising of at least a historian and a heritage architect/planner. Consideration should be given to engaging additional expertise for some places, for example, landscape architect, archaeologist, horticulturalist, heritage engineer;
- Undertake external site inspections for all assessments;
- A Place Record Form should be developed for each property and should be written following the City's Place Record Form format, and prepared as per the City's Policy No. 3.6.2 relating to Heritage Management – Assessment; and

- Provide a recommendation as to whether the places meet the threshold to be entry onto the City's MHI; and assign a Management Category for each of the place which meet the threshold to be entry onto the City's MHI, as per Table 1 – Gradings of Heritage Significance for Heritage Places, stated in the City's Policy No. 3.6.2 relating to Heritage Management – Assessment.

Preferred Consultant

Based on the evaluation criteria presented in the project brief, consultant Phillip Griffiths Architects was selected for the following reasons:

- The quotation submitted by the consultant addressed all the requirements detailed within the Project Brief, and displayed a clear understanding of the required service associated with preparing the Review of the City's Municipal Heritage Inventory (MHI);
- The consultant is the only consultancy which strongly understands that the Place Record Form is used to describe the value that makes a place important to the community in a clear and easy to understand way;
- The consultant is the only consultancy that demonstrates the knowledge of the City's heritage assets and the heritage management polices and framework;
- The project team is highly qualified in relation to historical research and analysis, and heritage architecture and planning;
- The consultant has demonstrated a great deal of experience with Local Government Authorities, in particular in preparing Municipal Heritage Inventory and Heritage Assessments;
- Weighing up the proposal in its entirety, it is considered that the methodology proposed is comprehensive and will provide detailed Place Record Forms and recommendations for the City's MHI Review on time and within budget; and
- Overall, the consultant is probably the best value for money, as it has provided one of the most detailed quotation documents.

Staged Process

The City's Officers met with Philip Griffiths on 8 October 2013 for the Inception Meeting and to further discuss the project. At this meeting it was suggested that the place record forms be submitted in stages due to the sheer volume of the number of places being reviewed.

The City's Officers therefore propose that the consultant submit the place record forms in the following stages:

Stage	Precincts	Number of Places
1	Mount Hawthorn and Mount Hawthorn Centre Precincts	17 places
2	Leederville and Oxford Centre Precincts	13 places
3	Cleaver Precinct	12 places
4	Smiths Lake Precinct	19 places
5	Charles Centre, North Perth and North Perth Centre Precincts	19 places
6	Norfolk and Mount Lawley Centre Precinct	16 places
7	Hyde Park Precinct	22 places
8	Beaufort Precinct	14 places
9	Forrest Precinct	19 places
10	Banks Precinct and Others*	12 places

* Others refers to the following places: Britannia Reserve, Nos. 164, 192 and 206 Newcastle Street and backyard toilets through the City.

The project brief requires the consultant to prepare a 2-4 page place record form and provide a recommendation of whether or not a place should be entered on the City's MHI. The consultant will recommend if a place should be listed as a Category A, B or C or not at all. At this stage, the City's Officers will only consider those properties with a Category A or B recommendation, however in the future, the City may want to consider introducing Category C listed properties.

Once the consultant has submitted the place record forms for a stage, the City will write to the owners of the properties recommended by the consultants for category A or B to advise them of the process being undertaken.

The City's Officers will then be required to undertake a full heritage assessment on those properties recommended for category A or B. A full heritage assessment involves thorough research on the physical elements of the building as well as the documentary evidence of the property. An internal site inspection will also be required for each Heritage Assessment. The City's Officers did not recommend that a consultant undertake this, as the cost of a full heritage assessment is approximately \$1,000-\$2,000 per property. It is estimated that it would approximately 2-3 working days for the Heritage Officer to complete 1 Heritage Assessment. Amongst this, the Heritage Officer will also need to complete her normal everyday duties.

Once the Heritage Assessments for the stage is complete, the Heritage Officer will make a recommendation of which of these properties assessed meets the threshold for entry onto the City's MHI. This recommendation will be in the form of a memorandum to the Chief Executive Officer, who will then give the authorisation to proceed with Community Consultation. This part of the process is standard for any nominations of properties onto the MHI and is in accordance with the City's Policy No. 3.6.5 relating to Heritage Management – Amendments to the Municipal Heritage Inventory (MHI).

Community consultation will then occur for a minimum of 14 days, in accordance with the City's Community Consultation Policy and Heritage Management Policy. The City's Officers will then assess all submissions received and prepare a report to Council with the properties recommended for entrance onto the City's MHI.

This process will occur on 10 separate occasions as 10 stages are proposed.

Indicative Timeline

The indicative timeline for this project is made up of two parts:

1. The time required for the consultant to submit the Place Record Forms; and
2. The time required for the Officers to complete the Heritage Assessments and formal entrance of the places onto the MHI.

Given the consultant was engaged in September, Stage 1 – Mount Hawthorn Precinct and Mount Hawthorn Centre Precinct has already been submitted and will work on a slightly different timeline. This is as follows:

Date	Stage
25 October 2013	Consultant submits stage 1 draft (17 places).
15 November 2013	City's Officers provided feedback.
29 November 2013	Consultant provides completed place record forms.
3 December 2013 – 10 January 2014	Of these 17 places, 10 have been recommended for category B by consultant. Heritage Officer (HO) to complete 10 full heritage assessments.
7 January 2014	HO recommends specific places for inclusion onto MHI and provides memo to CEO.
14 January 2014 – 28 January 2014	Community Consultation for Stage 1.
March 2014	Report to Council to include stage 1 places on MHI.

Consultants to submit Place Record Forms

Stage 2 – Leederville and Oxford Centre Precinct (13 places)

13 December 2013	Consultant submits stage 2 draft (13 places)
20 December 2013	City's Officers provided feedback
3 January 2014	Consultant provides completed place record forms

Stage 3 – Cleaver Precinct (12 places)

10 January 2014	Consultant submits stage 3 draft (12 places)
17 January 2014	City's Officers provided feedback
24 January 2014	Consultant provides completed place record forms

Stage 4 – Smiths Lake Precinct (19 places)

31 January 2014	Consultant submits stage 4 draft (19 places)
7 February 2014	City's Officers provided feedback
14 February 2014	Consultant provides completed place record forms

Stage 5 – Charles Centre, North Perth and North Perth Centre Precincts (19 places)

21 February 2014	Consultant submits stage 5 draft (19 places)
28 February 2014	City's Officers provided feedback
7 March 2014	Consultant provides completed place record forms

Stage 6 – Norfolk and Mount Lawley Centre Precincts (16 places)

14 March 2014	Consultant submits stage 6 draft (16 places)
21 March 2014	City's Officers provided feedback
28 March 2014	Consultant provides completed place record forms

Stage 7 – Hyde Park Precinct (22 places)

4 April 2014	Consultant submits stage 7 draft (22 places)
11 April 2014	City's Officers provided feedback
18 April 2014	Consultant provides completed place record forms

Stage 8 – Beaufort Precinct (14 places)

25 April 2014	Consultant submits stage 8 draft (14 places)
2 May 2014	City's Officers provided feedback
9 May 2014	Consultant provides completed place record forms

Stage 9 – Forrest Precinct (19 places)

16 May 2014	Consultant submits stage 9 draft (19 places)
23 May 2014	City's Officers provided feedback
30 May 2014	Consultant provides completed place record forms

Stage 10 – Banks Precinct and 'Other Places' (12 places)

6 June 2014	Consultant submits stage 10 draft (12 places)
13 June 2014	City's Officers provided feedback
20 June 2014	Consultant provides completed place record forms

Officers to complete Heritage Assessments and formal entrance onto MHI

Given the time needed for the Officer to complete the Heritage Assessments is much greater than the time needed for the consultant to submit the Place Record Forms, the dates relating to the submission of the Place Record Forms will not align with the following:

Stage 2 – Leederville and Oxford Centre Precinct (13 places)

13 January 2014 – 21 February 2014	HO to complete full heritage assessments (5 weeks)
24 February 2014 – 28 February 2014	HO recommends specific places for inclusion onto MHI and provides memo to CEO.
3 March 2014 – 21 March 2014	Prepare and undertake Community Consultation
April/May 2014	Report to Council to include stage 2 places on MHI

Stage 3 – Cleaver Precinct (12 places)

24 February 2014 – 28 March 2014	HO to complete full heritage assessments (5 weeks)
31 March 2014 – 4 April 2014	HO recommends specific places for inclusion onto MHI and provides memo to CEO.
7 April 2014 – 25 April 2014	Prepare and undertake Community Consultation
May/June 2014	Report to Council to include stage 3 places on MHI

Stage 4 – Smiths Lake Precinct (19 places)

31 March 2014 – 9 May 2014	HO to complete full heritage assessments (6 weeks)
12 May 2014 – 16 May 2013	HO recommends specific places for inclusion onto MHI and provides memo to CEO.
19 May 2014 – 6 June 2014	Prepare and undertake Community Consultation
July/August 2014	Report to Council to include stage 3 places on MHI

Stage 5 – Charles Centre, North Perth and North Perth Centre Precincts (19 places)

12 May 2014 – 27 June 2014	HO to complete full heritage assessments (7 weeks)
30 June 2014 – 4 July 2014	HO recommends specific places for inclusion onto MHI and provides memo to CEO.
7 July 2014 – 25 July 2014	Prepare and undertake Community Consultation
August/September 2014	Report to Council to include stage 5 places on MHI

Stage 6 – Norfolk and Mount Lawley Centre Precincts (16 places)

30 June 2014 – 8 August 2014	HO to complete full heritage assessments (6 weeks)
11 August 2014 – 15 August 2013	HO recommends specific places for inclusion onto MHI and provides memo to CEO.
18 August 2014 – 5 September 2014	Prepare and undertake Community Consultation
October/November 2014	Report to Council to include stage 6 places on MHI

Stage 7 – Hyde Park Precinct (22 places)

11 August 2014 – 26 September 2014	HO to complete full heritage assessments (7 weeks)
29 September 2014 – 3 October 2014	HO recommends specific places for inclusion onto MHI and provides memo to CEO.
6 October 2014 – 24 October 2014	Prepare and undertake Community Consultation
November/December 2014	Report to Council to include stage 7 places on MHI

Stage 8 – Beaufort Precinct (14 places)

29 September 2014 – 7 November 2014	HO to complete full heritage assessments (6 weeks)
10 November 2014 – 14 November 2014	HO recommends specific places for inclusion onto MHI and provides memo to CEO.
17 November 2014 – 5 December 2014	Prepare and undertake Community Consultation
February 2014	Report to Council to include stage 8 places on MHI

Stage 9 – Forrest Precinct (19 places)

10 November 2014 – 2 January 2015	HO to complete full heritage assessments (8 weeks)
5 January 2015 – 9 January 2015	HO recommends specific places for inclusion onto MHI and provides memo to CEO.
12 January 2015 – 30 January 2015	Prepare and undertake Community Consultation
February/March 2015	Report to Council to include stage 9 places on MHI

Stage 10 – Banks Precinct and ‘Other Places’ (12 places)

5 January 2015 – 13 February 2015	HO to complete full heritage assessments (6 weeks)
16 February 2015 – 20 February 2015	HO recommends specific places for inclusion onto MHI and provides memo to CEO.
23 February 2015 – 14 March 2015	Prepare and undertake Community Consultation
April/May 2015	Report to the Council to include stage 10 places on MHI
July 2015	Final Report to the Council – completion of project.

The above timeline suggests that the entire project will be completed by April/May 2015. However, due to potential delays such as heavy community objection, the need for re-advertising, Council deferral decisions, staff annual leave periods and general delays, it is fair to suggest that a deadline of July 2015 for the completion of the MHI review is more appropriate.

CONSULTATION/ADVERTISING:

The Request for Quotation was advertised on the City of Vincent website between 6 August 2013 and 23 August 2013. In addition, requests for quotation were invited from twenty-five (25) consultants of which were sent on 6 August 2013, with submissions closing on 23 August 2013.

Community consultation will then occur for a minimum of 14 days, in accordance with the City's Community Consultation Policy and Heritage Management Policy.

LEGAL/POLICY:

- Heritage of Western Australia Act 1990;
- Town Planning Scheme No. 1;
- City of Vincent Local Planning Policies relating to Heritage Management;
- State Planning Policy No. 3.5 relating to Historic Heritage Conservation; and
- City of Vincent Community Consultation Policy 4.1.5.

RISK MANAGEMENT IMPLICATIONS:

High: Heritage Listing is a very contentious matter that should be managed with immense care to ensure effective community engagement that does not result in unnecessary heightened negative feedback being placed on the Council. Relatively speaking, the review of the City's Municipal Heritage Inventory was undertaken not so long ago, and therefore proper community engagement is paramount should the Council wish to undertake this review effectively.

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."*

Council Adopted Priority

At the Ordinary Meeting of Council held on 19 November 2013, the Council adopted a program for priorities of its Special Projects for 2013-2015. The review of the MHI was allocated a "Low" priority.

SUSTAINABILITY IMPLICATIONS:

The City's Sustainable Environment Strategy 2011 – 2016 states:

"1.2 The Environmental Sustainability Context

1.2.2 *Support for communities as they adjust to a changing climate and better manage areas of conservation or heritage importance."*

The following tables outline the applicable sustainability issues for the Review of MHI:

ENVIRONMENTAL
The retention of heritage buildings that are capable of reasonable adaptation and re-use can have a significant impact on reducing demolition waste.

SOCIAL
The City's residents will have a strong sense of belonging and will value Vincent as a unique place to live and work because of its unique cultural heritage.

ECONOMIC
By promoting and facilitating the continuing use of heritage assets, the City's heritage can be retained to contribute to rich variety of economic activity.

FINANCIAL/BUDGET IMPLICATIONS:

The current 2013/2013 Annual Budget allocates \$25,000 for the Review of City's Municipal Heritage Inventory (MHI). The quotation provided by Philip Griffiths Architect is within this budget.

COMMENTS & CONCLUSION:

The Review of the City's Municipal Heritage Inventory (MHI) is identified as one of the Key Result Areas - Statutory Provisions and Policies in the Heritage Strategic Plan 2013-2017. The City's Municipal Heritage Inventory is a key component to the City's approach to heritage management. The review will ensure that the Municipal Heritage Inventory provides a good basis to protect places of cultural heritage value through the City's planning framework.

In light of the above, it is recommended that the Council approve the proposed 'Staged Process' and 'Indicative Timeline' as outlined in the 'Details' section of this report.

9.1.6 Draft Town Planning Scheme No. 2 – Community Consultation for Claisebrook North Precinct

Ward:	South Ward	Date:	22 November 2013
Precinct:	Proposed Mount Lawley/ Highgate Precinct	File Ref:	PLA0140
Attachments:	001 – City of Vincent Community Engagement Plan		
Tabled Items:	Nil		
Reporting Officer:	D Mrdja, Acting Manager Strategic Planning Sustainability and Heritage Services J O’Keefe, Senior Strategic Planning Officer		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** the City’s Amended Community Engagement Plan as shown in Appendix 9.1.6 (Attachment 001) for the Town Planning Scheme Review to include separate consultation for Claisebrook North as a new sub precinct; and
2. **AUTHORISES** the Chief Executive Officer after the period of Community Consultation to implement the following:
 - 2.1 **Amend draft Scheme Map No. 4 relating to the Mount Lawley/Highgate Precinct to rezone the Claisebrook North Area to the proposed zones endorsed by the Council at its Ordinary Meeting held on 20 December 2011; and**
 - 2.2 **Remove proposed clause 4.16 – ‘Residential Developments and Uses’ from the draft Town Planning Scheme No. 2 text.**

COUNCIL DECISION ITEM 9.1.6

Moved Cr McDonald, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the outcome of the Public Meeting concerning the Claisebrook North area held on Wednesday 16 October 2013 and provide Council with advice pertaining to the City’s consultation approach regarding the proposed change of zoning of the Claisebrook concrete batching plants and the surrounds.

BACKGROUND:

The City of Vincent Draft Town Planning Scheme No. 2 (TPS 2) and Local Planning Strategy (LPS) were endorsed by the Council at the Ordinary Meeting held on 20 December 2011. These documents, along with the draft Precinct Policies were sent to the Department of Planning (DoP on 23 December 2011 in order for them to give the City consent to advertise the TPS No. 2 and LPS).

On 3 September 2013 the Minister provided formal consent to advertise Draft TPS 2 and LPS with modifications. Part of the Minister's modifications included the rezoning of the concrete batching plant sites to 'Special Use – Batching Plants' and rezoning of surrounding land to 'Commercial' and prohibiting residential as a use where it abuts the batching plants.

As a result of a Notice of Motion put forward by Councillor Topelberg at the Ordinary Meeting of Council held on 24 September 2013, a public meeting was held with affected landowners to explain to the Claisebrook North community the decision of the Minister for Planning in relation to the concrete batching plants and the advertising of the City of Vincent Draft Town Planning Scheme No. 2.

The meeting was held on 16 October 2013 at the City's Administration offices with 32 attendees. The Former Acting Mayor Councillor McGrath hosted the meeting, with Councillors Carey, Maier, Topelberg, Pintabona also in attendance. The Chief Executive Officer, Acting Director Planning Services and Acting Manager Strategic Planning were also present. Representatives from the Minister's office, the Local MP, the Department for Planning/WAPC and the batching plants were also invited to attend. All declined the invite with the exception of a representative from Hon. Eleni Evangel MP's office who tabled a verbal statement of behalf of the member for Perth.

History:

Date	Comment
20 December 2011	The Council at its Ordinary Meeting resolved to endorse an amended version of the draft TPS No. 2, LPS and Precinct Policies (Confidential Report).
23 December 2011	The City's Officers forwarded the documents to the WAPC for consent to advertise.
14 August 2012	The Council at its Ordinary Meeting endorsed a Community Engagement Plan for the advertising of the draft TPS No. 2 and LPS.
9 October 2012	The Council at its Ordinary Meeting endorsed an amended version of the Community Engagement Plan.
19 December 2012 and 8 January 2013	The City's Officers met with the Officers at the DoP to discuss the progression of the draft TPS No. 2 and LPS. The DoP advised that a decision will not be made until after the State Election in March 2013.
12 February 2013	The Council at its Ordinary Meeting resolved to receive a progress report on the draft TPS No. 2 and LPS and endorsed an updated Indicative Timeframe.
14 May 2013	The DoP emailed a draft copy of the Schedule of Modifications. This draft proposed 106 modifications to the TPS and 4 modifications to the LPS.
28 May 2013	Draft TPS 2 and LPS was tabled at Statutory Planning Committee (SPC) meeting which was attended by the Mayor and Cr. Maier. A deputation was presented by the Mayor detailing the City's objection to several requested modifications.
27 August 2013	At the meeting of the SPC, a final recommendation was given to the Minister to provide consent to advertise Draft TPS 2 and LPS.
3 September 2013	The Minister provides formal consent to advertise Draft TPS 2 and LPS with modifications. The Minister supported the City's view in relation to demolition as permitted development and the inclusion of R-AC codings within areas zoned District Centre. He did not support the City's view to <i>not</i> remove the clauses which empowered the Design Advisory Committee (DAC), rezoning of the concrete batching plant sites to 'Special Use – Batching Plants' and rezoning of surrounding land to 'Commercial' and prohibiting residential as a use where it abuts the batching plants.
24 September 2013	Council resolved to hold a public meeting with the Claisebrook North precinct community to explain the decision of the Minister and the upcoming process for the advertising of the Draft TPS 2.
16 October 2013	32 people attended the public meeting held at the City's offices.

Previous Reports to Council:

A confidential item was put to Council on 20 December 2011 with Council resolving to adopt the Draft Town Planning Scheme (item not available on the City's website) and authorising the Chief Executive Officer to forward the documentation to the Western Australian Planning Commission.

In addition, on 9 October 2012, Council resolved to endorse the amended City of Vincent Community Engagement Plan designed to be implemented during the advertising of the Draft Town Planning Scheme No 2.

The Minutes of Item 9.1.5 from the Ordinary Meeting of Council held on 9 October 2013 relating to this report is available on the City's website at the following link:
http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes

DETAILS:

To support the advertising of the City's Draft Town Planning Scheme No. 2, Council has adopted a Community Engagement Plan. This plan prescribes in detail how the City will consult with the community to ensure that all stakeholders will have the opportunity to understand how the new Planning Scheme will affect them and provide comments on the Draft TPS 2.

In summary, the current Community Engagement Plan proposes to facilitate 2 precinct information sessions for each of the proposed five precinct groups and one open day. In addition to these, two focus groups will be held, including with both residential and non-residential groups for each of the proposed five precincts.

The Community Engagement Plan identifies the landowners of 'Claisebrook North' as being in stakeholder 'Group 4C' forming part of the Mount Lawley/Highgate Precinct. It is recommended to progress the amount of engagement with this important stakeholder group by identifying this group as an additional 'sub-precinct' of Mount Lawley/Highgate' and replicating the consultation efforts seen in other precincts with this specific community alone.

In order to mandate this, the Community Engagement Plan has been modified to reflect the inclusion of the new 'Claisebrook North sub precinct' and consultation methodology included to occur within that precinct.

LEGAL/POLICY:

- Planning and Development Act 2005; and
- Town Planning Regulations 1967.

RISK MANAGEMENT IMPLICATIONS:

High: Providing a comprehensive Community Engagement Plan is essential in the appropriate management of the advertising of the Local Planning Strategy and Town Planning Scheme No. 2, as is required in accordance with the *Town Planning Regulations 1967*. In addition, the issues surrounding the Claisebrook north precinct are required to be clearly communicated to the affected landowners and residents.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2017 states:

In keeping with the City's *Strategic Plan 2013-2017* – Objective 1.1.1 states:

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

SUSTAINABILITY IMPLICATIONS:

The Draft Town Planning Scheme No. 2 (Text and Maps), Local Planning Strategy and Precinct Policies aim to address the key principles of sustainability to ensure that the City of Vincent develops in a sustainable way. To emphasise the City's commitment to sustainability, additional reference has been made throughout the Draft Local Planning Strategy, within the Draft Town Planning Scheme No. 2 Text and elaborated further within the Precinct Policies, to ensure that developments have due consideration for the principles of sustainability.

FINANCIAL/BUDGET IMPLICATIONS:

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

'Town Planning Scheme Amendment and Policies'

Budget Amount:	\$73,000
Spent to Date:	<u>\$ 8,668</u>
Balance:	\$64,332

COMMENTS & CONCLUSION:

In order to effectively collect and report on the views of the community of the City of Vincent during this time of complicated and intensive information exchange, it is considered paramount to implement the robust consultation framework outlined in the Council endorsed Community Engagement Plan.

In addition to the consultation with the community, a key component of the Plan is for the City's staff to hold a briefing session with all Council Members ensuring they are well informed of the process prior to commencement and to ensure consistency in messages from both the City's Administration and Council Members.

It is considered that the implementation of the City's interactive and inclusive consultation forums will provide residents and affected owners of the Claisebrook north precinct with adequate opportunity to make their views known.

The modification of the Community Engagement Plan with the inclusion of the Claisebrook North area as a 'sub-precinct' will articulate exactly how the City proposes to engage with the owners and occupiers of that sub-precinct to inform them of the technical modifications to the zoning in that sub-precinct.

Given the political nature of the proposed changes to this precinct however, Council may be of the view to include additional measures for campaigning against the proposed amendments and generating additional community interest. The 'One in, All in' campaign recently undertaken regarding issues of the pending amalgamations have proven that enough community action has the power to influence decision making at the highest level. Any modifications to the consultation approach on a political level are a matter for the Council to consider, independent of the technical advice provided by City officers.

9.2.2 Salisbury Street, Leederville – Proposed Traffic Management – Installation of Speed Humps

Ward:	North	Date:	22 November 2013
Precinct:	Leederville (3)	File Ref:	TES0118
Attachments:	001 – Plan No. 3023-CP-01 002 – Plan No. 3023-CP-01A		
Tabled Items:	-		
Reporting Officer:	C Wilson, Manager Asset and Design Services R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **DEFERS** the implementation of speed humps on Salisbury Street, Leederville between Shakespeare and Loftus Streets, as shown on the attached Plan No. 3023-CP-01, for the reasons outlined in the report;
2. **APPROVES** the alternative option, as shown on the attached Plan No. 3023-CP-01A, estimated to cost \$20,000, to be funded from the 2013/2014 State Blackspot program including the installation of 50kph reminder signage; and
3. **MONITORS** the street following the implementation of the proposal as outlined in Clause 2 above.

COUNCIL DECISION ITEM 9.2.2

Moved Cr McDonald, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the outcome of the public consultation with residents regarding the proposal to install speed humps in three (3) locations along Salisbury Street, Leederville.

BACKGROUND:

The city has received several complaints from residents living in Salisbury Street regarding ‘rat running’ in addition with excessive speed as a result of peak hour traffic on Loftus Street.

DETAILS:

Traffic Data:

The most recent traffic data indicated there were 712 average weekday vehicle movements in Salisbury street; 140 vehicles per hour in morning peak and 101 vehicles per hour in the evening peak period.

The 85% speed (*the speed at which 85% of motorists travel 'less than' and is used to determine the 'speed environment of a roadway*) was 56.1 kph.

Note: The results are consistent with the 50 kph urban speed limit and it is not the intention to make motorists travel significantly slower than legally allowed.

Proposal:

While the 85% speed mentioned to be relatively high, it is considered reasonable in the interest of public safety to implement slowing devices (*speed humps*). Please refer to Plan No. 3023-CP-01 attached.

These treatments are relatively inexpensive and have proved to be effective at other locations in the City. It may also deter 'rat runners' from Loftus Street.

Community Consultation

In accordance with the Council's Community Consultation Policy on 22 October 2013 one hundred and four (104) letters were distributed to residents of Salisbury Street, Leederville. At the close of the consultation on 7 November 2013, seventeen (17) responses were received with ten (10) in favour of the proposal and five (5) against the proposal and two (2) other comments. A summary of the comments received are below;

Related Comments In Favour of the Proposal: (10)

- 6 x in favour with no further comment.
- ...we agree that measures should be trialled to improve traffic conditions on Salisbury Street. However, the location and number of humps is of concern...Loftus St presents a hazard as this will inhibit traffic movement....corner of Shakespeare is not required as there is a stop sign there....we proposed altering the plan to install only two speed humps each 1/3 the distance from each intersection a reduction to two (2) speed humps...
- ...we fully support the proposal....we are arguably most affected by the proposal, given that a speed hump will be directly in front of our house...and we still fully support the Council's plan...
- I would like to see the 'speed humps' proposed extended so that the area of Salisbury Street west of Shakespeare to Oxford is made safe.
- ...please ensure the verge of... is reinstated and left in the original condition as prior to constructions of works.

Related Comments Against the Proposal: (5)

- 1 x against the proposal with no further comment.
- ...increase pollution and noise as cars have to slow down and speed up before and after each hump. Introducing speed humps will not divert the traffic as the traffic jams are on the increase. This is a result of reducing the existing lanes (see Scarborough Beach Rd in Mt Hawthorn). Please note that since time unknown roads have been build for an easy and fast transport. The trend in Perth is exactly the opposite. An easy and inexpensive way would be to install a '50kph' sign or 'Local Traffic Only'.
- Before considering whether or not speed humps should be implemented, first try '50kph' and 'Local Traffic Only' signage to see if that improves the situation for the eastern end of Salisbury Street.
- ...As residents here for almost a decade we have not considered speeding in Salisbury St to be a consistent problem in the street and this is evidenced and supported by your investigation. Speed humps merely introduce a speeding up of motorists between the speed humps and subsequently more noise and irritation to all residents....Perhaps a better alternative would be to have the speed limit clearly signposted on the street. It would be our preference to have this options trialled and monitored before implementing the more permanent option of speed humps.
- The implementation of slowing devices just encourages drivers to use the next street that doesn't have the devices. Therefore it is only effective in shifting the problem... slowing devices also increase CO2 emissions as the effective cause cars to brake and accelerate, this also causes additional noise pollution....

Related Other Comments: (2)

- We believe the Council needs to address the issue of too much traffic in the street, rather than attempting to slow the traffic down. The street is used as a through-fare between Oxford and Loftus Streets. We do agree to trialling temporary speed humps as a secondary measure but would like the Council to attempt to remedy the problem using other measures first, without having to implement speed humps.
- Could I suggest that an island be placed in Salisbury St with a 'Keep Left' sign on it to stop people cutting the corner. This may slow the traffic initially anyway on it's own, or it could be in conjunction with the speed hump which could be put a bit further back from the intersection.

Officers Comments

While the majority of respondents (10) were in favour of speed hump, 7 respondents were either against or suggested alternatives. It is therefore considered that an alternative, less invasive treatment be implemented, as suggested by one of the respondents and the street be monitored.

The proposal would be to install an entry statement at the Loftus Street end of the street i.e. a central Island with a raised section of road way as shown on the attached Plan No.3023-CP-01A to channalise traffic, provide a safe crossing for pedestrians and act as an entry statement into a residential street.

This proposal is included in the City's 2013/2014 Blackspot program. Also temporary 50kph reminder signage will be installed

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 visitors.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

1.1.4 *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:

An amount of \$25,000 has been allocated in the 2013/2014 budget (Black Spot Funding).. The recommended proposal is estimated to cost in the order of \$20,000 (depending on widening requirements to accommodate the island.

COMMENTS:

Due to the comments received from the residents it is recommended that the Council approves an alternative option comprising a *central Island with a raised section of road way* estimated to cost \$20,000 including the installation of 50kph reminder signage.

**9.3.1 Investigation of Fees and Penalties for long term vacant properties
Property Owners in the City of Vincent**

Ward:	Both	Date:	22 November 2013
Precinct:	All	File Ref:	FIN0014
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	M Rootsey, Director Corporate Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the report on the Investigation of Fees and Penalties on Property Owners as a deterrent for long term vacant properties in the City of Vincent; and
2. **LISTS** for consideration in the Draft Budget 2014/15 the introduction of a differential rate for both residential and undeveloped/commercial/industrial vacant land; and
3. **CONTINUES** to investigate any further incentives to improve the management of vacant land and properties in the City of Vincent and provides a further report no later than March 2014.

COUNCIL DECISION ITEM 9.3.1

Moved Cr McDonald, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

PURPOSE OF REPORT:

To report on the outcome of the investigation into the improvement in the mechanisms that can be used by the City to avoid long term vacant properties as raised in the Notice of Motion from Mayor Carey.

BACKGROUND:

At the Ordinary Meeting of Council held 12 March 2013 the following recommendation was adopted:

"That the Council REQUESTS;

1. *The Chief Executive Officer to investigate the imposition of fees and/penalties or incentives on property owners as a mechanism to deter long term vacant properties in the City of Vincent. The report shall include but not be limited to:*
 - 1.1 *INVESTIGATING other potential options available (for example special additional fees for vacant blocks, clean up fee);*
 - 1.2 *ADVISING of;*
 - 1.2.1 *Improvements to current enforcement options and introduction of new options/mechanisms to ensure vacant blocks or properties are maintained, in a clean and tidy condition;*
 - 1.2.2 *A time frame for the implementation of any new measures;*
 - 1.2.3 *Mechanisms being used by other Local Governments to ensure that vacant blocks or properties are properly maintained, (for example City of Fremantle); and*
 - 1.2.4 *Any other relevant matters; and*
2. *A report be submitted to the Council no later than May 2013.*

DETAILS:

The current position for the imposition of fees and penalties are as follows:

Fees

The current mechanism for the charging of fees and penalties for vacant land is as follows:

- Complaint received;
- Site inspection undertaken;
- If justified, correspondence sent requesting remedial action to be taken to remove dumped waste or to secure/resecure the property from unauthorised access;
- If no action is taken, the City may move to issue a Notice under Section 3.25, Schedule 3.1 of the *Local Government Act 1995*. Should compliance not be achieved within the specified timeframe, the City may 'Act in Default' and undertake the works on the owners behalf to achieve compliance. Subsequently, the City would look to recover the costs in accordance with Section 3.26 of the *Local Government Act 1995*, which states as follows:

"3.26. Additional powers when notices given

- (1) *This section applies when a notice is given under section 3.25(1)*
- (2) *If the person who is given the notice ("**notice recipient**") fails to comply with it, the local government may do anything that it considers necessary to achieve, so far as is practicable, the purpose for which the notice was given*
- (3) *The local government may recover the cost of anything it does under subsection (2) as a debt due from the person who failed to comply with the notice."*

Other Options

Management of Vacant Land

There are instances where the City approves the demolition of buildings in the absence of an application for redevelopment of that land; however conditions relating to the on-going management of the vacant land are likely to be imposed. In this respect, a Vacant Lot Management Plan will be required whereby aspects relating to the control of sand and dust, weed and rubbish control, illegal parking, perimeter barriers and fencing, bonds and the like are to be considered and approved by the City prior to the issue of a Demolition Licence. In addition, the City may require details of lighting, landscaping and reticulation of land or any other matter considered appropriate on a site specific basis.

Penalties

Property Owners are required to maintain vacant property in a clean and tidy condition.

If the City is required to make any property clean and tidy, the cost of the cleanup is recouped from the Property Owner.

The fees and penalties currently charged are in regard to the maintenance of vacant land rather than a charge for the ownership of the vacant land.

Property Rates

The City of Vincent doesn't currently have differential rates for either commercial or residential land.

Currently the Gross Rental Valuation for vacant land is assessed at 3% of the capital value of the land. This percentage was decreased from 5% to 3% effective from 1/7/2011 which has brought vacant land valuation into line with residential properties. Valuation of Land Regulations 1979 - Regulation 3 (2)(a).

Three percent (3%) of capital value is used as the assessed value for vacant residential land only.

For commercial vacant land or residential vacant land with a commercial potential (high density zoning e.g. R80) or rescomm mixed use, 5% of the capital value is used as the assessed value for valuation purposes for vacant land.

If a commercial property has a dilapidated building where the site is being underutilized then the VGO will not use the rental figures for the GRV they will switch to use the assessed value of 5% of the capital value of the land which will produce a higher GRV.

Capital and rental values used for Gross Rental Valuations are currently based on 2009 market values.

When a property has a building on it then the valuation is assessed as the Gross Rental Valuation or how much the property could achieve in rental should it be rented out annually.

The GRV can be divided by fifty two (52) to gain the weekly rental used for the assessment of the Gross Rental Valuation.

Vacant Land – Differential rates

A number of Councils have recently introduced a differential rate specifically for vacant land. The differential rate in these cases has been at a higher rate than the general rate.

The purpose of the increased rate is to encourage property owners to develop their properties rather than holding to vacant properties for investment speculation.

The following Local Governments have differential rates for vacant land.

City of Perth

The vacant land rate in the dollar is set at 43.6% premium above the residential rate in the dollar.

City of Fremantle

City of Fremantle has a differential rate for both residential and undeveloped commercial/industrial vacant land.

The rate in the dollar for residential vacant land is set at a premium of 47.1% above the residential rate in the dollar.

The rate in the dollar for the undeveloped commercial/industrial vacant land is set at a premium of 50% above the residential rate.

In the City of Fremantle, land will be taken to be held for an undeveloped site purpose if it is:

- a) Unfit for occupancy by virtue of the determination of the condition of one or more of the buildings on the land; or
- b) Vacant land for a period of twelve (12) months or more.

City of Nedlands

The vacant land rate in the dollar is set at an 18% premium above the residential rate.

Other Councils that have a differential rate for vacant land include the following:

- City of Canning;
- City of Gosnells;
- City of Joondalup;
- City of Kwinana;
- City of Melville; and
- City of Wanneroo.

The City of Vincent currently has three hundred and sixty eight (368) properties listed as categorised as vacant.

CONSULTATION/ADVERTISING:

The introduction of a differential rate is required to be advertised for a period of two (2) months prior to the end of the financial year.

LEGAL/POLICY:

A differential rate for vacant land would be raised in accordance with the Local Government Act 1995.

RISK MANAGEMENT IMPLICATIONS:

Low: A differential rate would be introduced with legislative backing through the Local Government Act 1995.

STRATEGIC IMPLICATIONS:

Keeping in line with the City's Strategic Community Plan 2013 – 2017:

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

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

SUSTAINABILITY IMPLICATIONS:

Not Applicable.

FINANCIAL/BUDGET IMPLICATIONS:

A differential rate for vacant land would be raised at a premium above the normal residential and commercial rate and would provide potentially increased revenue for the City.

COMMENTS:

The Administration supports the consideration of a differential rate for vacant land to encourage the development of such land, which would reduce the potential for vacant land becoming unkempt and affecting the upkeep of the area.

It is therefore recommended that the recommendation be supported.

9.3.3 Financial Statements as at 31 October 2013

Ward:	Both	Date:	22 November 2013
Precinct:	All	File Ref:	FIN0026
Attachments:	001 – Financial Reports		
Tabled Items:	002 – Significant Accounting Policies		
Reporting Officers:	B Wong, A/Manager Financial Services; N Makwana, Accounting Officer		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** the **Financial Statements** for the month ended 31 October 2013 as shown in Appendix 9.3.3.

COUNCIL DECISION ITEM 9.3.3

Moved Cr McDonald, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

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

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

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

DETAILS:

The following documents represent the Statement of Financial Activity for the period ending 31 October 2013:

Note	Description	Page
1.	Summary of Income and Expenditure by Service Areas	1-30
2.	Statement of Financial Activity by Programme Report	31
3.	Statement of Financial Activity by Nature or Type Report	32
4.	Statement of Financial Position	33
5.	Statement of Changes in Equity	34
6.	Capital Works Schedule	35-41
7.	Restricted Cash Reserves	42
8.	Sundry Debtors Report	43
9.	Rate Debtors Report	44
10.	Beatty Park Leisure Centre Report – Financial Position	45
11.	Major Variance Report	46-52
12.	Monthly Financial Positions Graph	53-55

1. SIGNIFICANT ACCOUNTING POLICIES AND NOTES

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

Comments on the financial performance are set out below:

2. As per Appendix 9.3.3.

3. Statement of Financial Activity by Programme Report

Operating Revenue excluding Rates

YTD Actual	\$7,909,053
YTD Revised Budget	\$7,661,062
YTD Variance	\$247,991
Full Year Budget	\$28,176,497

Summary Comments:

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

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

General Purpose Funding – 8% under budget;
 Governance – 2346% over budget;
 Law, Order, Public Safety – 52% under budget;
 Health – 4% under budget;
 Education and Welfare – 2% under budget;
 Community Amenities – 2% over budget;
 Recreation and Culture – 20% over budget;
 Transport – 7% under budget;
 Economic Services – 17% under budget;
 Other Property and Services – 105 over budget; and
 General Administration (Allocated) – 27% under budget.

Operating Expenditure

YTD Actual	\$16,057,407
YTD Revised Budget	\$15,693,402
YTD Variance	\$364,005
Full Year Budget	\$48,927,550

Summary Comments:

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

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

General Purpose Funding – 9% under budget;
 Governance – 10% under budget;
 Law and Order – 10% under budget;
 Health – 8% under budget;
 Education and Welfare – 12% under budget;
 Community Amenities – 6% under budget;
 Recreation and Culture – 5% over budget;
 Transport – 6% over budget;
 Economic Services – 2% over budget;
 Other Property & Services – 31% over budget; and
 General Administration (Allocated) – 26% under budget.

Net Operating and Capital Excluding Rates

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

YTD Actual	\$7,694,276
YTD Revised Budget	\$7,896,717
Variance	(\$202,441)
Full Year Budget	\$29,136,897

4. Statement of Financial Activity by Nature and Type Report

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

5 Statement of Financial Position and

6. Statement of Changes in Equity

The statement shows the current assets of \$30,393,598 and non-current assets of \$204,672,443 for total assets of \$235,066,040.

The current liabilities amount to \$8,812,394 and non-current liabilities of \$19,400,907 for the total liabilities of \$28,213,300.

The net asset of the City or Equity is \$206,852,740.

7. Net Current Funding Position

	31 October 2013 YTD Actual \$
Current Assets	
Cash at Bank	10,413,132
Cash Restricted	8,730,427
Receivables – Rates and Waste	7,147,507
Receivables – Others	3,869,618
Inventories	221,914
	30,382,598
Less: Current Liabilities	
Trade and Other Payables	(5,387,446)
Provisions	(2,719,501)
	(8,106,947)
Less: Restricted Cash Reserves	(8,730,427)
Net Current Funding Position	13,545,224

8. Capital Expenditure Summary

The Capital Expenditure summary details projects included in the 2013/2014 budget and reports the original budget and compares actual expenditure to date against these.

	Budget	Year to date Revised Budget	Actual to Date	%
Furniture & Equipment	\$201,750	\$46,582	\$32,869	71%
Plant & Equipment	\$3,269,666	\$326,700	\$187,974	58%
Land & Building	\$1,229,000	\$196,000	\$192,303	98%
Infrastructure	\$12,198,585	\$1,676,425	\$1,004,735	60%
Total	\$16,899,001	\$2,245,707	\$1,417,880	63%

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

Note: Detailed analyses are included on page 35 – 41 of Appendix 9.3.3.

9. Restricted Cash Reserves

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

The balance as at 31 October 2013 is \$8.7m. The balance as at 31 October 2012 was \$15m.

10. Sundry Debtors

Other Sundry Debtors are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts. Sundry Debtors of \$682,524 is outstanding at the end of October 2013.

Out of the total debt, \$282,498 (41.4%) relates to debts outstanding for over 60 days, which is related to Cash in Lieu Parking. The Cash in Lieu Parking debtors have special payment arrangement for more than one year.

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

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

11. Rate Debtors

The notices for rates and charges levied for 2013/14 were issued on the 22 July 2013.

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

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

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

Instalment Administration Charge (to apply to second, third, and fourth instalment)	\$10.00 per instalment
Instalment Interest Rate	5.5% per annum
Late Payment Penalty Interest	11% per annum

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

Rates outstanding as at 31 October 2013 including deferred rates was \$6,702,218 which represents 27.31% of the outstanding collectable income compared to 26.49% at the same time last year.

12. Beatty Park Leisure Centre – Financial Position Report

As at 31 October 2013 the operating deficit for the Centre was \$423,079 in comparison to the year to date budgeted deficit of \$766,193.

The cash position showed a current cash deficit of \$167,376 in comparison year to date budget estimate of a cash deficit of \$527,849. The cash position is calculated by adding back depreciation to the operating position.

13. Major Variance Report

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

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

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2011-2016:

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

4.1.2 Manage the organisation in a responsible, efficient and accountable manner;
(a) Continue to adopt best practice to ensure the financial resources and assets of the City are responsibly managed and the quality of services, performance procedures and processes is improved and enhanced."

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENT:

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

9.4.1 Parking Enforcement and Review/Appeal of Infringement Notices

Ward:	Both	Date:	22 November 2013
Precinct:	All	File Ref:	ADM0018
Attachments:	001 – Policy No. 3.9.2 – Parking Enforcement and Review/Appeal of Infringement Notices		
Tabled Items:	Nil		
Reporting Officers:	M Wood, A/Manager Ranger and Community Safety Services; P Morrice, Team Leader Ranger Administration		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council RECEIVES the report relating to Parking Enforcement and Review/Appeal of Infringement Notices.

COUNCIL DECISION ITEM 9.4.1

Moved Cr McDonald, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

PURPOSE OF REPORT:

The purpose of this report is to provide further information for the reasons why parking infringements are written off.

BACKGROUND:

At the Ordinary Meeting of Council held on 13 August 2013, during discussion of Item 9.5.2 – ‘Delegations for the Period 1 April 2013 to 30 June 2013’, questions were raised by Council Members concerning the levels of repeat offending, and whether the proportion of infringements written off for each delegation period are a significant proportion of the total number of infringements issued.

DETAILS:

At the Ordinary Meeting of Council held on 13 August 2013 it was resolved (in part) as follows:

“That the Council;

- 3. REQUESTS the Director Community Services to report back to the Ordinary Meeting of Council to be held on 24 September 2013 on whether or not there are levels of repeat offending to identify if there is any systematic cheating of the parking permit system.”*

In response to the concerns raised, the City’s Officers have investigated the number of infringements that have been withdrawn since 1 January 2011 to 27 August 2013, specifically for ‘residential’ and ‘visitors’ permits, ‘other’ and ‘produced a valid ticket’.

The statistical breakdown of infringements withdrawn is shown in the Table below:

Reasons for Withdrawal	Number of Parking Infringements Withdrawn	Amount	Vehicle Registrations with Multiple Parking Infringements	Average Parking Infringements per Vehicle Registration	% of Duplicates
Produced Valid Ticket	611	\$36,560	0	0	0
Resident/Visitor Permit	1822	\$129,320	156* (356 PINS)	2.2	19.5
Other**	1123	\$88,360	40* (99 PINS)	2.4	8.8

(*Refers to total number of vehicles involved.)

(**Includes Financial hardship, Disability, Police on Duty etc.)

Since January 2011 to 27 August 2013, sixty-five thousand eight hundred and sixty-one (65,861) parking infringements have been issued with six thousand and forty-two (6,042) infringements being withdrawn. This represents a percentage of approximately nine percent (9%) of infringements being withdrawn. Out of the total number of infringements withdrawn, one thousand three hundred and four (1,304) are Ranger and Administrative Adjustments. It should be noted that since January 2011 there has been a significant turnover in both fulltime and temporary Rangers and approximately half of these infringements are reissued when a Ranger identifies an error whilst issuing the infringement notice.

As indicated by the above statistics, the level of repeat offenders is relatively low when compared to the total number of infringements withdrawn under each category. The highest rate of reoffending is for withdrawals under 'Resident/Visitor' where it is not in the City's or public interest to pursue the infringements. It would be highly probable that the City would not be successful if the matter ended up in the Magistrates Court and once the offender proved they were either a resident or a visitor. In relation to the 'Other' category, the majority of repeat offenders appeal under financial hardship and if sufficient proof is supplied to the City, the City often looks favourably upon the request on compassionate grounds.

The Table below indicates the total number of infringements withdrawn and costs for the past 3 financial years:

Withdrawal Category	2010/2011		2011/2012		2012/2013	
	No.	Amount	No.	Amount	No.	Amount
Breakdown/Stolen (Proof Produced)	47	\$3,860	26	\$1,940	30	\$2,665
Details Unknown/Vehicle Mismatched	109	\$8,300	133	\$9,350	419	\$30,315
Equipment Faulty (Confirmed by Technicians)	46	\$3,030	72	\$4,375	39	\$2,455
Failure to Display Resident or Visitor Permit	734	\$52,965	629	\$47,420	656	\$45,905
Interstate or Overseas Driver	72	\$5,145	57	\$4,365	45	\$3,160
Ranger/Clerical Error	348	\$25,945	552	\$37,345	569	\$38,310
Signage Incorrect or Insufficient	87	\$7,430	84	\$6,695	26	\$2,695
Ticket Purchased but not Displayed (Valid Ticket Produced)	93	\$5,280	260	\$15,540	280	\$16,770
Other (Financial Hardship, Disability, Police On-duty, Etc)	247	\$21,305	340	\$27,740	572	\$45,265
Total	1,783	\$133,260	2,184	\$158,020	2,636	\$187,540

As the table above indicates, there has been an increase in tickets withdrawn, which is in part attributed to the increase of people in financial hardship/distress and those whom have been able to provide proof of such. This is further supported anecdotally by the City Officers who have noted an increase in these requests as the economic climate has deteriorated; greater unemployment and increased living costs in the past 3 years.

The City's Officers strictly adhere to Council Policy No. 3.9.2 'Parking Enforcement and Review/ Appeal of Infringement Notices', as shown in Appendix 9.4.1, when considering appeals. In addition, an Information Sheet identifying the circumstances that will be considered by the City to withdraw an Infringement Notice is included with the City's online appeal form and available at the Customer Service Centre and states as follows:

"Will my appeal against an infringement notice be successful"

In certain circumstances the City is prepared to withdraw an infringement that has been issued.

Requests for Review/Appeal May Only Be Upheld On the Following Grounds:

- *Vehicle Breakdown. In this instance, documentary evidence must be provided from the RAC or a reputable mechanical firm. If evidence is not available, a statutory declaration may be considered.*
- *Faulty City of Vincent Equipment. In this case, the information must be substantiated by an Authorised Person or the City's contracted Equipment Maintenance Technician. In the event that one ticket machine in a parking facility is not accepting money, it is expected that the driver will make use of another machine.*
- *A life threatening medical emergency arose. An authorised person at a Medical Practitioner's surgery or a relevant hospital authority must substantiate this in writing.*
- *The vehicle involved has been stolen or used without the prior authority of the owner. In this situation, the relevant Police Report Number is to be provided.*
- *Missing, obscured, or inadequate signage. This will be accepted, following a site inspection by an Authorised Person, who confirms the assertion. This does not include where a driver did not understand standard City of Vincent signage.*
- *Resident has been issued with, or is entitled to be issued with, a parking permit for the area in question (First Offence only). Where a resident fails to display the relevant permit and provides evidence to support the claim that a permit has, or should be issued, the matter may be reconsidered. However this will only be an acceptable excuse, on one occasion. Proof of residency in the street must be provided.*

Requests for review/appeal may be considered on the following grounds:

- *Extenuating circumstances. This includes, but is not limited to, where a driver provides evidence of an extenuating circumstance, which would have identified his/her emotional state as a factor for non compliance. Medical Proof or otherwise needs to be provided.*

The circumstances where a request for review/appeal will generally not be considered, include, but not limited to the following explanations:

- *you lost track of the time;*
- *your doctor's appointment / hairdresser / job interview / etc went over time - you must ensure you have parked in a place that provides enough time for your requirements;*
- *you did not see the sign – as the driver you must look for parking signs to ascertain if parking is permitted in the area you intend to leave your vehicle;*
- *you did not understand the parking sign – these signs are based on Australian Standards;*
- *you did not know that parking restrictions applied;*
- *you left your permit in the other car – if you don't have your permit you need to find somewhere else to park;*
- *you thought you were allowed to park there – only authorised vehicles can park in Loading Zones, Taxi Stands, disabled bays, Charter Bus bays;*

- *you went to get change for the machine – you need to arrange this before you arrive;*
- *the ticket or permit had fallen out of sight or flipped upside down – you must ensure it is displayed correctly prior to leaving your vehicle;*
- *you had to use the toilet;*
- *you were only there for a few minutes – if a fee is required then it is required as soon as you park there;*
- *you were helping someone and thought it was ok to disregard the parking rules – despite the good deed you need to ensure your vehicle is correctly parked;*
- *you couldn't find a parking bay so you left your vehicle in a place you thought would have been alright – you can only park in designated parking areas."*

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Policy No. 3.9.2 – Parking Enforcement and Review/Appeal of Infringement Notices.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

In keeping with the City's 'Plan for the Future – Strategic Plan 2013-2017', Objective 4.1.2 (a) states:

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

There is always going to be a proportion of offences that will require withdrawal and this will affect overall parking revenue. As evidenced however, in the statistics included in this report, the numbers overall are very low and account for approximately 9% of all infringements issued. This is generally the same for each quarterly delegation period, although this will fluctuate slightly depending on seasonal and other factors.

COMMENTS:

The issuing of an infringement notice is primarily to act as a deterrent for driver action/behaviour and should not be seen as revenue raising.

This Report indicates from available statistics, that the level of repeat offending is not significant in terms of the overall number of infringements issued by the City. Furthermore, it is noted that there are valid reasons for the withdrawal of Parking Infringements Notices and that the current steps undertaken by the City in dealing with appeals and withdrawal of Infringements Notices is effective and administered in accordance with the Council's Policy No. 3.9.2 relating to Parking Enforcement and Review/Appeal of Infringement Notices.

9.5.1 Use of the Council's Common Seal

Ward:	-	Date:	22 November 2013
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	M McKahey, Personal Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **NOTES** the use of the Council's Common Seal on the documents listed in the report, for the months of October/November 2013.

COUNCIL DECISION ITEM 9.5.1

Moved Cr McDonald, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

BACKGROUND:

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

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

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

Date	Document	No of copies	Details
25/10/2013	Street Furniture Agreement	3	City of Vincent and Adshel Street Furniture Pty Ltd (Adshel) of The Forum, Level 11, 205 Pacific Highway, St Leonards NSW 2065 re: Revenue Sharing Advertising Bus Shelters
31/10/2013	Notification under Section 70A	1	City of Vincent and B R Tonkin and S D Mann of 3 Melfort Circle, Kinross WA 6028 re: No. 12 Bramall Street, East Perth (Subdivision Approval for Freehold (Green Title)) - <i>To satisfy Clause 6 of conditional subdivision approval issued by the Western Australian Planning Commission on 14 January 2013 for the subdivision of No. 12 Bramall Street into two (2) lots</i>
11/11/2013	Agreement	1	City of Vincent and Cat Welfare Society Inc. trading as Cat Haven, Shenton Park for Cat Management Facility for the City of Vincent from 1 November 2013 to 31 October 2016, as required under the Cat Act 2011
12/11/2013	Lease Agreement	2	City of Vincent and Leederville Gardens Inc of 37 Britannia Road, Leederville and Mr and Mrs M J and L M Kershaw re: Unit 55, Leederville Gardens, 37 Britannia Road, Leederville

Date	Document	No of copies	Details
14/11/2013	Deed of Covenant	3	City of Vincent and Ms S L Tonking and Mr G J Statham of No. 2 Leake Sreet, North Perth re: No. 2 Leake Street, North Perth (where lots to be amalgamated) - <i>To satisfy Clause (a) of Conditional Approval of the Ordinary Meeting of Council held on 10 July 2012</i>
18/11/2013	Withdrawal of Caveat	1	City of Vincent and HWL Ebsworth Lawyers, Level 11, 167 St Georges Terrace, Perth WA 6000 re: Nos. 209-217 Beaufort Street - Demolition of Existing Buildings and Construction of a Five (5) Storey Mixed Use Development comprising of three (3) Offices, sixteen (16) Single Bedroom Multiple Dwellings, Twenty (20) Two Bedroom Multiple Dwellings, Four (4) Three Bedroom Multiple Dwellings and Associated Car Parking - <i>To satisfy Condition 1.7.7 of DAP Approval dated 21 March 2013</i>
18/11/2013	Notification under Section 70A	2	City of Vincent and Avanti Building Pty Ltd of 10 Ledger Road, Balcatta WA 6021 re: Nos. 117A and 119 (Lots 8 & 9; D/P: 854) Richmond Street, Leederville - Section 70A Notification under the Transfer of Land Act - <i>To satisfy Clause 6 of Conditional Approval of the Ordinary Meeting of Council held on 22 June 2012</i>
18/11/2013	Deed of Covenant	2	City of Vincent and Citybird Holdings Pty Ltd of Level 1, 26 Railway Road, Subiaco re: No. 31 and 33 Windsor Street, Perth - Deed of Covenant (where lots to be amalgamated)
21/11/2013	Deed of Easement	3	City of Vincent and 359 Oxford Pty Ltd, c/o Level 3, 11/50 Oxford Close, West Leederville in regard to an expressed right of carriageway over the Right of Way (ROW) adjacent to 359 Oxford Street, Leederville
21/11/2013	Deed of Extension of Lease	2	City of Vincent and Milto Pty Ltd, C/o Coronada Investments Pty Ltd of Suite 1/185 Main Street, Osborne Park, WA 6017 re: Vacant Lot at No. 295 Vincent Street, Leederville - <i>Further term of six months from 1 January 2014 to 30 June 2013</i>
21/11/2013	Licence	2	City of Vincent and North Perth Out of School Care Inc, 37 Woodville Street, North Perth WA 6006 re: Storage Space in North Perth Town Hall and Use of the Hall from 2pm to 6.30pm and during school holidays on weekdays from 7am to 6.30pm - <i>Five (5) years commencing on 1 December 2013 and expiring on 30 November 2018</i>

9.5.4 Information Bulletin

Ward:	-	Date:	22 November 2013
Precinct:	-	File Ref:	-
Attachments:	001 – Information Bulletin		
Tabled Items:	Nil		
Reporting Officer:	J Highfield, Executive Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** the Information Bulletin dated 22 November 2013, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.5.4

Moved Cr McDonald, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

DETAILS:

The items included in the Information Bulletin dated 22 November 2013 are as follows:

ITEM	DESCRIPTION
IB01	City of Vincent Pop up Shop Scheme – Progress Report No. 3
IB02	Letter from Main Roads Western Australia regarding the Intersection of Loftus and Vincent Streets, Leederville.
IB03	Unconfirmed Minutes of the Integrated Transport Advisory Group held on 12 September 2013.
IB04	Unconfirmed Minutes of the Britannia Reserve Masterplan Working Group on 29 April 2013
IB05	Mindarie Regional Council Minutes of Special Council Meeting held on 7 November 2013
IB06	Letter dated 11 November 2013, received from Ms Jan Williams thanking the City of Vincent for the Disability Access/Inclusion Beatty Park Refurbishment
IB07	Minutes of the Vincent Accord ‘ <i>Socialise with Safety</i> ’ Meeting held on 21 August 2013
IB08	Register of Petitions – Progress Report – October 2013
IB09	Register of Notices of Motion – Progress Report – October 2013
IB10	Register of Reports to be Actioned – Progress Report – October 2013
IB11	Register of Legal Action (Confidential – Council Members Only) – Monthly Report (November 2013)
IB12	Register of State Administrative Tribunal Appeals – Progress Report – As at 21 November 2013
IB13	Register of Applications Referred to the Design Advisory Committee – November - December 2013
IB14	Register of Applications Referred to the MetroWest Development Assessment Panel – Current
IB15	Forum Notes – 12 November 2013
IB16	Notice of Forum – 10 December 2013

9.1.1 FURTHER REPORT – No. 440 (Lot 200; D/P) William Street, Perth – Proposed Change of Use from Shops to Eating House and Unlisted Use (Small Bar)

Ward:	South	Date:	22 November 2013
Precinct:	Beaufort; P13	File Ref:	PRO0893; 5.2013.243.1
Attachments:	001 – Property Information Report and Development Application Plans		
Tabled Items:	Nil		
Reporting Officer:	R Narroo, Acting Co-ordinator Statutory Planning		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by the applicant, Domination Homes, on behalf of the owner, Perfect Time Pty Ltd for Proposed Change of Use from Shops to Eating House and Unlisted Use (Small Bar) at No. 440 (Lot 200) William Street, Perth and as shown on plans stamp-dated 16 October 2013, subject to the following conditions:

1. This approval is for an Eating House and Small Bar only;
2. The maximum number of patrons to occupy the eating house and small bar at any one time shall be forty-eight (48) and one hundred and twenty (120) persons respectively subject to a final assessment by the City’s Health Services in accordance with the Health (Public Buildings) Regulations 1992;
3. Packaged liquor shall not be sold at the premises;
4. The operation hours of the Small Bar shall comply with the Liquor Licensing requirements;
5. The windows, doors and adjacent floor area fronting William Street shall maintain an active and interactive frontage to William Street;
6. No live music is permitted at the premises. Should this be proposed at a later stage, a revised Acoustic Report will be required and shall need to demonstrate compliance can be achieved with the Environmental Protection (Noise) Regulations 1997 and the City’s Policy No. 3.5.21;
7. Within twenty-eight (28) days of the issue date of this ‘Approval to Commence Development,’ the owner or the applicant on behalf of the owner shall comply with the following requirements:
 - 7.1 pay a cash-in-lieu contribution of \$11,850 for the equivalent value of 2.37 car parking spaces, based on the cost of \$5,000 per bay as set out in the City’s 2013/2014 Budget; OR
 - 7.2 lodge an appropriate assurance bond/bank guarantee of a value of \$11,850 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:
 - 7.2.1 to the City at the date of issue of the Building Permit for the development, or first occupation of the development, whichever occurs first; or

- 7.2.2 to the owner(s)/applicant following receipt by the City with a Statutory Declaration on the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development,'; or
- 7.2.3 to the owner(s)/applicant where the subject 'Approval to Commence Development,' did not commence and subsequently expired.

The car parking shortfall and consequent cash-in-lieu contribution can be reduced as a result of a greater number of car bays being provided on-site and to reflect the new changes in the car parking requirements; and

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

8.1 **Bin Store**

A bin store is required to be provided, of sufficient size to accommodate the City's maximum bin requirement, as assessed by the City's Technical Services Directorate; and

8.2 **Bicycle Parking Facilities**

Twelve (12) class 2 and Four (4) class 3 bicycle facilities shall be provided on the ground floor within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the City prior to installation of such facility;

8.3 **Acoustic Report**

All recommendations detailed in the 'Acoustic Report' by Herring Storer Acoustics dated September 2013 (their reference 16852-1-13143) shall be implemented, with the developer to confirm in writing that the building has been constructed, and management practices implemented in accordance with the requirements of the 'Acoustic Report'. These include, but are not limited to:

- 8.3.1 After 10pm, during the night period, the windows and doors at the premises are to remain closed;
- 8.3.2 Music at the premises must not exceed 75dB(A) at 1 metre from the speakers, throughout the venue;
- 8.3.3 Glazing at the front of the development facing William Street is to be a minimum 10mm thick laminated glass;
- 8.3.4 The in-house speaker system is not to be rigidly attached to the structure;
- 8.3.5 The premises is to permit only 'background ambient style music', free from any impulsive characteristics (including but not limited to banging, thumping, drums etc);

8.4 **Management Plan (Noise)**

Applicant is to submit for assessment and approval of a Management Plan for the premises addressing all noise generating activities and their associated management practices, including but not limited to:

- 8.4.1 Patron noise (upon arrival and departure from the premises);
- 8.4.2 Waste collection;
- 8.4.3 Deliveries;
- 8.4.4 Antisocial behaviour;
- 8.4.5 Waste disposal;
- 8.4.6 Amplified music;
- 8.4.7 Community relations;

8.5 Management Plan (Parking)

A Management Plan, detailing how patrons of the Eating House and Small Bar, will access the car parking stackers through the gate and how they will park their vehicles in the car stackers, shall be submitted to and approved by the City; and

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

ADVICE NOTES:

1. With regards to condition 1, any change of use for the subject land shall require Planning Approval to be applied to and obtained from the City;
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 William Street;
3. All signage that does not comply with the City's Policy No. 3.5.2 relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;
4. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning;
5. The applicant is advised an occupancy permit is required for change of class from shops to eating house and small bar; and
6. Waste collection and deliveries shall be conducted in accordance with the Environmental Protecting (Noise) Regulations 1997.

Moved Cr Topelberg, Seconded Cr Cole

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Topelberg, Seconded Cr Buckels

"That Clause 8.5 be deleted and a new Clause 9 be inserted as follows:

~~8.5 Management Plan (Parking)~~

~~A Management Plan, detailing how patrons of the Eating House and Small Bar, will access the car parking stackers through the gate and how they will park their vehicles in the car stackers, shall be submitted to and approved by the City; and~~

"9. On-site Parking Provision

- 9.1 Two (2) bays shall be marked for exclusive use of the eating house at all times;**
- 9.2 Two (2) bays shall be marked for exclusive use of the small bar at all times;**
- 9.3 Two (2) additional bays shall be marked for exclusive use of the small bar from 6pm to 6am; and"**

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

Debate ensued.

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

COUNCIL DECISION ITEM 9.1.1

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 the applicant, Domination Homes, on behalf of the owner, Perfect Time Pty Ltd for Proposed Change of Use from Shops to Eating House and Unlisted Use (Small Bar) at No. 440 (Lot 200) William Street, Perth and as shown on plans stamp-dated 16 October 2013, subject to the following conditions:

1. This approval is for an Eating House and Small Bar only;
2. The maximum number of patrons to occupy the eating house and small bar at any one time shall be forty-eight (48) and one hundred and twenty (120) persons respectively subject to a final assessment by the City's Health Services in accordance with the Health (Public Buildings) Regulations 1992;
3. Packaged liquor shall not be sold at the premises;
4. The operation hours of the Small Bar shall comply with the Liquor Licensing requirements;
5. The windows, doors and adjacent floor area fronting William Street shall maintain an active and interactive frontage to William Street;
6. No live music is permitted at the premises. Should this be proposed at a later stage, a revised Acoustic Report will be required and shall need to demonstrate compliance can be achieved with the Environmental Protection (Noise) Regulations 1997 and the City's Policy No. 3.5.21;
7. Within twenty-eight (28) days of the issue date of this 'Approval to Commence Development,' the owner or the applicant on behalf of the owner shall comply with the following requirements:
 - 7.1 pay a cash-in-lieu contribution of \$11,850 for the equivalent value of 2.37 car parking spaces, based on the cost of \$5,000 per bay as set out in the City's 2013/2014 Budget; OR
 - 7.2 lodge an appropriate assurance bond/bank guarantee of a value of \$11,850 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:
 - 7.2.1 to the City at the date of issue of the Building Permit for the development, or first occupation of the development, whichever occurs first; or
 - 7.2.2 to the owner(s)/applicant following receipt by the City with a Statutory Declaration on the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development,'; or
 - 7.2.3 to the owner(s)/applicant where the subject 'Approval to Commence Development,' did not commence and subsequently expired.

The car parking shortfall and consequent cash-in-lieu contribution can be reduced as a result of a greater number of car bays being provided on-site and to reflect the new changes in the car parking requirements; and

8. **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the City:**
- 8.1 **Bin Store**
A bin store is required to be provided, of sufficient size to accommodate the City's maximum bin requirement, as assessed by the City's Technical Services Directorate; and
- 8.2 **Bicycle Parking Facilities**
Twelve (12) class 2 and Four (4) class 3 bicycle facilities shall be provided on the ground floor within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the City prior to installation of such facility;
- 8.3 **Acoustic Report**
All recommendations detailed in the 'Acoustic Report' by Herring Storer Acoustics dated September 2013 (their reference 16852-1-13143) shall be implemented, with the developer to confirm in writing that the building has been constructed, and management practices implemented in accordance with the requirements of the 'Acoustic Report'. These include, but are not limited to:
- 8.3.1 After 10pm, during the night period, the windows and doors at the premises are to remain closed;
- 8.3.2 Music at the premises must not exceed 75dB(A) at 1 metre from the speakers, throughout the venue;
- 8.3.3 Glazing at the front of the development facing William Street is to be a minimum 10mm thick laminated glass;
- 8.3.4 The in-house speaker system is not to be rigidly attached to the structure;
- 8.3.5 The premises is to permit only 'background ambient style music', free from any impulsive characteristics (including but not limited to banging, thumping, drums etc);
- 8.4 **Management Plan (Noise)**
Applicant is to submit for assessment and approval of a Management Plan for the premises addressing all noise generating activities and their associated management practices, including but not limited to:
- 8.4.1 Patron noise (upon arrival and departure from the premises);
- 8.4.2 Waste collection;
- 8.4.3 Deliveries;
- 8.4.4 Antisocial behaviour;
- 8.4.5 Waste disposal;
- 8.4.6 Amplified music;
- 8.4.7 Community relations;
9. **On-site Parking Provision**
- 9.1 Two (2) bays shall be marked for exclusive use of the eating house at all times;
- 9.2 Two (2) bays shall be marked for exclusive use of the small bar at all times;
- 9.3 Two (2) additional bays shall be marked for exclusive use of the small bar from 6pm to 6am; and

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

ADVICE NOTES:

1. With regards to condition 1, any change of use for the subject land shall require Planning Approval to be applied to and obtained from the City;
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 William Street;
3. All signage that does not comply with the City's Policy No. 3.5.2 relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;
4. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning;
5. The applicant is advised an occupancy permit is required for change of class from shops to eating house and small bar; and
6. Waste collection and deliveries shall be conducted in accordance with the Environmental Protecting (Noise) Regulations 1997.

FURTHER REPORT:

The application for the proposed Change of Use from Shops to Eating House and Unlisted Use (Small Bar) was presented to the Ordinary Meeting of Council on 5 November 2013 whereby Council resolved:

"That the item be DEFERRED for further consideration and subsequently reported to the Ordinary Meeting on 19 November 2013".

The Minutes of Item 9.1.4 from the Ordinary Meeting of Council held on 5 November 2013, relating to this Report is available on the City's website at the following link:

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

The item was not referred back to Council at its Ordinary Meeting on 19 November 2013 as the City Officers needed time to obtain additional information with respect to the car stackers.

DETAILS:

Landowner:	Perfect Time Pty Ltd
Applicant:	Carissa Pty Ltd T/As Domination Homes
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Five Storey Building Currently under Construction for Multiple Dwellings, Shops and Offices
Use Class:	Multiple Dwellings, Office Building, Eating House and Unlisted Use (Small Bar)
Use Classification:	"AA", "P", "P and "SA"
Lot Area:	975 square metres
Right of Way:	Not applicable

Given that an 'Unlisted Use' (Small Bar) is an "SA" use under the City of Vincent Town Planning Scheme No. 1, the Small Bar is not permitted by Council unless discretion is exercised by Council to approve the use.

The Council deferred this application at its Ordinary Meeting held on 5 November 2013 for further investigation of how the patrons will access the car parking area given there is a gate and car stackers. The gate prevents direct access to the car parking area and car stackers with its mechanics can be difficult for patrons to use them.

The applicant submitted the following information:

Applicant's submission relating to Cash In Lieu:

"There appears to be some misinterpretations with regard to the cash in lieu. The cash in lieu payment (approximately \$23,000.00) that the City has been paid relates to the approval granted by the then Town of Vincent in 26/2/08 for the shortfall of 8.29 car bays. This development approval never proceeded after which time, our client acquired the property. For the convenience of this email, we will refer to our client as 'Domenic Minniti' as you have met him and aware of whom he is.

All of Domenic's previous planning approvals to date since taking acquisition of the site has, as we understand, never resulted in any parking shortfall and therefore, has never had to pay cash in lieu for previous development approvals. The current proposal is the first of any parking shortfall that Domenic's applications have proposed. In other words, the cash-in-lieu paid for the original development proposal completely unrelated to Domenic's development has effectively laid dormant in the trust account that is City of Vincent.

Your reference to "The cash in lieu already paid satisfies the previous car parking shortfall. Due to an intensification of the land use proposed on site (from shop to small bar and eating house), the development has incurred a further car parking shortfall which has resulted in a requirement for additional cash in lieu to be paid" relates to a cash in lieu payment that satisfied a parking shortfall that only ever existed on paper but not in physical form. Therefore, the current change of use is not intensifying 'a further parking shortfall'. Rather, a shortfall of 2.37 bays is proposed and this is the first shortfall in the history of the current built form developed on the site. To distill matters, cash-in-lieu was paid for 8.29 bays (originally approved and paid for cash in lieu shortfall). If we subtract the shortfall of 2.37 bays identified as part of Domenic's proposal, the City is still left with the remaining balance of \$23,000.00 in their account (i.e. 8.29 bays – 2.37 bays = 5.92 bays).

So, there is no debate in the current proposed 2.37 bays shortfall. However, the City already has excess money paid for these bays."

Officer's Response: The cash-in-lieu payment was a requirement of the previous Parking and Access Policy No. 3.7.1. Under the new Parking and Access Policy adopted by the Council on 8 October 2013, previous shortfalls cash-in-lieu payments are not taken into consideration. Therefore the present shortfall (2.37 car bays) cannot be reduced from the cash-in-lieu already paid.

If this application would be assessed under previous Parking and Access Policy, the calculation would be as follows:

Requirements as per Parking and Access Policy	Required
Total car parking required before adjustment factor (nearest whole number) Office-1 car bay per 50 square metres gross floor area (proposed 2018 square metres) = 40.36 car bays. Eating House <ul style="list-style-type: none"> 1 space per 4.5 square metres public floor area (32 square metres proposed) = 7.11 car bays Small Bar <ul style="list-style-type: none"> 1 space per 4.5 persons (120 persons proposed) = 26.67 car bays Total= 74.14= 74 car bays	74 car bays
Apply the parking adjustment factors. <ul style="list-style-type: none"> 0.85 (the proposed development is within 800 metres of a rail station) 0.85 (within 400 metres of a bus stop) 0.85 (within 400 metres of an existing public car parking place(s) with in excess of a total of 75 car parking spaces) 	(0.6141) 45.44 car bays
Car parking provided on-site	33 car bays
Minus the most recently approved on-site parking shortfall	8.29 car bays
The Council at its Ordinary Meeting held on 26 February 2008 approved a shortfall of 8.29 car bays. The cash-in-lieu has been paid.	
Resultant Shortfall	4.15 bays

As outlined above, under the Previous Parking and Access Policy the shortfall (4.15 bays) would be higher as compared to the new Parking and Access Policy (2.37 car bays).

The car parking calculation under the new Parking and Access Policy is as follows:

Car Parking – Residential	
Medium Multiple Dwelling based on size (75 square metres- 110 square metres) – 1 bay per dwelling (4 multiple dwelling) = 4 car bays Visitors = 0.25 per dwelling (4 multiple dwelling proposed) = 1 car bay Total car bays required = 5 car bays	5 car bays
Total car bays provided	38 car bays
Surplus	33 car bays

Car Bay Requirement	
Car Parking Requirement (nearest whole number) Office <ul style="list-style-type: none"> 1 space per 50 square metres of NLA (1808.56 square metres NLA) = 36.17 car bays Small Bar <ul style="list-style-type: none"> 1 space per 5 persons (120 persons proposed) = 24 car bays Total = 60.17= 60 car bays	= 60 car bays

Car Bay Requirement	
Apply the adjustment factors <ul style="list-style-type: none"> • 0.8 (within 400 metres of a bus route) • 0.85 (within 400 metres of a car park within excess of 75 car parking spaces) • 0.85 (within 800 metres of a rail station) • 0.9 (within Town Centre) 	(0.5202)x60 =31.21 car bays
Car Parking Requirement (nearest whole number) Eating House <ul style="list-style-type: none"> • 1 space per 5 persons (48 persons proposed) = 9.6 car bays Total car bays required= 9.6 car bays = 10 car bays	
Apply the adjustment factors <ul style="list-style-type: none"> • 0.8 (within 400 metres of a bus route) • 0.85 (within 400 metres of a car park within excess of 75 car parking spaces) • 0.85 (within 800 metres of a rail station) • 0.9 (within Town Centre) • 0.8 (active use on ground floor (eating house)) 	(0.4162)x10 =4.162 car bays
Total Number of Car Bays Required (after adjustment factors)	= 35.37 car bays
Minus the car parking provided on-site	33 car bays
Resultant Shortfall	2.37 car bays

Given the above, if this application is supported, there will be a requirement for cash-in-lieu payment for 2.37 car bays.

Applicant's submission relating to Car Stackers:

"The breakdown of stackers versus at grade parking is, in our opinion, not relevant. How can previous approvals for commercial uses (i.e. shops and offices) with parking stackers suddenly become an issue when we've introduced a minor 2.37 bays shortfall? The principal of cash in lieu is for the City to utilise those monies collected for the provision of other parking infrastructure on the understanding that alternative public parking is, or can be made available to the benefit of visitors. In other words, cash-in-lieu indirectly accepts that alternative parking options will adequately satisfy the demand created by the proposal. To this end, the City's request for a parking management plan whilst willingly imposing a cash-in-lieu condition is contradictory in its objective.

Entertainment hubs such as the subject locality often relate to multiple purpose destinations. That is, someone might be visiting the Perth Arena for an event, then to a restaurant for dinner, and then to the proposed Small Bar. However, in doing so, it is unlikely that a user would re-park their vehicle every time they hopped from one venue to the next. If this was the intended approach of how the City applies its parking policy (and in particular, its dispensation criteria), then providing parking for developments would become impractical as why should one development cater for the parking developments of another?

New built form developments in this locality will last for several decades and change of uses will occur from time to time. The reason why these entertainment hubs are attractive to the wider community is because they're highly accessible by various modes of public transport and often surrounded by higher density residential developments, which promote walking. The focus for patrons of the proposed eating house and small bar (and future patrons of any change of uses) to utilise the parking stackers is in our opinion the wrong focus and more so, impractical.

Notwithstanding the above, our client has committed that a valet service for the proposed stackers associated with the proposed change of use can be arranged. This being the case, the percentage of stackers versus at grade parking is of no consequence to the functionality of the development, as the use of stackers are managed via a valet service."

Officer's Response: Noted. It is acknowledged that the building has an existing approval for multiple dwellings, offices, shops and car stackers have been approved to satisfy the car parking requirement for the whole development. There is only one disabled car parking at grade level. Therefore it will be unfair to consider that the applicant should have provided the car bays at grade level in determining this application. Notwithstanding this, the application has been conditioned to ensure that a parking management plan is provided detailing how the patrons will access the car parking stackers.

COMMENTS:

Technical Services

The majority of car stacker specifications carry the text "For permanent users only". This reflects the position of Technical Services as well. Where stackers with pits are approved in the City, they must be operated by remote control, and the openings at floor level fitted with automatic doors. Not every vehicle can be accommodated in a stacker, and prospective users must know the specifications of their vehicle and whether it is able to be parked in the mechanism. Failures in this regard may result in damage to the vehicle, the stacker, or more seriously, personal injury.

Users need to build familiarity with the operational requirements of a stacker or car lifter, for safe usage. The mechanics of the operation of stackers and lifters (pits and/or moving platforms) also makes them a possible hazard, particularly for children and people with restrictions to mobility. Some people may be uncomfortable using mechanical parking devices and will avoid using the parking amenity if possible. Obviously a regular user will develop confidence over time.

Where mechanical parking devices are proposed, Technical Services recommends that a minimum of 20 per cent of the parking on site is "at grade", and where mechanical devices are proposed for non-regular users, valet parking should be a requirement.

Planning Services

The new car parking policy does not take into consideration the existing shortfall on the subject site. The cash in lieu already paid satisfies the previous car parking shortfall. Due to an intensification of the land use proposed on site (from shop to small bar and eating house), the development has incurred a car parking shortfall of 2.37 car bays as stated in the previous report to Council on 5 November 2013, which has resulted in a requirement for additional cash-in-lieu to be paid. Given William Street is easily accessible from public transport, the shortfall of 2.37 car bays is supported. Therefore if this application is supported, the applicant will be required to pay the cash-in-lieu.

The City Officers considered and appreciate concerns regarding Eating Houses and Small Bars with respect to the issues of gate preventing access to the car parking area and the use of car stackers. However, the gate and car stackers are already approved for the existing building and the City cannot request the applicant to remove the gate and also part of car stackers to provide for grade car parking. With regard to car stackers, there is nothing in the City's Policy that prevents certain land uses being used for car stackers. As outlined by the City Technical Services above, valet parking will help in providing car parking to the patrons of the Eating House and Small Bar. It is noted as an example, that the Council has previously approved the use of car stackers at No. 544 Beaufort Street, Highgate, for Multiple Dwellings, Offices and Eating House.

The subject site is located within a Town Centre and as such it is considered that the proposed land uses are suitable for this area. The issues of gate and car stackers can be addressed with a condition for a management plan.

CONCLUSION

In light of the above, it is considered that the shortfall of 2.37 car bays will not impact on the amenity of the area. Whilst Planning Services have some concern with the nature of the proposed uses and operation of car stackers, it is noted that the development already has approval for the operation of car stackers. It is therefore recommended that this application be approved subject to the applicant providing a parking management plan to the satisfaction of the City.

9.1.9 Nos. 3 & 4/177 Stirling Street, Perth (Proposed Canopy and Retrospective Approval for Servery) – Proposed Lease in Road Reserve and Outdoor Area

Ward:	South	Date:	29 November 2013
Precinct:	Beaufort; P13	File Ref:	PRO6028; 5.2013.451.1; 5.2013.489.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicant Submissions 003 – Copy of Approval for Outdoor Eating Area		
Tabled Items:	Nil		
Reporting Officers:	E Clucas, A/Manager Health and Compliance Services A Dyson, A/Senior Planning Officer (Statutory) A Munyard, Senior Technical Officer-Lands and Development N Wellington, Senior Compliance Officer		
Responsible Officers:	R Boardman, Director Community Services – Outdoor Eating Area P Mrdja, A/Director Planning Services – Development Application R Lotznicker, Director Technical Services – Road Reserve		

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 TPG Town Planning, Urban Design and Heritage on behalf of the owner Sunswept Corporation Pty Ltd for Proposed Canopy, Timber Projections and Retrospective Approval for Servery Associated with Approved Small Bar in Tenancies 3 and 4 – Including Proposed Lease in Road Reserve and Review of Approved Outdoor Eating Area Permit, at No. 177 (Lot 501; D/P: 68593) Stirling Street, Perth, and as shown on plans stamp-dated 28 October 2013, subject to the following conditions:

1. Use

- 1.1 Consent of the Minister for Lands shall be obtained for the erection of the structure on the Road Reserve under the Land Administration Act 1997;
- 1.2 The applicant shall provide written confirmation from the Department of Lands relating to its determination whether tenure or exclusive use of the areas of the Road Reserve is required, and in what form; and
- 1.3 Should the use of the Tenancies Units 3 and 4 as a Small Bar cease, the applicant/owner shall remove the servery structure encroachment within twenty eight (28) days of the use ceasing to operate;

2. Building Permit

An application for a Building Permit under the Building Act 2011, signed by each owner of the land on which the building or incidental structure is proposed to be located, shall be submitted to the City of Vincent;

3. Servery

The applicant shall submit an application for an Occupancy Permit (Unauthorised) within twenty eight (28) days of the issue of this Approval to Commence Development;

4. **PRIOR TO THE SUBMISSION FOR A BUILDING PERMIT, the following shall be submitted to and approved by the City relating to the Free Standing Canopy and Timber Projections (Structure):**
- 4.1 **Submission of an acceptable Venue Management Plan, including an Alcohol and Noise Management Plan;**
 - 4.2 **Submission of an acceptable Storm Water Management Plan;**
 - 4.3 **Details of proposed lighting of the free standing canopy to ensure the public path is adequately illuminated when the drop down weather protection blinds are in use;**
 - 4.4 **The applicant shall provide a coloured schedule and perspective of external finishes to the City for approval;**
 - 4.5 **A lease, licence or easement for the structure shall be entered into between the applicant/owner, Department of Lands and the City of Vincent. The lease, licence or easement shall include, but not be limited to, the following:**
 - 4.5.1 **provision for the City of Vincent to ensure access to its services and infrastructure within the Road Reserve is available on demand;**
 - 4.5.2 **provision of letters of consent from relevant service providers whose infrastructure is located within the proposed leased area;**
 - 4.5.3 **no compensation shall be payable for loss of trading time should access be required by the City;**
 - 4.5.4 **the City shall retain the right to require removal of the structures within the leased or licenced area if deemed necessary for infrastructure maintenance or upgrade, at the full cost of the lessee or licensee;**
 - 4.5.5 **access to all other utility services within the leased or licenced area shall be available to the utility provider/s, without cost or compensation; and**
 - 4.5.6 **the lease, licence or easement agreement shall only be valid whilst a valid Outdoor Eating Area Permit is in place;**
 - 4.6 **The City's solicitors, or other solicitors agreed upon by the City, shall prepare the lease, licence or easement for the Outdoor Eating Area or alternatively, the lease, licence or easement can be prepared by the applicant and approved by the City's Solicitors. All costs associated with this condition shall be borne by the applicant/owner(s);**
 - 4.7 **Noise Management**
 - 4.7.1 **The Proprietor/Approved Manager of the Small Bar shall take all practicable measures to:**
 - (a) **reduce the likelihood of noise intrusion on residents and businesses in the locality; and**
 - (b) **consult directly with any affected persons, residents and/or businesses to resolve any noise or other issues that may arise.**

Should the City be required to investigate noise or other matters and, as a result, find that either adequate preventative measures have not been taken to the satisfaction of the City, and/or the noise or other complaints are found to be justified, the City will take action to cancel the Outdoor Eating Area Permit in accordance with the procedures outlined in Clause 13 of the City of Vincent Policy No. 3.8.1 relating to *Outdoor Eating Areas*; and

- 4.7.2 Noise management procedures shall be documented in the Venue Management Plan and shall include, but not be limited to, operational activities prior to, during and post trading hours. These procedures shall be highlighted as part of all staff induction and training programs;
- 4.8 An unimpeded pedestrian access way of at least 2.0 metres in width shall be maintained at all times. The proposed canopy at a height of not less than 2.75 metres (air space), as shown on Plan No. 1944 – SK.2.05, can protrude over this pedestrian access way and form part of the leased or licenced area, or easement;
- 4.9 In accordance with Clause 5.12(a) of the City of Vincent Local Government Property Local Law 2008, the structure shall have a minimum clearance of 2.75 metres above the thoroughfare;
- 4.10 Blinds shall be only brought down during inclement weather conditions, and shall not restrict any pedestrian traffic/walkways during normal business hours. The materials used for the blinds shall be transparent and fully maintained at all times to the satisfaction of the Chief Executive Officer;
- 4.11 **Construction Management Plan**
A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the City, in accordance with the requirements of the City's Policy No. 3.5.23 relating to Construction Management Plans, and Construction Management Plan Guidelines and Construction Management Plan Application for Approval Proforma; and
- 4.12 **Landscaping Plan**
A detailed Landscape and Reticulation Plan for the road verge shall be submitted to the City for assessment and approval by the City's Parks and Property Services Section.

For the purpose of this condition, a detailed landscape and irrigation plan shall be drawn to a scale of 1:100 and show the following:
- 4.12.1 The location and type of existing and proposed trees and plants;
- 4.12.2 All vegetation including lawns;
- 4.12.3 Areas to be irrigated or reticulated;
- 4.12.4 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 4.12.5 Separate soft and hard landscaping plans (indicating details of plant species and materials to be used).

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

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

5. **The development shall comply with all Building, Health, Engineering and Parks Services Conditions and requirements to the satisfaction of the City of Vincent.**

COUNCIL DECISION ITEM 9.1.9

Moved Cr Harley, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (7-1)

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

Against: Cr Harley

PURPOSE OF REPORT:

The report is referred to a meeting of Council as the proposed intrusions into the Road Reserve area are of a permanent nature and extend beyond the current approval procedures for Outdoor Eating Areas. It is considered likely to be of significant interest to the community and set a precedent for other similar developments.

BACKGROUND:

History

Date	Comment
9 February 2010	The Western Australian Planning Commission conditionally approved the subdivision of Nos. 208-212 Beaufort Street and Nos. 173-179 Stirling Street, Perth.
14 September 2010	The Council at its Ordinary Meeting deferred their decision with respect to an application for demolition of the existing car park and construction of a six storey building comprising forty (40) single bedroom multiple dwellings and twenty-five (25) multiple dwellings including car parking.
26 October 2010	The Council at its Ordinary Meeting conditionally approved the demolition of the existing car park and construction of a five storey mixed use development comprising thirty-seven single bedroom multiple dwellings, twenty multiple dwellings and six offices and associated car park.
14 June 2011	The Council at its Ordinary Meeting conditionally approved the application for a Change of Use of Unit 3 from Office to Eating House.
22 February 2012	The City approved an application for a change of use from Office to Consulting Rooms (Unit 7)
7 September 2012	The City approved an application for a change of use from Office to Eating House (Unit 6)
23 October 2012	The City approved an application for a shade sail under delegated authority.

Date	Comment
25 June 2013	The Council at its Ordinary Meeting conditionally approved the application for a Change of Use from Eating House and Office to Small Bar & Ancillary Coffee Shop (Unlisted Use)
11 September 2013	The City approved an application for an Outdoor Eating Area under delegated authority subject to conditions.
7 October 2013	A letter was provided to the Department of Racing Gaming and Liquor from Health & Compliance Services clarifying noise conditions on the Outdoor Eating Area approval.

DETAILS:

Landowner:	Department of Lands
Applicant:	TPG, Urban Design and Heritage
Zoning:	Commercial and Unzoned Land
Existing Land Use:	Not Applicable
Use Class:	Not Applicable
Use Classification:	Not Applicable
Lot Area:	Not Applicable
Right of Way:	Not Applicable

The subject tenancies (3 & 4) received approval as a Small Bar (Unlisted Use) on 25 June 2013. The subject application seeks:

- retrospective approval for the servery and seating section which extends out from the window over the property boundary and over the footpath, on the western most portion of the tenancy, The servery currently extends into the footpath area by 0.27 meters at a height of 0.822 metres from ground level;
- a free standing canopy over part of the approved Outdoor Eating Area (“OEA”) with cafe blinds on the southern, western and eastern sides to provide weather protection; and
- timber projections over the existing footpath over the servery area as a decorative feature only. The projections are at a height of 2.75 metres from ground level.

Health and Compliance Services

The property currently has an approved Outdoor Eating Area. The application was assessed by the City’s Health and Compliance Services, Technical Services, Ranger and Community Safety Services and Planning and Building Services. All service areas supported approval of the application subject to numerous conditions, particularly:

- “4.0 *The movement of all path users, with or without disabilities, within the road reserve shall not be impeded. The area shall be maintained at a safe and trafficable condition and a continuous path of travel (minimum width of 2.0 metres) shall be maintained for all users at all times in accordance with Technical Services requirements.*
- 7.0 *The consumption of alcohol is permitted within the approved delineated outdoor eating area providing that the permit holder has obtained an appropriate approval from the Department of Racing Gaming and Liquor (DRGL). The permit holder must ensure ongoing compliance with permit conditions, DRGL requirements and effectively control noise and antisocial behaviour. No fixtures or furniture is to be placed in the extended footpath/pedestrian access way, patrons cannot stand in the area and alcohol must not be consumed in that area. Management of the area must be included in the venue Alcohol Management Plan.*
- 16.0 *As the outdoor eating area is directly adjacent to residential premises, the City reserves the right to amend the operating hours by giving written notice, should complaints relating to noise and anti-social behaviour be substantiated during the approved hours of operation particular after 10pm.”*

The Liquor Control Act 1988 allows a maximum capacity is 120 people for a small bar. Final numbers for the internal area of the building will be determined under the Health Act 1911 and will be finalised upon completion of the fit out; they are expected to be 75. The approved OEA Permit has been calculated to allow an additional 56 persons. Regardless of the set capacity of patrons in either area, the combined total of patrons cannot exceed 120.

The applicant has now sought to modify the approved Outdoor Eating Area to include fixtures which were not part of the previous application, as follows:

- The proposed (already installed) server benches which encroach into the walkway area pose a safety risk in their current form. The operational plans for this area, have non-permanent pot plants alongside (at both ends); these pot plants will protrude further into the area than the benches and, therefore, offer a highly visible safety barrier to the benches. As long as the pot plants are located in these positions, from a safety perspective, the benches could remain in their current format;
- The timber projections applied for will have no impact on health and safety within the currently approved area; and
- The proposed canopy is in a form that has not been applied for in the City before. The application also seeks cafe blinds on the three sides of the canopy to be used when weather conditions are inclement.

It will be necessary to apply a condition to the Outdoor Eating Area Permit to address potential noise conflict associated with any businesses and residents who may be directly affected by the use of the Outdoor Eating Area.

Building Services

The canopy will require a Building Permit (BA01) under the *Building Act 2011*. The application for the Building Permit must be signed by each owner of the land on which the structure is proposed to be located, in this case the Minister for Lands. The structure will need to be privately certified and accompanied with a BA20 relating to all the new proposed structures.

Building Services will require an application for Occupancy Permit Unauthorised (BA09) for the server sills to be privately certified and to be accompanied with a BA20 specifically related to the server sills. The BA20 and BA09 will have to be signed by the Department of Lands as the land owner.

A Building Permit (BA01) will be required for additions and alterations to a class 6 structure.

Technical Services

The Department of Lands has provided the following advice on development within Crown Land, in this case, the road reservation:

"I can advise that the Department of Lands policy allows for encroachments that may be of a more substantial nature than a minor encroachment, provided that they are not being used for commercial purposes and provide a public benefit (e.g. weather protection, streetscape), accordingly tenure under the LAA will not be required, the examples being shop awnings, verandahs and streetscapes. Where there is a commercial benefit, or an increase in floorspace, tenure under the Land Administration Act 1997 will be required."

Consequently, the Department requires that a lease agreement be in place between the developer and the Department, for the area of the proposed awning structures adjacent to the bar. The lease agreement will award the lessee exclusive use of that land subject to the lease agreement and, therefore, the City has identified a number of matters that it wishes to see addressed in the lease.

The City must ensure access to its services and infrastructure within the Road Reserve on demand. No compensation will be payable for loss of trading time should access be required by the City. The City must retain the right to require removal of the structures within the lease area if deemed necessary for infrastructure maintenance or upgrade, at the full cost of the lessee. Access to all other utility services within the lease area must be available to the utility provider/s, without cost or compensation.

The City requires this lease addressing requirements to its satisfaction to be in place prior to issue of a Building Permit. At this time, the applicant has not provided information on the exact area proposed to be subject to the lease. Technical Services advises that the lease area must be limited to the area of the shade structure so that public access remains available within the remainder of the alfresco area.

Should the shade structure be approved, Technical Services require submission of an acceptable stormwater management proposal prior to a Building Permit Application. As the shade structure is proposed to be fitted with drop down weather protection blinds, details of proposed lighting to ensure the public path is adequately illuminated are also required.

Compliance Services

A site inspection by the City's Compliance Officer on 3 October 2013 revealed two bar fixtures had been constructed outside the southern lot boundary, and encroached on the Road Reserve area.

A letter dated 11 October 2013 was sent to the builder and owner requesting them to remove the two bar fixtures within twenty eight (28) days of notification; however, is now included in this application for retrospective approval.

Planning Services

The City has received advice from the WAPC regarding the proposal and notes the following:

"It would only need to be determined by the City. The reasons for this are as follows:

- *Parry Street is a local road, and is not a PRR or ORR; and*
- *The Parry Street reserve is zoned Urban under the MRS. In accordance with the Notice of Delegation, development on zoned land is delegated to the Local Government unless the site is within a Clause 32 area, covered by a Planning Control Area (PCA), within the Swan River development control area, of state significance or constitutes public works by a public authority. None of these instances apply."*

Legal Advice

The City's has sought and received legal advice from the City's Solicitors, Castledine and Gregory, who have provided a response regarding a legal opinion of the development, who have advised:

"The City remains the determining authority for Planning and Building applications for proposed awnings and supporting poles. The consent of the "owner" is required before the City determines the development application or issues a Building Permit. Separately under the Land Administration Act (WA) (LA Act), consent of the Minister for Lands ("Minister") must be obtained for the erection of the structure on the Road Reserve."

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Comments Period:	11 November 2013 – 25 November 2013.
Comments Received:	Thirteen (13) comments received with four (4) of these being objections and one (1) neither support nor object.

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Noise</p> <p>The 'coffee servery' is right underneath my bedroom/living room and I feel I will get no peace. Request that the City does not allow street seating/serving.</p>	<p>Noted. Conditions have been placed on the existing and any new Outdoor Eating Area Permit that should justifiable noise complaints be received for activities post 10pm, the Permit can be reviewed. Note: noise from people's voices is not controllable under the Environmental Protection (Noise) Regulations 1997; these issues need to be dealt with under the premises Venue Management Plan.</p>
<p>Issue: Pedestrian obstruction of walkway</p> <p>Concern that use of the footpath as an outdoor eating area will deter pedestrians from walking through. There is no footpath on the other side of the road.</p>	<p>Support. Conditions have been placed on the existing and any new Outdoor Eating Area Permit to ensure adequate access for the general public to walk through the area.</p>
<p>Issue: Tripping hazards</p> <p>The planter boxes are dark in colour and the location of some will be tripping hazards at night.</p>	<p>Not Supported. There is street lighting in the area that ensures there is always adequate light to enable pedestrians to see these planter boxes. Technical Services require the public path to be illuminated.</p>
<p>Issue: Access to other businesses</p> <p>People should be able to cross the road and exit their cars without tripping over or damage to their car.</p>	<p>Noted There is adequate access through the area to other businesses in the building.</p>
<p>Issue: Number of tables</p> <p>Concern that 14 tables is too many and that as a result people are restricted from being able to use the footpath.</p>	<p>Noted. The current approved space for the Outdoor Eating Area is in line with the Outdoor Eating Area Policy.</p>
<p>Issue: Noise and Disruption</p> <p>Canopy will encourage later dining times.</p>	<p>Noted. Conditions have been placed on the existing and any new Outdoor Eating Area Permit to ensure potential noise and antisocial behaviour is prevented. The business has a Venue Management Plan to deal with these matters.</p>
<p>Issue: Initial plans showed Cafe, not a Small Bar.</p>	<p>Noted. Planning approval was given for the Small Bar use at the Ordinary Meeting of Council held on 25 June 2013.</p>
<p>Issue: Licensed premises density</p> <p>Concern regarding the serving of alcohol in an area where there are plenty of establishments doing so in an area where there is so much antisocial behaviour.</p>	<p>Noted. The applicant is able to apply for the relevant Licence from the DRGL who assess the application on its merits.</p>

Summary of Comments Received:	Officers Technical Comment:
Issue: The operation of the business The business should offer a discount to residents of the business.	Noted. This is a matter for the proprietor to consider.

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 Local Government Property Local Law 2007;
- Policy No. 3.8.1 relating to Outdoor Eating Areas;
- Planning and Development Act 2005;
- Town Planning Scheme No. 1;
- Policy No. 4.1.5 – Community Consultation;
- Development Guidelines for Commercial and Mixed Use Developments;
- Building Act 2011; and
- Building Regulations 2012.

RISK MANAGEMENT IMPLICATIONS:

Nil.

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.*

Economic Development

2.1 *Progress economic development with adequate financial resources*

2.1.1 *Promote business development and the City of Vincent as a place for investment appropriate to the vision for 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
Commercial Development on public land.	
SOCIAL	
Issue	Comment
The proposed small bar/café will provide a place for persons to meet and socialise in an inner city area which promotes surveillance, activation of the street and ambience to an area.	

ECONOMIC	
Issue	Comment
The renovation of the premises will provide opportunities for employment whilst the operation of the premises will provide on-going employment opportunities.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS & CONCLUSION:

The City's Outdoor Eating Policy encourages the development of Outdoor Eating Areas as a way of activating the street area.

When the initial application was assessed, strong emphasis was placed on ensuring health and amenity issues were considered. The area is inner city and as such has higher ambient noise levels than others with higher density of residential premises. As a result, enforcement of the *Environmental Protection (Noise) Regulations 1997* becomes problematic therefore, it is most important to 'manage out' noise issues before they arise. New conditions were developed for this site which allow the City to review the Outdoor Eating Area Permit at any time should justifiable noise complaints be received post 10.00pm.

Another area of concern in assessing this application is the continuance of the general public to be able to walk through the area. The condition requiring a 2.0 metres unobstructed pathway at all times will be able to address this concern. There is precedent in many other Local Authorities with roadside open alfresco areas that show this works very successfully. It is important however, that the proposed semi-enclosing of the area does not give perceptions of exclusive use at any time.

There is only one other location in the City which has drop down blinds; these have at times, impacted on the public access way by inappropriate use of the blinds restricting access through the area.

With regard to the provision of Liquor in this area, an application has been sent by the proprietors to the DRGL, which includes a Public Interest Assessment and a Management Plan. The City has reviewed and provided feedback on the Venue Management Plan but has not been asked formally for comment on the overall Application or for Section 39 certification. DRGL have advised that in providing a Section 40, they make an assumption that the City is comfortable with the application. This may be the position in most cases, but in some cases will not allow appropriate opportunity to comment on specific trading conditions. Although there is a requirement for Community Consultation in the City's Policy for an application pertaining to Small Bars, consultation with the community has also occurred via the DRGL process and the change of use approved at the Ordinary Meeting of Council held on 25 June 2013.

This is the first application to the City of its kind and due care has been taken in assessing the implications of approving the application both in light of precedents it may set and the rights of the greater public to use the area.

In light of the above, it is recommended that the application can be supported subject to the conditions list.

9.4.2 Kyilla Community Farmers Market – Renewal Application

Ward:	North	Date:	22 November 2013
Precinct:	North Perth; P8	File Ref:	RES0118
Attachments:	001 – Kyilla Community Farmers Market - Renewal Application 002 – Plan of Kyilla Farmers Market on Kyilla Park		
Tabled Items:	Nil		
Reporting Officers:	A Birch, Senior Community Development Officer J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the Application from Kyilla Primary School Parents and Citizens Association (P&C) dated November 2013, as shown in Appendix 9.4.2A to renew the permit for the Kyilla Community Farmers’ Market on Kyilla Park;
2. **APPROVES** Pursuant to Part 3 of the City of Vincent Local Government Property Local Law 2008, the Chief Executive Officer to issue a Permit, renewable for a twelve (12) month period to the Kyilla Primary School Parents and Citizens Association to hold the Kyilla Community Farmers’ Market on Kyilla Park, as outlined in their application dated November 2013 and subject to full compliance with the following conditions:
 - 2.1 The hours of operation of the Farmers’ Market shall be limited to 8.00am to 11.30am on Saturdays, with set-up not to occur prior to 7:00am and pack-down to be complete by 1:00pm;
 - 2.2 The use of Kyilla Park on Saturday mornings from 7:00am to 1:00pm, with hire fees of \$159 per half day (\$8,268 per annum);
 - 2.3 The number of stallholders shall be limited to a total of forty (40) and cover an area of no more than seventy five (75) per cent of Kyilla Park, as shown in Appendix 9.4.2B;
 - 2.4 The type of stalls shall be limited to those within the following categories: food stalls, community non-profit organisations, community promotional activity outlets, and art and crafts;
 - 2.5 Kyilla Primary School Parents and Citizens Association shall use the City of Vincent’s waste management services for the prescribed fee (or a commercial service) to ensure Kyilla Park remains clean and clear of rubbish;
 - 2.6 Full compliance with Environmental Health conditions;
 - 2.7 Kyilla Community Farmers’ Market shall be covered by Public Liability Insurance under the Department of Education for the amount of \$20,000,000;
 - 2.8 A responsible adult shall be present on-site during the operation of the market (7:00am to 1:00pm) to respond to any complaints; and
 - 2.9 A Complaints “Hot-line” telephone number shall be made available to the public and displayed at the markets, to enable local residents to lodge complaints;

to the satisfaction of the Chief Executive Officer;

3. **AUTHORISES;**
 - 3.1 Up to four (4) Extraordinary Markets per calendar year that fall outside the Saturday morning approved timeframe, with proposed details of each Extraordinary Market to be provided in an application to the Chief Executive Officer at least one (1) month prior; and
 - 3.2 the Chief Executive Officer to approve any such applications under delegated authority; and
4. **RESERVES** its right to revoke the approval at any time during the twelve (12) month period if Kyilla Primary School P&C fail to reasonably comply with the approved conditions;
5. **NOTES** that the Council previously supported the “in-kind” use of Kyilla Park on Saturday mornings from 7.00am to 12.00noon and waiving of hire fees of \$159 per half day (\$8,268 per annum), and that the continued hire fee for use of the Reserve will no longer be waived by the City;
6. **DOES NOT SUPPORT** the request from Kyilla Primary School P&C to waive the hire fees for banner poles on Scarborough Beach Road and Fitzgerald Street (\$1,800), plus the production and promotion of banners (average \$2,420), as there are no budgeted funds for this purpose;
7. **APPROVES BY AN ABOSLUTE MAJORITY** the waiving of buskers fees of \$100 per market day (\$5,200 per annum); and
8. **NOTES** that the City’s Rangers and Officers will be available to assist in resolving of any issues which may arise, to minimise any impact on the amenity of the area or the local community.

Moved Cr Cole, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Cole, Seconded Cr Buckels

“That Clause 2, 2.2, 5 and 7 be amended to read as follows:

2. **APPROVES** Pursuant to Part 3 of the City of Vincent Local Government Property Local Law 2008, the Chief Executive Officer to issue a Permit, renewable for a ~~twelve (12) month~~ **five (5) year** period to the Kyilla Primary School Parents and Citizens Association to hold the Kyilla Community Farmers’ Market on Kyilla Park, as outlined in their application dated November 2013 and subject to full compliance with the following conditions:
 - 2.2 The use of Kyilla Park on Saturday mornings from 7:00am to 1:00pm; ~~with hire fees of \$159 per half day (\$8,268 per annum);~~
5. **NOTES** that the Council previously supported the “in-kind” use of Kyilla Park on Saturday mornings from 7.00am to 12.00noon and waiving of hire fees of \$159 per half day (\$8,268 per annum); ~~and that the continued hire fee for use of the Reserve will no longer be waived by the City;~~
7. **APPROVES BY AN ABSOLUTE MAJORITY:** the waiving of buskers fees of \$100 per market day (\$5,200); and
 - 7.1 The waiving of buskers fees of \$100 per market day (\$5,200 per annum); and
 - 7.2 The “in-kind” use of Kyilla Park and waiving of hire fees of \$159 per half day (\$8,268 per annum); and”

Debate ensued.

Cr Topelberg advised that he wished to change the wording of the amendment, to insert a new Clause 7.3, as shown below.

The Mover, Cr Cole and, the Seconder, Cr Buckels agreed.

“That Clause 2, 2.2, 5 and 7 be amended to read as follows:

2. APPROVES Pursuant to Part 3 of the City of Vincent Local Government Property Local Law 2008, the Chief Executive Officer to issue a Permit, renewable for a ~~twelve (12) month~~ five (5) year period to the Kyilla Primary School Parents and Citizens Association to hold the Kyilla Community Farmers’ Market on Kyilla Park, as outlined in their application dated November 2013 and subject to full compliance with the following conditions:
 - 2.2 The use of Kyilla Park on Saturday mornings from 7:00am to 1:00pm; ~~with hire fees of \$159 per half day (\$8,268 per annum);~~
5. NOTES that the Council previously supported the “in-kind” use of Kyilla Park on Saturday mornings from 7.00am to 12.00noon and waiving of hire fees of \$159 per half day (\$8,268 per annum); ~~and that the continued hire fee for use of the Reserve will no longer be waived by the City;~~
7. APPROVES BY AN ABSOLUTE MAJORITY: the waiving of buskers fees of \$100 per market day (\$5,200); and
 - 7.1 The waiving of buskers fees of \$100 per market day (\$5,200 per annum); and
 - 7.2 The “in-kind” use of Kyilla Park and waiving of hire fees of \$159 per half day (\$8,268 per annum); and
 - 7.3 The waiving of fees will be considered by the Council on an annual basis”

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

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

COUNCIL DECISION ITEM 9.4.2

That the Council;

1. RECEIVES the Application from Kyilla Primary School Parents and Citizens Association (P&C) dated November 2013, as shown in Appendix 9.4.2A to renew the permit for the Kyilla Community Farmers’ Market on Kyilla Park;
2. APPROVES Pursuant to Part 3 of the City of Vincent Local Government Property Local Law 2008, the Chief Executive Officer to issue a Permit, renewable for a five (5) year period to the Kyilla Primary School Parents and Citizens Association to hold the Kyilla Community Farmers’ Market on Kyilla Park, as outlined in their application dated November 2013 and subject to full compliance with the following conditions:
 - 2.1 The hours of operation of the Farmers’ Market shall be limited to 8.00am to 11.30am on Saturdays, with set-up not to occur prior to 7:00am and pack-down to be complete by 1:00pm;
 - 2.2 The use of Kyilla Park on Saturday mornings from 7:00am to 1:00pm;
 - 2.3 The number of stallholders shall be limited to a total of forty (40) and cover an area of no more than seventy five (75) per cent of Kyilla Park, as shown in Appendix 9.4.2B;

- 2.4 The type of stalls shall be limited to those within the following categories: food stalls, community non-profit organisations, community promotional activity outlets, and art and crafts;
- 2.5 Kyilla Primary School Parents and Citizens Association shall use the City of Vincent's waste management services for the prescribed fee (or a commercial service) to ensure Kyilla Park remains clean and clear of rubbish;
- 2.6 Full compliance with Environmental Health conditions;
- 2.7 Kyilla Community Farmers' Market shall be covered by Public Liability Insurance under the Department of Education for the amount of \$20,000,000;
- 2.8 A responsible adult shall be present on-site during the operation of the market (7:00am to 1:00pm) to respond to any complaints; and
- 2.9 A Complaints "Hot-line" telephone number shall be made available to the public and displayed at the markets, to enable local residents to lodge complaints;

to the satisfaction of the Chief Executive Officer;

3. **AUTHORISES;**

- 3.1 Up to four (4) Extraordinary Markets per calendar year that fall outside the Saturday morning approved timeframe, with proposed details of each Extraordinary Market to be provided in an application to the Chief Executive Officer at least one (1) month prior; and
 - 3.2 the Chief Executive Officer to approve any such applications under delegated authority; and
4. **RESERVES** its right to revoke the approval at any time during the twelve (12) month period if Kyilla Primary School P&C fail to reasonably comply with the approved conditions;
 5. **NOTES** that the Council previously supported the "in-kind" use of Kyilla Park on Saturday mornings from 7.00am to 12.00noon and waiving of hire fees of \$159 per half day (\$8,268 per annum);
 6. **DOES NOT SUPPORT** the request from Kyilla Primary School P&C to waive the hire fees for banner poles on Scarborough Beach Road and Fitzgerald Street (\$1,800), plus the production and promotion of banners (average \$2,420), as there are no budgeted funds for this purpose;
 7. **APPROVES BY AN ABSOLUTE MAJORITY:** the waiving of buskers fees of \$100 per market day (\$5,200); and
 - 7.1 The waiving of buskers fees of \$100 per market day (\$5,200 per annum); and
 - 7.2 The "in-kind" use of Kyilla Park and waiving of hire fees of \$159 per half day (\$8,268 per annum); and
 - 7.3 The waiving of fees will be considered by the Council on an annual basis; and
 8. **NOTES** that the City's Rangers and Officers will be available to assist in resolving of any issues which may arise, to minimise any impact on the amenity of the area or the local community.

PURPOSE OF REPORT:

To obtain Council approval for the permit renewal of Kyilla Primary School Parents and Citizens Association (P&C) for the Kyilla Community Farmers' Markets, as outlined in their proposal.

BACKGROUND:

The Kyilla Primary and Pre-Primary P&C is a not for profit organisation that is driven by the opportunity to engage and support the local community, whilst providing numerous benefits to the school and its students.

An application was received by the City on 30 January 2013 from the Kyilla Primary School P&C to establish a Community Farmers' Market to be held Saturday mornings from 8:30am to 11:30am on a weekly basis at Kyilla Park, bounded by Selkirk, Hunter, Clieveden and Union Streets, North Perth. Set up times for stallholders will be from 7:00am to comply with the *Environmental Protection Act Noise Regulations*. Stallholders were not allowed to pack-up until 11:30am, with the site cleared of stallholders by 12:00pm (midday).

At the Ordinary Meeting of Council held on 26 March 2013, it was resolved:

"That the Council;

1. *RECEIVES the Application from Kyilla Primary School Parents and Citizens Association (P&C) dated January 2013 to establish the Kyilla Community Farmers' Market on Kyilla Park; and*
2. *APPROVES Pursuant to Part 3 of the City of Vincent Local Government Property Local Law 2008, the Chief Executive Officer to issue a Permit, renewable for a six (6) month period , at a time to the Kyilla Primary School Parents and Citizens Association to hold the Kyilla Community Farmers' Market on Kyilla Park, as outlined in their application dated 30 January 2013, subject to full compliance with the following conditions:*
 - 2.1 *The hours of operation of the Farmers' Market shall be limited to 8.30am to 11.30am on Saturdays, with set-up time for stallholders limited from 7.00am-8.30am and pack-up time limited from 11.30am-12.00noon;*
 - 2.2 *The number of stalls shall be limited to a total of forty (40) and cover an area of no more than fifty (50) per cent of the western side of Kyilla Park, as shown in Appendix 9.4.1 (Attachment 002);*
 - 2.3 *The type of stalls shall be limited to those within the following categories: fruit, vegetables, meat, oil, honey, milk, cheese, bread, coffee making, community non profit organisations, community promotional activity outlets, and art and crafts;*
 - 2.4 *Kyilla Primary School Parents and Citizens Association shall use the City of Vincent's waste management services for the prescribed fee (or a commercial) to ensure Kyilla Park to remain clean and clear of rubbish;*
 - 2.5 *Full compliance with Environmental Health conditions;*
 - 2.6 *Kyilla Community Farmers' Market shall be covered by Public Liability Insurance under the Department of Education for the amount of \$20,000,000;*
 - 2.7 *A responsible adult shall be present on-site during the operation of the market (i.e 7.30am-12noon) to respond to any complaints;*
 - 2.8 *A Complaints "Hot-line" mobile phone number shall be made available to the public and displayed at the markets, to enable local residents to lodge any complaints;*

To the satisfaction of the Chief Executive Officer; and

3. *APPROVES BY AN ABSOLUTE MAJORITY the "in-kind" use of Kyilla Park on Saturday mornings from 7.00am to 12.00 noon and waiving of hire fees of \$159 per half day (\$8,268 per annum);*
4. *AUTHORISES the Chief Executive Officer to:*
 - 4.1 *Impose further conditions should justifiable complaints be received throughout the six (6) month period(s) and any other conditions considered applicable for use of Kyilla Park; and*
 - 4.2 *Revoke the approval at any time during the six (6) month period(s) if Kyilla Primary School P&C fail to reasonably comply with the approved conditions; and*
5. *NOTES that the City's Rangers and Officers will be available to assist in the resolving of any issuing which may arise, to minimised any impact on the amenity of the area or the local community."*

Kyilla Community Farmers' Market began trade on Saturday, 8 June 2013 at Kyilla Park and have traded each Saturday morning since for a total of twenty-six (26) Farmers Markets. Their permit will be out of date as at Sunday, 8 December 2013 and they wish to renew this permit for an ongoing period of time.

An Application was received by the City on 4 November 2013 from the Kyilla Primary School P&C to renew their permit for the Community Farmers' Market to be held Saturday mornings from 8:00am to 11:30am on a weekly basis at Kyilla Park, bounded by Selkirk, Hunter, Clieveden and Union Streets, North Perth. Set up times for stallholders are proposed from 7:00am to comply with the *Environmental Protection Act Noise Regulations*. Stallholders will not be allowed to pack-up until 11:30am, but the site must be cleared of stallholders by 1:00pm.

DETAILS:

The Farmers' Market has run successfully throughout the six (6) month initial trial period and is an asset to the local community. No written complaints have been made to the Market Manager, Kyilla Primary School P&C or the City of Vincent regarding traffic, noise, amenity or any other matter.

Currently, the Farmers' Market operates between 8:30am and 11:30am, with set up occurring from 7:00am and pack down being complete by 12:00pm midday. It has been requested to modify these times to reflect the earlier attendance by the community with operation between 8:00am and 11:30am, with set-up occurring from 7:00am and pack-down being complete by 1:00pm.

The Kyilla Primary School P&C continues to be driven by the opportunity to engage and support the local community whilst providing countless benefits to the school and its' students. As previously, the Farmers' Market will primarily provide fresh produce to the community. Second to this, the market will now include four (4) stalls critical to the community vision of the market; one (1) stall will be run by the P&C for the benefit of Kyilla Primary School, one (1) stall will be available free of charge for City of Vincent based not for profit organisations to fundraise, one (1) stall will be available for City of Vincent based businesses to promote themselves amongst their community, and one (1) stall will be available for other City of Vincent School P&C's to use for fundraising endeavours, on a roster basis.

A request that, in addition to the Saturday morning Farmer's Market, four (4) Extraordinary Markets be approved to allow for special events markets, such as a Christmas Market, to be held. These markets may occur outside of the Saturday morning approved timeframe and all variations would be advised to the City no less than four (4) weeks prior.

Feedback from community and stallholders alike is for there to be entertainment at the markets to enhance the atmosphere. A busker's permit fee is \$100, a prohibitive cost for most acts that would be interested in attending the markets. It has been suggested that Kyilla Primary School P&C could pay a one off fee of \$100 for any buskers that would like to attend the markets; however, a new permit is required for each day. It has been recommended to instead, waive the buskers fee for Kyilla Community Farmers' Market while still requiring the application process to be completed and policy to be adhered to.

Promotion is key to the success of any event whether it be formal or informal. To ensure that the market continues to remain vibrant and a worthwhile venture for the stallholders, it is necessary to remind people from across the entire City of the Market's ongoing existence. Kyilla Primary School P&C have requested the waiving of fees for the hire of banner poles and for the City to support the Markets through the production of the promotion banners. The City uses a contractor at a cost of \$1,800 (excluding GST) to install and remove twenty-two (22) banners on eleven (11) street poles along Scarborough Beach Road and Fitzgerald Street. On top of this, the printing of twenty-two (22) street pole banners costs an average of \$2,420 (excluding GST). These are both costs the City does not currently have a budget for and goes beyond what the City would normally provide to community groups.

CONSULTATION/ADVERTISING:

Since the markets' inception on 8 June 2013, there have been twenty-six (26) markets held on Saturday mornings. No formal consultation has been undertaken since the markets began; however, no complaints or negative feedback has been received by either the Kyilla Primary P&C, Market Manager or City of Vincent.

LEGAL/POLICY:

- City of Vincent Local Government Property Local Law;
- Policy No. 2.1.7 – Parks, Reserves and Hall Facilities – Conditions of Use and Hire;
- Policy No. 3.8.3 – Concerts and Events;
- Policy No. 3.10.5 – Donations, Sponsorship and Waiving of Fees and Charges; and
- Policy No. 4.1.5 – Community Consultation.

The City sought legal advice concerning this matter and the following was advised:

- A development application is not required for an event on Local Government property;
- An application for an event on Local Government property can be dealt with in accordance with the City of Vincent Local Government Property Local Law 2008; and
- Applications for Farmers Market on private property should be dealt with as a development application.

RISK MANAGEMENT IMPLICATIONS:

Low: Upon careful assessment of the risk management matrix and consideration of this project, it has been determined that this project is low risk.

STRATEGIC IMPLICATIONS:

The City of Vincent's 'Plan for the Future'; *Strategic Plan 2013 – 2017*, Objective 3 states:

"Community Development and Wellbeing

- 3.1: *Enhance and Promote Community Development and Wellbeing:*
- 3.1.1 *Celebrate, acknowledge and promote the City's cultural and social diversity;*
 - 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; and*
 - 3.1.6 *Build capacity within the community for individuals and groups to meet their needs and the needs of the broader community."*

SUSTAINABILITY IMPLICATIONS:

This Community Farmers' Market aims to promote and encourage environmental, economic and social sustainability by providing an avenue for local business to sell fresh, local produce for the local community.

FINANCIAL/BUDGET IMPLICATIONS:

The hire of Kyilla Reserve is \$159 for the use of Kyilla Park from 7:00am to 1:00pm. The fee was previously waived as the markets were a new venture. Given the success of the markets, the hire of the reserve will no longer be waived.

COMMENTS:

Kyilla P&C have submitted a well prepared renewal application which reflects their continuous consideration for all aspects of holding the Farmers' Market and demonstrates their aim to learn and improve on what has and has not worked in the initial six (6) months they have held the Market.

The Farmers' Market has run successfully throughout the six (6) month initial trial period and is an asset to the local community. No written complaints have been made to the Market Manager, Kyilla Primary School P&C or the City of Vincent regarding traffic, noise, amenity or any other matter.

Attendance numbers are difficult to gauge; however, it is estimated that weekly attendance rates have consistently been between 700 and 1100.

It is recommended that another Permit be issued for a period of twelve (12) months, subject to the specified conditions.

9.4.6 Percent for Art – No. 1 Albert Street (corner of Angove Street), North Perth – Progress Report No. 4

Ward:	North	Date:	22 November 2013
Precinct:	North Perth Centre (P9)	File Ref:	PRO3901
Attachments:	001 – Proposed Artwork Design A 002 – Proposed Artwork Design B 003 – Proposed Artwork Design C		
Tabled Items:	Nil		
Reporting Officers:	L Devereux, Community Development Officer J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

REVISED OFFICER RECOMMENDATION:

“That the Council;

1. **RECEIVES** the resubmitted Artwork Designs A, B and C proposed by Artist, Robin Yakinthou, as shown in Appendices 9.4.4A, 9.4.4B and 9.4.4C, for instalment on the City’s Reserve area on the corner of Angove and Alberts Streets, North Perth; and
2. **APPROVES** the recommendation of the City’s Arts Advisory Group for the proposed Artwork Design A C, as shown in Appendix 9.4.4AC to be installed on the City’s Reserve area.”

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

Moved Cr Wilcox, Seconded Cr Buckels

That the revised officer recommendation be adopted.

Debate ensued.

REVISED MOTION PUT AND CARRIED (6-2)

For: Presiding Member Mayor John Carey, Cr Cole, Cr Harley, Cr Pintabona, Cr Topelberg and Cr Wilcox

Against: Cr Buckels and Cr McDonald

COUNCIL DECISION ITEM 9.4.6

That the Council;

1. **RECEIVES** the resubmitted Artwork Designs A, B and C proposed by Artist, Robin Yakinthou, as shown in Appendices 9.4.4A, 9.4.4B and 9.4.4C, for instalment on the City’s Reserve area on the corner of Angove and Alberts Streets, North Perth; and
2. **APPROVES** the recommendation of the City’s Arts Advisory Group for the proposed Artwork Design C, as shown in Appendix 9.4.4C to be installed on the City’s Reserve area.

ADDITIONAL INFORMATION:

At the Arts Advisory Group meeting held on Monday, 2 December 2013, the three (3) Artwork Design options proposed for No. 1 Albert Street, North Perth were considered by the members.

The members were in favour of Artwork Design C as shown in Appendix 9.4.6C with the proposed pen design titled "*Educational History of Sight*". Design C completes the sentence "*I think therefore I am*".

Design C was chosen due to its philosophical reference and nod to the theme of education, given its proximity to the school.

PURPOSE OF REPORT:

To report back to Council with three resubmitted designs from the artist Robin Yakinthou for the proposed artwork installation at the corner of Angove and Alberts Streets, North Perth. The proposed sculpture is to be located at the front of the building on the City's Reserve.

BACKGROUND:

At the Ordinary Meeting of Council held on 23 July 2013, the following resolution was adopted;

"That the Council;

1. *RECEIVES the report recommending the proposed artwork, "The Guiding Light", by artist Robin Yakinthou to be placed on the Council reserve area on the corner of Angove and Albert Streets, North Perth;*
2. *REQUESTS the Chief Executive Officer to:*
 - 2.1 *Advertise the proposal to install the artwork referred to in Clause 1 (Design C) for a period of twenty-one (21) days in accordance with Clause 2.7 of Policy 3.5.13 – Percent for Public Art;*
 - 2.2 *Report back to the Council with any public submissions received; and*
3. *REQUESTS that a scaled drawing of the artwork in the context of the streetscape be submitted to the Council, prior to the commencement of the Public Consultation."*

At the Ordinary Meeting of Council held on 10 September 2013, the following resolution was adopted;

"That the Council:

1. *APPROVES IN PRINCIPLE the proposed artwork 'The Guiding Light' marked as Design A as shown in Appendix 9.4.3A, by artist Robin Yakinthou, and the proposal to install the artwork on the City's reserve area on the corner of Angove and Albert Streets, North Perth; and*
2. *AUTHORISES the Chief Executive Officer to:*
 - 2.1 *advertise the proposal for a period of twenty-one (21) days inviting written submissions from the public in accordance with clause 2.7 of Policy No. 3.5.13 – Percent for Public Art; and*
 - 2.2 *report back to the Council with any public submissions received."*

At the Ordinary Meeting of Council held on 18 October 2013, the following resolution was adopted;

"That the Council;

1. *NOTES that the proposed artwork "The Guiding Light" by Artist, Robin Yakinthou , as shown in Appendix 9.4.2, and the proposal to install the artwork on the City's reserve area on the corner of Angove and Albert Streets, North Perth was advertised to the community with the outcomes detailed in this report; and*
2. *REQUESTS*
 - 2.1 *the developer to liaise with the Artist to resubmit the artwork design based on feedback received from the community consultation; and in the context of the surrounding buildings.*
 - 2.2 *the new proposed artwork to be submitted to the Council for consideration and determination."*

DETAILS:

The original proposed Artwork Design has been commissioned in accordance with the City of Vincent Percent for Public Art Policy No. 3.5.13. It was submitted to Council on 23 July 2013 and was viewed as a contemporary reading lamp measuring 3.3 metres in height, 1.5 metres in width, 2.5 metres depth, and is titled *"The Guiding Light"*. Council requested the Artwork Design be sent out to community consultation whereby the majority of the public viewed it negatively.

At the Council's request, the Developer liaised with the artist to resubmit the artwork based on feedback from the Community Consultation and in the context of the surrounding buildings. The artist has resubmitted another three artwork designs, all based on the education theme linking the artwork to the history of the previous site, being an old educational site.

Artwork Designs B and C as shown in Appendices 9.4.4B and 9.4.4C are proposed pen designs titled *"Educational History of Sight"*. The sculpture will be in stainless steel with brass sections for the written word. Approximate height is 3.5 metres. Artwork Design B has the words *"I think therefore"* enticing observers to finish the sentence. Design C completes the sentence *"I think therefore I am"*.

Artwork Design A as shown in Appendix 9.4.4A features a circular sculpture depicting the Phoenician alphabet which is the oldest written alphabet and was registered by UNESCO in 2005 into the *"Memory of the World Programme"*. It is titled *"Memory of the World or Continuum"*. It will be stainless steel with a matt sheen, 2.2 metres high, 0.5 metre in width and 3 millimetres in circumference. The calligraphy script will be treated with mirror finish stainless.

CONSULTATION/ADVERTISING:

Consultation undertaken in accordance with Community Consultation Policy No. 4.1.5.

LEGAL/POLICY:

The Artwork has been commissioned in accordance with the City of Vincent Percent for Public Art Policy No. 3.5.13. Under that Policy, proposals for commercial, non-residential, and mixed residential/commercial developments over the value of \$1,000,000 are to set aside a minimum of one per cent (1%) of the estimated total project cost for the development of Public Art which reflects the place, locality or community.

Developers have the option of coordinating the Public Art project themselves (in liaison with the City), or providing a cash-in-lieu contribution to the City, in which case the City coordinates the Public Art project.

RISK MANAGEMENT IMPLICATIONS:

Low: A “dial before you dig” report has been received and indicates there are no adverse infrastructure issues with placing the artwork on the proposed site.

STRATEGIC IMPLICATIONS:

This is in keeping with the City’s *Strategic Plan – Plan for the Future 2013-2017*, where the following Objective states:

“3.1.1 *Celebrate, acknowledge and promote the City’s cultural and social diversity.*”

SUSTAINABILITY IMPLICATIONS:

The artwork is to be made in stainless steel 316 marine grade, a material noted for its durability.

FINANCIAL/BUDGET IMPLICATIONS:

The sculpture quoted is \$63,000 including the cost of site preparation and installation. The Artist is responsible for installing the artwork and the structural certification. There will be a maintenance schedule provided to ensure the continuing integrity of the artwork.

COMMENTS:

The Developer has indicated his preference for Artwork Design A as shown in Appendix 9.4.4A, which features a circular sculpture depicting the Phoenician alphabet and titled “*Memory of the World or Continuum*”. Apart from the educational significance of the preferred artwork, it promotes a sense of place and has a connotation to Vincent’s large multicultural population.

The Artist is very keen to commence the fabrication of the artwork once approval is granted.

9.1.3 No. 17 (Lot: 104 D/P: 1106) Chatsworth Road, Highgate – Proposed Demolition of Existing Single House and Construction of Two-Storey Single House

Ward:	South	Date:	22 November 2013
Precinct:	Hyde Park, P12	File Ref:	PRO6001; 5.2013.110.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicant Submission 003 – Heritage Assessment		
Tabled Items:	Nil		
Reporting Officer:	T Elliott, Planning Officer (Statutory)		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by New Choice Homes on behalf of the owners, P & A Payne, for Proposed Demolition of Existing Single House and Construction of Two-Storey Single House at No. 17 (Lot: 104 D/P: 1106) Chatsworth Road, Highgate, as shown on amended plans stamp-dated 4 September 2013, subject to the following conditions:

1. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site;
2. An archival documented record of the place including photographs (internal, external and streetscape elevations) for the City's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Permit;
3. An interpretative plaque or another appropriate form of interpretation that recognises the heritage significance of No. 17 (Lot 104) Chatsworth Road, Highgate, shall be installed prior to the first occupation of the approved development on site. The design and wording of the interpretative plaque or other interpretative medium shall be undertaken in accordance with the City's Policy No. 3.6.4 relating to Heritage Management -Interpretive Signage, and be submitted to and approved by the City prior to the issue of a Building Permit. The approved interpretation proposal shall be installed at the owner(s)/occupier(s) expense and thereafter maintained by the owner(s)/occupier(s);
4. PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City;

4.1 Privacy

The window on the first floor to the dining area on the western elevation, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level, any point within the cone of vision less than 4.5 metres from a neighbouring boundaries. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Permit revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2013; and

The upper floor terrace on the western elevation, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level, any point within the cone of vision less than 6 metres from a neighbouring boundaries. A permanent obscure material does not include a self-adhesive material or other material that is easily removed.

4.2 Street Walls and Fences

The proposed street wall piers are to have a maximum width of 355 millimetres and a maximum diameter of 500 millimetres. The proposed side boundary walls, within the front setback area, are to have a maximum height of 1.2 metres with a minimum of fifty percent visual permeability above 1.2 metres; and

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

ADVICE NOTES:

1. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Chatsworth Road;
2. Any new street/front wall, fence and gate within the Chatsworth Road 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;
3. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning; and
4. The proposed soakwell location adjacent the ROW is to be relocated further inside the property, strip drain to be located to capture stormwater runoff from driveway and be connected to an internal soakwell; changes are to be shown on the building permit drainage plans.

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST (1-7)

For: Cr Buckels

Against: Presiding Member Mayor John Carey, Cr Cole, Cr Harley, Cr McDonald, Cr Pintabona, Cr Topelberg and Cr Wilcox

REASONS FOR REFUSAL OF OFFICER RECOMMENDATION:

As specified in the Council Decision to Refuse the Item.

COUNCIL DECISION ITEM 9.1.3

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by New Choice Homes on behalf of the owners, P & A Payne, for Proposed Demolition of Existing Single House and Construction of Two-Storey Single House at No. 17 (Lot: 104 D/P: 1106) Chatsworth Road, Highgate, as shown on amended plans stamp-dated 4 September 2013, for the following reasons:

1. The Proposed Two-Storey Single House does not comply with the following objectives and general provisions of the City of Vincent Town Planning Scheme No. 1:
 - 1.1 To protect and enhance the health, safety and physical welfare of the City's inhabitants and the social, physical and cultural environment;
 - 1.2 To ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework which –
 - 1.2.1 Recognises the individual character and need of localities within the Scheme zone area; and
 - 1.3 The design, scale and relationship to existing buildings and surrounding, with respect to Chatsworth Road;
2. Non-compliance with the Deemed-to-Comply Criteria and Design Solutions provisions of the City's Policy No 3.2.1 relating to Residential Design Elements, with regard to the following Clauses:
 - 2.1 SADC 5 and SPC 5 'Street Setback' relating to the first floor setback to Chatsworth Road;
 - 2.2 SADC 13 and SPC 13 'Street Walls and Fences' relating to the front fence;
 - 2.3 BDADC 3 and BDPC 3 'Roof Forms' relating to the pitch of the roof; and
3. Non-compliance with the Deemed-to-comply and Design Principles of the Residential Design Codes of Western Australia 2013, with regards to the following Clauses:
 - 3.1 Clause 5.1.3 'Lot Boundary Setbacks' relating to the first floor setback to the south, east and west boundaries;
 - 3.2 Clause 5.3.1 'Outdoor Living Areas' relating to the roof cover of the outdoor living area; and
 - 3.3 Clause 5.4.1 'Visual Privacy' relating to the extent of overlooking into the adjoining properties;
4. The construction of proposed Two-Storey Single House, fronting Chatsworth Road, would create an undesirable precedent for the development of surrounding lots, which is not in the interests of orderly and proper planning for the locality; and
5. Chatsworth Road has been identified by the Council as having the potential to be considered as a Heritage Area. A Heritage Assessment of the existing dwelling identified that the property has some aesthetic and historic value and should therefore be retained.

PURPOSE OF REPORT:

The application is referred to a meeting of the Council for determination given the proposal comprises demolition of the existing dwelling which was constructed circa 1905-1915 and has some heritage and historic value, as detailed in the Heritage Assessment, shown at Appendix 9.1.3 (Attachment 003).

BACKGROUND:

Nil.

DETAILS:

Landowner:	A J & P I Payne
Applicant:	New Choice Homes – J Germano
Zoning:	Residential R80
Existing Land Use:	Residential
Use Class:	Single House
Use Classification:	“P”
Lot Area:	309 square metres
Right of Way:	Rear (South), 5 metre width.

The proposal is for the demolition of existing single house and construction of two-storey single house.

ASSESSMENT:

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

Design Element	Deemed to Comply	Design Principles
Density	✓	
Streetscape	✓	
Front Setback		✓
Street Walls and Fencing		✓
Roof Form		✓
Dual Street Frontages	N/A	
Setbacks from Rights-of-Way	✓	
Lot Boundary Setbacks		✓
Building Height		✓
Number of Storeys	✓	
Open Space	✓	
Landscaping	N/A	
Access	✓	
Parking	✓	
Privacy	✓	
Bicycle Spaces	N/A	
Dwelling Size	✓	
Site Works	✓	
Essential Facilities	✓	
Outdoor Living Areas		✓
Surveillance	✓	
Overshadowing	✓	

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

Issue/Design Element:	Street Setbacks
Requirement:	<p>Residential Design Elements Policy SADC 5. Street Setbacks</p> <p>A minimum of two (2) metres behind each portion of the ground floor setback.</p>
Applicants Proposal:	0.4 to 2.0 metres behind the ground floor setback
Design Principles:	<p>Residential Design Elements Policy SPC 5. Street Setbacks</p> <p>(i) Development is to be appropriately located on site to:</p> <ul style="list-style-type: none"> • Maintain streetscape character; • Ensure the amenity of neighbouring properties is maintained; • Allow for the provision of landscaping and space for additional tree plantings to grow to maturity; • Facilitate solar access for the development site and adjoining properties; • Protect significant vegetation; and • Facilitate efficient use of the site. <p>(ii) Variations to the Deemed-to-Comply 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>"In relation to the Upper Floor setback which requires being 2m from the ground floor, we would like to point out that the majority of the upper floor is setback at 2m and a small portion over the portico is in line with the ground floor. We would like to make the council aware that the portion over the portico is a balcony and is open to the front which would therefore not have any impact on building bulk to the front of the dwelling."</i></p>
Officer technical comment:	<p>The proposed development is considered to comply with the above performance criteria.</p> <p>The orientation of the lot provides adequate sun and ventilation to the building. The staggered setbacks proposed on the upper floor of this development provide privacy and assists in the provision of sun and ventilation to adjoining properties. Adequate screening and highlight windows have been applied to both the East and West Elevations, maintaining privacy. Furthermore the proposed overshadowing is compliant with the overshadowing requirements of the Residential Design Codes.</p>

Issue/Design Element:	Street Walls and Fences
Requirement:	Residential Design Elements Policy SADC 13. Street Walls and Fences Posts and piers are to have a maximum width 355 millimetres and a maximum diameter of 500 millimetres
Applicants Proposal:	1.05 metre pier proposed to the North-East corner of the development. Two 0.6 metre wide piers proposed at the entrance of the development. The visual permeability of the side boundary walls, in the front setback area, are not noted.
Design Principles:	Residential Design Elements Policy SPC 13 (i) Street walls and fences are to be designed so that: <ul style="list-style-type: none"> • Buildings, especially their entrances, are clearly visible from the primary street; • A clear line of demarcation is provided between the street and development; • They are in keeping with the desired streetscape; and • Provide adequate sightlines at vehicle access points.
Applicant justification summary:	<i>"The majority of the front fence will include visually permeable infill panels and will be consistent with SPC 13."</i>
Officer technical comment:	The proposed front street wall comprises of a 1.05 metre wide pier and also two 0.6 metre wide piers therefore exceeding the allowable limits. Furthermore the side boundary walls are not visually permeable. The proposed development is considered not to comply with the above performance criteria and has therefore been conditioned.

Issue/Design Element:	Roof Forms
Requirement:	Residential Design Elements Policy BDADC 3. Roof Forms 30- 45 degrees
Applicants Proposal:	12° Skillion Roof and 18° pitched roof (skillion roof section proposed at the front of the dwelling)
Design Principles:	Residential Design Elements Policy BDPC 3 The roof of a building is to be designed so that: <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space.
Applicant justification summary:	<i>"the majority of the home is a pitched roof and with only a small portion of the front being skillion this would have no impact to the overall streetscape or have any affect to any other existing neighbouring dwellings."</i>
Officer technical comment:	The proposed development is considered to comply with the above performance criteria. The proposed roof pitches, being lower than the encouraged 30-45°, will not unduly increase the building bulk or increase overshadowing of the adjoining property therefore the variation is supported.

Issue/Design Element:	Building Height
Requirement:	Residential Design Elements Policy BDADC 5. Building Height Top of external wall (concealed roof) – 7.0 metres
Applicants Proposal:	Skillion roof proposed up to 7.4 metres above natural ground level.
Design Principles:	Residential Design Elements Policy BDPC 3 (i) Building height is to be considered to: <ul style="list-style-type: none"> • Limit the height of dwellings so that no individual dwelling dominates the streetscape; • Limit the extent of overshadowing and visual intrusion on the private space of neighbouring properties; and • Maintain the character and integrity of the existing streetscape.
Applicant justification summary:	<i>“this variation does not create any adverse impacts on the streetscape given the upper level is adequately setback from the street. In addition, the subject walls will not impact adjoining properties, as west of the house is a driveway and there are no sensitive areas to the east. Furthermore the house does not create any overshadowing or privacy concerns”</i>
Officer technical comment:	The proposed development is considered to comply with the above performance criteria. The site slopes approximately 2 metres from the front to the rear. The maximum wall height of 7.4 metres above natural ground level exists for a small portion of the site with the majority of the proposed development being within the maximum height of 7 metres.

Issue/Design Element:	Lot Boundary Setbacks
Requirement:	Residential Design Codes Clause 5.1.3 (C3.1) First Floor East: 2.4 metre setback West: 3.0 metre setback South: 2.8 metre setback
Applicants Proposal:	First Floor East: 1.55 – 2.25 metre setback West: 1.52 – 2.2 metre setback South: 2.2 metre setback
Design Principles:	Residential Design Codes Clause 6.1.4 (P4.1) Buildings set back from boundaries or adjacent buildings so as to: <ul style="list-style-type: none"> • ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them; • moderate the visual impact of building bulk on a neighbouring property; • ensure access to daylight and direct sun for adjoining properties; and • assist with the protection of privacy between adjoining properties.

Issue/Design Element:	Lot Boundary Setbacks
Applicant justification summary:	<i>"In relation to the Upper Floor setback which requires being 2m from the ground floor, we would like to point out that the majority of the upper floor is setback at 2m and a small portion over the portico is in line with the ground floor. We would like to make the council aware that the portion over the portico is a balcony and is open to the front which would therefore not have any impact on building bulk to the front of the dwelling."</i>
Officer technical comment:	<p>The proposed development is considered to comply with the performance criteria due to the following:</p> <p>The orientation of the lot provides adequate sun and ventilation to the building. The staggered setbacks proposed on the upper floor of this development provide privacy and assist in the provision of sun and ventilation to adjoining properties. Furthermore the proposed setbacks exceed the existing dwelling setback distance of 1.0 metre from both the west and east boundaries.</p> <p>To alleviate privacy concerns, adequate screening and highlight windows have been applied to both the East and West Elevations. Also, the proposed overshadowing is compliant with the overshadowing requirements of the Residential Design Codes.</p> <p>On this basis the variation is supported.</p>

Issue/Design Element:	Outdoor Living
Requirement:	Residential Design Codes 5.3.1 Outdoor living areas To have at least two-thirds of the required area without permanent roof cover.
Applicants Proposal:	100% permanent roof cover over the proposed first floor outdoor living area.
Design Principles:	<p>Residential Design Elements Policy BDPC 3</p> <p>P 1.1 Outdoor living areas which provide spaces:</p> <ul style="list-style-type: none"> • capable of use in conjunction with a habitable room of the dwelling; • open to winter sun and ventilation; and • optimise use of the northern aspect of the site. <p>P1.2 Balconies or equivalent outdoor living areas capable of use in conjunction with a habitable room of each dwelling, and if possible, open to winter sun.</p>
Applicant justification summary:	<i>"Two outdoor living areas have been provided for the house. The upstairs terrace and the front courtyard. Both these spaces provide in excess of 50m2 of outdoor living space that is private, secure and integrated with the indoor living areas. In addition, the front courtyard has a northern aspect and will assist to activate the street. Given all these factors, the outdoor living spaces provided can be considered consistent with performance criteria 6.4.2 of the R-Codes"</i>
Officer technical comment:	The proposed outdoor living area makes efficient use of space for all year round function. Furthermore, the subject site is not devoid of an uncovered outdoor living area as the open area to the front of the dwelling faces north and is directly accessible from a habitable room.

Issue/Design Element:	Outdoor Living
	<p>The first floor terrace overlooks the adjoining property therefore screening is required up to 1.6 metres above the finished floor level. With screening instated the terrace will maintain openness on three sides for use as an outdoor space.</p> <p>The proposed development is considered to comply with the above performance criteria.</p>
Issue/Design Element:	Visual Privacy
Requirement:	<p>Residential Design Codes Clause 5.4.1 Visual privacy Set back, in direct line of sight within the cone of vision, from the lot boundary, a minimum distance of:</p> <ul style="list-style-type: none"> • 4.5 metres from Major Openings to Habitable Rooms other than bedrooms and studies • 6 metres from Unenclosed outdoor active habitable spaces
Applicants Proposal:	No Screening Provided, visual privacy has been conditioned.
Design Principles:	<p>P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:</p> <ul style="list-style-type: none"> • building layout and location; • design of major openings; • landscape screening of outdoor active habitable spaces; and/or • location of screening devices.
	<p>P1.2 Maximum visual privacy to side and rear boundaries through measures such as:</p> <ul style="list-style-type: none"> • offsetting the location of ground and first floor windows so that viewing is oblique rather than direct; • building to the boundary where appropriate; • setting back the first floor from the side boundary; • providing higher or opaque and fixed windows; and/or • screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).
Applicant justification summary:	<p><i>"In relation to the windows to the East and West elevations to the upper floor, we would like to justify this by stating that the majority of the windows are all highlights which would have no overlooking to any neighbouring properties outdoor living areas or habitable rooms."</i></p>
Officer technical comment:	<p>The upper floor west elevation indicates a major opening to the dining area and upper floor terrace which directly overlooks the adjoining property.</p> <p>The proposed development is considered not to comply with the above performance criteria and therefore has been conditioned.</p>

HERITAGE SERVICES:

Demolition

The subject single storey brick and tile dwelling was constructed circa 1906-09 with a presentation of an Interwar Bungalow style of architecture. The WA Post Office Directories indicate that the previous residents at the subject place included Charles W Cowan (1910) and Frederick H L Sharman (1915). Since then the subject dwelling has been transferred several times to new owners and occupiers.

The house has a hipped tile roof and rendered walls on exterior. The eastern front protruding room is sheltered under a gabled roof, with a street facing gable. The front verandah is supported by iron posts.

A full heritage assessment has been undertaken on 20 November 2013 which indicates that the place has *some aesthetic value* as it makes some contribution to the intact streetscape along Chatsworth Road. The place also has *some historic value* as it makes some contribution to the heritage of the locality.

Whilst the place has *some aesthetic and historic value* as outlined in the statement of significance, it is noted that the exterior of the place appears to have a *medium level of authenticity* as a number of alterations and additions have been undertaken to the front façade of the dwelling over the years, which included a major reconstruction of the front verandah in the early 1960s that has resulted in the original main doors being removed and replaced with a pair of French doors, and the original roof of the verandah being replaced with a concrete roof. It is considered that all these alterations and additions to the subject dwelling have diminished the authenticity of the subject dwelling.

Due to the reasons above and in accordance with the City's Policy No. 3.6.2 relating to Heritage Management – Assessment, the place, which is identified as having some aesthetic and historic value, is considered to be below the threshold for entry onto the City's Municipal Heritage Inventory (MHI). It is also noted that the subject place has not been included on the MHI Review List 2013.

As such, Heritage Services have no objection to the proposed demolition of the subject property; however, a photographic record prior to major demolition or redevelopment, and a plaque or an alternative form of interpretation incorporated with the new development at the subject site, is required.

Redevelopment

The proposed development at No. 17 Chatsworth Road is abutting the property at No. 9 Chatsworth Road, which is listed on the City's Municipal Heritage Inventory (MHI) as a Management Category B Conservation Recommended. The proposed development is assessed as per the City's Heritage Management – Development Guidelines for Heritage and Adjacent Properties Policy No. 3.6.1.

It is noted that the proposed new dwelling has an equivalent front and side set back with the adjacent heritage listed building. In terms of the height of the proposed two storey building, it is noted that the new development is slightly higher than the existing heritage building; however, as a result of the topography of the subject lot, it is considered that the mass of the new development is set well behind the line of sight from Chatsworth Road and thus will not have any negative impact on the adjacent heritage building.

Conclusion

In light of the above, the Heritage Services have no objection to the proposed demolition of existing single house and construction of two story single house subject to the following conditions

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Comments Period:	17 September 2013 to 2 October 2013
Comments Received:	One (1) Comment was received objecting to the development

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Visual Truncation</p> <ul style="list-style-type: none"> Concern with the fence height at the boundary to be maintained to ensure vision to the street is not obstructed, fence heights should be maintained. 	<p>Noted. The vehicle access points are compliant with the visual truncation requirements of the City's Technical Services.</p>
<p>Issue: Setback</p> <ul style="list-style-type: none"> Maintain West side at 3 metre setback. 	<p>Noted. The orientation of the lot provides adequate sun and ventilation to the building. The staggered setback, proposed on the upper floor of this development, assists in the provision of sun and ventilation on the adjoining properties.</p>
<p>Issue: Privacy</p> <ul style="list-style-type: none"> Concerned with privacy, appropriate screening is required so as not to affect privacy and outdoor living. 	<p>Noted. The upper floor west elevation conveys a major opening to the dining area and upper floor terrace which directly overlooks the adjoining property. As such the aforementioned major openings are required to be screened as a condition of the planning approval.</p>

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

LEGAL/POLICY:

The following legislation and policies apply to the proposed demolition of existing single house and construction of two-storey single house at No. 17 Chatsworth Road, Highgate:

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2013;
- City of Vincent Town Planning Scheme No. 1;
- Hyde Park Precinct Policy No. 3.1.12;
- Residential Design Elements Policy No. 3.2.1; and

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 design of the dwelling allows for adequate natural light and ventilation through numerous windows on the sides of the building. These design elements have the potential to reduce the need or reliance on artificial heating, lighting and cooling.

SOCIAL
N/A

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

CONCLUSION:

The Heritage Assessment conveyed that No. 17 Chatsworth Road, Highgate has little aesthetic, historic, scientific or social heritage significance and is not rare and does not represent any aspect of cultural heritage of the City of Vincent.

The proposal is considered to be in keeping with the existing and future desired streetscape of the locality. The proposed variations are considered not to have an undue impact on the adjoining dwellings or impact their enjoyment as single residential properties.

The proposed demolition of existing single house and construction of two-storey single house is considered appropriate in the setting of Chatsworth Road.

On the above basis, the proposed demolition of existing single house and construction of two-storey single house, is supportable in this instance. It is recommended that the proposal be approved subject to relevant conditions and advice notes.

9.1.7 Draft Local Planning Strategy and Precinct Policies – Response to Minister for Planning’s Request for Modifications

Ward:	Both Wards	Date:	22 November 2013
Precinct:	All Precincts	File Ref:	PLA0140
Attachments:	001 – Schedule of Modifications – Draft Local Planning Strategy 002 – Draft Mount Hawthorn Precinct Policy 003 – Draft Leederville Precinct Policy 004 – Draft North Perth Precinct Policy 005 – Draft Mount Lawley/Highgate Precinct Policy 006 – Draft Perth Precinct Policy		
Tabled Items:	007 – Draft Local Planning Strategy		
Reporting Officer:	D Mrdja – Acting Manager Strategic Planning, Sustainability and Heritage Services J O’Keefe – Senior Strategic Planning Officer		
Responsible Officer:	P Mrdja – Acting Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **NOTES** the Schedule of Modifications to the draft Local Planning Strategy as approved by the Minister for Planning on 5 September 2013 as shown in Appendix 9.1.7A (Attachment 001);
2. **APPROVES** the amendments to the draft Precinct Policies as shown in Appendix 9.1.7D (Attachment 004); and
3. **AUTHORISES** the Chief Executive Officer to forward the modified draft Local Planning Strategy to the Western Australian Planning Commission for approval by the Minister in accordance with Regulation 14(4) of the Town Planning Regulations 1967.

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

AMENDMENT 1

Moved Cr Topelberg, Seconded Cr Buckels

“That a new Clause 4 be inserted to read as follows:

4. **WRITES to the Minister requesting considering zoning those properties residential, commercial with additional use of batching plant (as per previous discussions).**”

Debate ensued.

Cr Pintabona departed the Chamber at 8.00pm.

Debate ensued.

Cr Pintabona returned to the Chamber at 8.03pm.

Debate ensued.

AMENDMENT 1 PUT AND CARRIED (7-1)

For: Cr Buckels, Cr Cole, Cr Harley, Cr McDonald, Cr Pintabona, Cr Topelberg and Cr Wilcox

Against: Presiding Member Mayor John Carey

Debate ensued.

AMENDMENT 2

Moved Cr Harley, Seconded Cr Cole

“That Attachment 003 – Draft Leederville Precinct Policy be excised for further consideration and improvement and a report be submitted to the Council Meeting to be held on 17 December 2013.”

AMENDMENT 2 PUT AND LOST (3-6)

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

MOTION AS AMENDED PUT AND CARRIED (6-2)

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

COUNCIL DECISION ITEM 9.1.7

That the Council;

- 1. NOTES the Schedule of Modifications to the draft Local Planning Strategy as approved by the Minister for Planning on 5 September 2013 as shown in Appendix 9.1.7A (Attachment 001);**
- 2. APPROVES the amendments to the draft Precinct Policies as shown in Appendix 9.1.7D (Attachment 004); and**
- 3. AUTHORISES the Chief Executive Officer to forward the modified draft Local Planning Strategy to the Western Australian Planning Commission for approval by the Minister in accordance with Regulation 14(4) of the Town Planning Regulations 1967; and**
- 4. WRITES to the Minister requesting considering zoning those properties residential, commercial with additional use of batching plant (as per previous discussions).**

PURPOSE OF REPORT:

The purpose of this report is to provide Council with the list of the modifications required to be made to the City's draft Local Planning Strategy and for the Council to authorise the Chief Executive Officer to forward the modified document back to the Western Australian Planning Commission (WAPC) prior to the commencement of advertising in 2014.

In addition, as a result of the modifications made to the City's draft Town Planning Scheme No. 2, the City's draft Precinct Policies are also required to be updated to reflect these changes.

BACKGROUND:

The City of Vincent Draft Local Planning Strategy (LPS) was endorsed by the Council at the Ordinary Meeting held on 20 December 2011. This document, along with the draft Town Planning Scheme No. 2 and Precinct Policies were sent to the Department of Planning (DoP) on 23 December 2011 in order for them to give the City consent to advertise the TPS No. 2 and LPS.

History:

Date	Comment
27 May 2003	The Council at its Ordinary Meeting considered a Notice of Motion and resolved to allocated \$40,000 to begin a community visioning process prior to the Town Planning Scheme Review.
24 June 2003	The Council at its Ordinary Meeting considered a report relating to Review of the City of Vincent Town Planning Scheme No. 1 - Scheme Examination Report and Community Visioning Process.
23 August 2005	The Council at its Ordinary Meeting considered a report relating to Progress Report - Community Visioning Project - Final Project Report and Associated Documentation.
21 November 2006	The Council at its Ordinary Meeting approved the establishment of a Town Planning Scheme Review Committee.
27 March 2007	The Council at its Ordinary Meeting approved the establishment of a Town Planning Scheme Review Advisory Group.
March 2007 – October 2008	During this period, five progress reports were submitted to Council relating to the review of the Town Planning Scheme and the development of the Local Planning Strategy.
28 October 2008	The Council at its Special Meeting considered the Draft Local Planning Strategy and resolved to make several amendments to the document.
2 December 2008	The Council at its Ordinary Meeting considered the amended Draft Local Planning Strategy and resolved to defer the item for further consideration.
14 April 2009	The Council at its Ordinary Meeting adopted the Draft Local Planning Strategy and resolved to refer the Draft Local Planning Strategy to the WAPC for certification in accordance with the Town Planning Regulations 1967.
2 December 2009	The City received advice from the Department of Planning (DoP) requiring the document to be written in line with the structure of the Western Australian Planning Commission (WAPC)/DoP, publication entitled <i>Guidance on the Format of Local Planning Strategies</i> , dated July 2000.
9 March 2010	The Council at its Ordinary Meeting endorsed a Notice of Motion which requested that a Peer Review of the Town Planning Scheme, Local Planning Strategy and Precinct Policies be completed.
25 May 2010	The Council at its Ordinary Meeting resolved to endorse the Draft Local Planning Strategy, dated April 2010, as a working document, to be used in the development of the Policy Manual.
July 2010 – November 2010	The City's Officers provided monthly updates on the progress of the Town Planning Scheme to the Council Member Forums.
21 December 2010	The Council at its Ordinary Meeting approved the Draft Town Planning Scheme No. 2 and associated documents for the purpose of the Peer Review.
8 March 2011	The Council at its Ordinary Meeting resolved to engage <i>Syme Marmion & Co.</i> to undertake the Peer Review of the Draft Town Planning Scheme No. 2 and associated documents.
August 2011	<i>Syme Marmion & Co</i> provided the final Peer Review and additional economic analysis to the City.
13 September 2011	The Council at its Ordinary Meeting resolved to defer the endorsement of the Draft Town Planning Scheme No. 2, Local Planning Strategy and Precinct Policies.
11 October 2011	The Council at its Ordinary Meeting resolved to endorse the draft Town Planning Scheme No. 2, Local Planning Strategy and Precinct Policies and forward to the WAPC for consent to advertise.

Date	Comment
October 2011 – November 2011	Since the endorsement of the Draft Town Planning Scheme No. 2, Local Planning Strategy and Precinct Policies by Council at its Ordinary Meeting on 11 October 2011, the City's Officers have considered further amendments to the Town Planning Scheme text, maps and Precinct Policies. These amendments specifically relate to clause 5.5 of the Scheme Text.
	<p>The Council have made a general consensus that the endorsed clause 5.5, which allows variations to an infinite extent, does not provide the community with the certainty that they would like, as it is clear in the Scheme that Precinct Policies can be varied.</p> <p>The City's Officers then provided a brief overview of the Scheme Text, Maps and Precinct Policies at a Council Member Forum on 15 November 2011. The City's Officers also tabled a '<i>Proposed Clause 5.5 Amendment</i>' which essentially states that the number of storeys prescribed in the City's Precinct Policies can only be varied to a maximum of two storeys, provided that the development can incorporate one of a number of elements that is considered beneficial for the locality and/or the wider community. This concept was generally supported by the Council; however, several comments were raised and these were noted by the City's Officers.</p> <p>Based on the comments raised at the Council Member Forum, the City's Officers have made amendments to this clause and sought legal advice relating to this clause.</p>
13 December 2011	The City's Officers presented the amended clause 5.5 to a Council Member Forum as well as other amendments that have been made to the Scheme.
20 December 2011	The Council at its Ordinary Meeting resolved to revoke the decision made on 11 October 2011 and endorsed an amended version of the draft TPS No. 2, LPS and Precinct Policies.
23 December 2011	The City's Officers forwarded the documents to the WAPC for consent to advertise.
23 January 2011	The Environmental Protection Authority advised that it is not necessary for them to provide any advice or recommendation on the draft TPS No. 2.
8 March 2012	The City's Officers met with the Officers at the DoP and provided a presentation on the key changes and proposals listed in the draft TPS No. 2 and LPS.
5 April 2012	The City's Officers provided the DoP a map outlining all the proposed zoning changes in the City.
May/June/July 2012	The City's Officers contacted the DoP on a number of occasions requesting an update on the progress of draft TPS No. 2 and LPS.
14 August 2012	The Council at its Ordinary Meeting endorsed a Community Engagement Plan for the advertising of the draft TPS No. 2 and LPS.
27 August 2012	The City's Officers provided the DoP with further justification relating to specific clauses in the draft TPS No. 2.
9 October 2012	The Council at its Ordinary Meeting endorsed an amended version of the Community Engagement Plan.
19 December 2012 and 8 January 2013	The City's Officers met with the Officers at the DoP to discuss the progression of the draft TPS No. 2 and LPS. The DoP advised that a decision will not be made until after the State Election in March 2013.
12 February 2013	The Council at its Ordinary Meeting resolved to receive a progress report on the draft TPS No. 2 and LPS and endorsed an updated Indicative Timeframe.
14 May 2013	The DoP emailed a draft copy of the Schedule of Modifications. This draft proposed 106 modifications to the TPS and 4 modifications to the LPS.

Date	Comment
28 May 2013	Draft TPS 2 and LPS was tabled at Statutory Planning Committee (SPC) meeting which was attended by the Mayor and Cr. Maier. A deputation was presented by the Mayor detailing the City's objection to several requested modifications.
27 August 2013	At the meeting of the SPC, a final recommendation was given to the Minister to provide consent to advertise Draft TPS 2 and LPS.
3 September 2013	The Minister provides formal consent to advertise Draft TPS 2 and LPS with modifications. The Minister supported the City's view in relation to demolition as permitted development and the inclusion of R-AC codings within areas zoned District Centre. He did not support the City's view to <i>not</i> remove the clauses which empowered the Design Advisory Committee (DAC), rezoning of the concrete batching plant sites to 'Special Use – Batching Plants' and rezoning of surrounding land to 'Commercial' and prohibiting residential as a use where it abuts the batching plants.
8 October 2013	The Council at its Ordinary Meeting authorised the CEO to forward the modified TPS No. 2 to the WAPC.
16 October 2013	The City's Officers forwarded the modified TPS No. 2 to the WAPC.

The Minutes from the Ordinary and Special Meetings of Council, is available on the City's website at the following link:

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

DETAILS:

Draft Local Planning Strategy

The City's Officers have now completed the required modifications of the Draft Local Planning Strategy as instructed by the Minister. Unlike the modifications to the Draft Town Planning Scheme No. 2, they are not required to be formally checked by the WAPC prior to the commencement of advertising. The LPS will however be provided to them for information as a matter of course.

The following table outlines all the modifications and officer comments to the proposed to the draft Local Planning Strategy.

* Please refer to Electronic Attachment 007 to view modification

Proposed Modification	Officer Comment	Page No. *
<p>Modify Chapter 2, Part 2 (State and Regional Planning Context) to address State Planning Policy No. 4.2 by:</p> <ul style="list-style-type: none"> identifying boundaries for all activity centres that are wholly or partly within the local government area; identifying walkable catchments for the secondary, district and neighbourhood centres within which housing potential should be optimised; 	<p>Officers have prepared a series of maps for inclusion within the LPS identifying the 'indicative' boundary of each activity centre within the City as requested. These are included in a new section 2.2.1.</p> <p>Indicative walkable catchments for each centre have also been included.</p>	21-23

Proposed Modification	Officer Comment	Page No. *
<ul style="list-style-type: none"> investigating appropriate density codes and implementation measures to achieve the residential density targets recommended within walkable catchments; and 	<p>Further discussion has been included as new Section 2.2.2 demonstrating analysis of density allocations and yields within walkable catchments to the centres. A summary of these findings conclude that the City has adequately addresses residential density within these areas and continue to be on track to achieving the dwelling target of 5,000 by 2031.</p>	
<ul style="list-style-type: none"> investigating appropriate R-AC Codes for land within activity centres. 	<p>In addition, new Section 2.2.3 regarding appropriate RAC codes within activity centres has been included. The LPS states that R-AC codes as requested by the Minister will remain in the Precinct Policies and dealt with on a case by case basis. Implementing R-AC codes as of right within the centres is considered excessive at this time. The Minister has supported the City's view on this matter.</p>	
<p>Modify Chapter 2, Part 2 (State and Regional Planning Context) to acknowledge the WAPC Economic and Employment Lands Strategy (April 2012) and the issues it raises in relation to land zoned Industrial and/or industrial activities.</p>	<p>Discussion has been included in Table 3 outlining the Policy objectives and issues pertaining to its implementation within the City.</p> <p>The City has several key industrial sites including the concrete batching plants and West Perth industrial areas. The Minister has indicated his desire to retain the batching plants through requested modifications to the Draft Town Planning Scheme, however the Department supports the rezoning of the West Perth industrial land to 'Urban' under the Metropolitan Region Scheme.</p> <p>This has resulted in some inconsistent advice from the Department relating to the protection of inner city industrial land.</p> <p>The Scheme will be advertised with the concrete batching plants as a 'Special Use' zone as well as West Perth being identified as an urban growth area.</p>	28
<p>Modify Chapter 3, Part 4 (Population and Housing) to include investigation of potential dwelling yield for the City as a whole, rather than only within future urban growth areas.</p>	<p>City officers have undertaken an exercise relating to the total dwelling potential, not limited to the growth areas as identified by the Strategy. Discussion of this has been included as part of Section 4.5.2.</p> <p>It highlights that, notwithstanding the 'Urban Growth' areas identified by the LPS, the City is capable of delivering an additional 23,961 dwellings just through progressive infill with the zonings proposed by Draft TPS 2. Whilst this is a crude figure and subject to many development and economic assumptions, it highlights that the City is well prepared to deliver the additional 5,000 dwellings as required by Directions 2031.</p>	53-54
<p>Modify Chapter 3, Part 11 (Traffic and Transport) to include an assessment of residential densities within transit oriented precincts (400m and 800m walkable catchments) identified in the City under DC Policy 1.6, with a view to achieving a minimum density of 25 dwellings per hectare and substantially higher in proximity to railway stations and bus routes that provide service frequencies equivalent to rail.</p>	<p>The chapter has been modified as requested with additional commentary relating to the achievable density within the walkable catchments within the T.O.D precincts.</p> <p>Policy 1.6 asks for a minimum density of R25 surrounding T.O.D precincts and higher within the precincts.</p> <p>An analysis was undertaken of the density mix and dwelling yield of the 4 main transit orientated precincts within the City, including:</p> <ul style="list-style-type: none"> Glendalough East Perth Leederville Claisebrook 	121-122

Proposed Modification	Officer Comment	Page No. *
	<p>A yield of 8,544 new dwellings is capable to be developed within these precincts with the zoning proposed by the Draft TPS 2.</p> <p>The dwelling yield for Claisebrook precinct is unknown at this stage due to the zoning of the area changing from "Residential/Commercial" to "Commercial". This will affect the projection of new dwellings in the precinct.</p> <p>The Leederville train station is located immediately adjacent to the Leederville Masterplan Area which has been identified as having a dwelling yield of 890.</p> <p>Glendalough and East Perth satisfy minimum dwelling targets with Glendalough achieving an average density of R75 and East Perth being R40.</p> <p>In short, this review recommends no amendments to any zones in Draft TPS 2 as the City adequately addresses the density requirements of Directions 2031, SPP 4.2 and SPP 1.6.</p>	

Draft Precinct Policies

Due to the modifications required to the Town Planning Scheme No. 2, modifications are also required to the draft Precinct Policies to ensure that they align. Furthermore, since the time the Council endorsed the draft Precinct Policies on 20 December 2011, the Council has adopted Policy No. 3.5.12 relating to Development Guidelines for Commercial and Mixed Use Developments. This policy was largely written from sections of the draft Precinct Policies so therefore this information is now not required in the Precinct Policies.

The following table outlines all the modifications and officer comments to the proposed to the draft Precinct Policies.

Modifications to All Precinct Policies

List of Modifications	Officer Comment
<p>All reference to 'maximum height limit' has been amended to 'prescribed height' throughout the policy and removal of reference to 'plus loft' relating to building height.</p>	<p>Since the time that the draft Precinct Policies were endorsed, the City has amended its terminology of 'maximum height' to 'prescribed height'. This is because the City's Discretion policy allows additional height, so we do not want to give the impression that the absolute maximum height is what is stated in the Precinct Policies. In regards to the 'plus loft' requirement, this is proposed to be removed due to the constant confusion this is causing developers. Generally a loft can only be incorporated into a development that has a pitched roof, as a loft is required to be contained wholly within the roof space. This City is consistently receiving planning applications for developments that are non-compliant with the number of storeys, but developers are suggesting that the additional storey is a 'loft'. The removal of this does not mean lofts are now not permitted, it just removes the confusion of people thinking that a loft is actually another storey.</p>

List of Modifications	Officer Comment
Removal of reference to clause 5.5 of the TPS and replace with Policy No. 3.5.11 – relating to Exercise of Discretion for Development Variations throughout the policy.	As part of the modifications to the Town Planning Scheme No. 2, the Minister removed proposed clause 5.5, which provides the building height bonuses. Since the time of the endorsement of TPS2 on 20 December 2011, the Council has adopted Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations. This policy is essentially a repeat of proposed clause 5.5. This policy has been working extremely well so the Officers are not too concerned about the removal of clause 5.5. In relation to the draft Precinct Policies, all reference to clause 5.5 has now been replaced with Policy No. 3.5.11.
Remove clauses relating to Facades, Street Front Openings, Pedestrian Access and Roof Material in the Section relating to District Centre Zones as these are now contained in Policy No. 3.5.12 relating to Guidelines for Commercial and Mixed Use Development.	Since the Council endorsed the draft Precinct Policies on 20 December 2011, the Council has adopted Policy No. 3.5.12 relating to Development Guidelines for Commercial and Mixed Use Developments. This policy contains all information relating to street front openings, pedestrian access and roof materials therefore are not required to be placed in the Precinct Policies.
Removal of Section relating to ‘Standards for Mixed Use and Commercial Development’ as it provisions are now contained in Policy 3.5.12 relating to Guidelines for Commercial and Mixed Use Development.	Since the Council endorsed the draft Precinct Policies on 20 December 2011, the Council has adopted Policy No. 3.5.12 relating to Development Guidelines for Commercial and Mixed Use Developments. This policy all standards relating to Commercial and Mixed Use Development therefore are not required to be placed in the Precinct Policies.
Removal of Section relating to Strategic Development Sites.	This section has been repeated in each Precinct Policy and explains what the City considers to be a Strategic Development Site. This is now explained in Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations so is not required to be repeated in the Precinct Policies.

Modifications to Mount Hawthorn Precinct Policy

List of Modifications	Officer Comment
Section 2.0 – Residential/Commercial Zone All reference to the R-AC2 code has been removed.	As part of the modifications to the Town Planning Scheme No. 2, the Minister rezoned the portion of Scarborough Beach Road in the old Glendalough area, from Residential Commercial R-AC2 to District Centre. Given this rezoning, the development requirement for this has been removed and re-written into section 4.0 relating to the District Centre zone.

List of Modifications	Officer Comment
<p>Section 3.0 – Commercial Zone</p> <p>Inclusion for development requirements for the site zoned Commercial on the Corner for Scarborough Beach Road and Shakespeare Street.</p> <p>Removal of reference to ‘soft landscaping’ as this is now contained in Policy 3.5.12.</p>	<p>The development requirements for this site, appears to be omitted from the endorsed Precinct Policy. In light of this City it is proposed to include development requirements for this area, but ones that are different from the three other commercial areas within the Mount Hawthorn Precinct. The other Commercial areas propose a coding for R100 with a prescribed height of 4 storeys. This is not considered appropriate for this area, therefore a coding of R80 and 3 storeys is proposed.</p>
<p>Section 5.0 – District Centre zone.</p> <p>Inclusion of Glendalough area in the District Centre zone.</p>	<p>As part of the modifications to the Town Planning Scheme No. 2, the Minister rezoned the portion of Scarborough Beach Road in the old Glendalough area, from Residential Commercial R-AC2 to District Centre. Given this rezoning, the development requirement for this has been removed and re-written into section 4.0 relating to the District Centre zone. No changes to the actual development requirements are proposed.</p>

Modifications to Leederville Precinct Policy

List of Modifications	Officer Comment
<p>Clause 2.0 – Residential/Commercial Zone</p> <p>This entire section is proposed to be removed.</p>	<p>The only section that is zoned Residential/Commercial, other than the Oxford Street Activity Corridor is the section along Melrose and Stamford Streets. Whilst this portion is zoned Residential/Commercial, it is located within the Leederville Activity Centre Structure Plan, so in accordance with recent advice received from the Department of Planning, it should be zoned Regional Centre. The City will propose to amend this after community consultation. In light of this, Section 2.0 is not required as this area along Melrose and Stamford Streets are subject to requirements of the Structure Plan.</p>

Modifications to North Perth Precinct Policy

No specific modifications made.

Modifications to Mount Lawley/Highgate Precinct Policy

List of Modifications	Officer Comment
<p>Section 3.0 – Claisebrook Road North Precinct</p> <p>Amendments to this entire section due to the modified zoning of the lots</p>	<p>As part of the modifications to the Town Planning Scheme No. 2, the Minister rezoned the entire Claisebrook Road North area from Residential/Commercial to Commercial, with the exception of the Batching Plants, which are now proposed to be rezoned to Special Use – Concrete Batching Plants. Due to this rezoning this section of the Mount Lawley/Highgate Precinct Policy has been amended to reflect this. However, the actual development requirements relating to building heights, plot ratio and setbacks have not changed. Clause 3.3 relating to Land Use Mix has been deleted as this clause only relates where the zoning is Residential/Commercial.</p>

Modifications to Perth Precinct Policy

No specific modifications made.

CONSULTATION/ADVERTISING:

The documentation will be advertised for a minimum of three (3) months along with the Draft Town Planning Scheme No. 2 and Precinct Policies in accordance with Regulation 15 of the Town Planning Regulations 1967.

The proposed consultation methodology during this period is guided by the Community Engagement Action Plan endorsed by Council at its Ordinary Meeting held on 9 October 2012.

In addition to the standard advertising required by the Town Planning Regulations 1967, the Action Plan recommends a comprehensive consultation approach, including:

- Community workshops;
- Dedicated publications delivered to all owners and occupiers in the Scheme area; and
- Advertisements on the City's website, Administration and Civic Centre and Library and Local History Centre and in a newspaper circulated in the locality.

This approach will ensure the community has ample opportunity to provide a submission on the proposed new Draft Local Planning Strategy and Town Planning Scheme No. 2.

LEGAL/POLICY:

- Planning and Development Act 2005; and
- Town Planning Regulations 1967.

RISK MANAGEMENT IMPLICATIONS:

Medium – High: The City's Draft Local Planning Strategy is prepared following the completion of Vincent Visions and informs the revised legislative framework of Town Planning Scheme No 2, for future planning and development within the City. Failure to progress the matter will result in the delay in the implementation of both the Local Planning Strategy and Town Planning Scheme No. 2.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2017 states:

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

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

SUSTAINABILITY IMPLICATIONS:

The Draft Town Planning Scheme No. 2 (Text and Maps), Local Planning Strategy and Precinct Policies aim to address the key principles of sustainability to ensure that the City of Vincent develops in a sustainable way. To emphasise the City's commitment to sustainability, additional reference has been made throughout the Draft Local Planning Strategy, within the Draft Town Planning Scheme No. 2 Text and elaborated further within the Precinct Policies, to ensure that developments have due consideration for the principles of sustainability.

FINANCIAL/BUDGET IMPLICATIONS:

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

'Town Planning Scheme Amendment and Policies'

Budget Amount:	\$73,000
Spent to Date:	<u>\$ 8,668</u>
Balance:	\$64,332

COMMENTS & CONCLUSION:

Council is now requested to accept the schedule of modifications to the City's Draft Local Planning Strategy provided by the WAPC and requested by the Minister. In addition, updates to the Draft Precinct Policies have been made, consistent with the Ministers requests for modifications to the Draft Town Planning Scheme No. 2.

Attached to this report is a summary of each modification requested and a comment of the view of the City relating to each amendment.

The amendments are required to be made to the Draft Local Planning Strategy for the purposes of it being advertised. It should be noted the requested modifications can be identified in Attachment 001 by way of underline.

9.1.8 Amendment No. 118 to Planning and Building Policy Manual – New Policy No. 3.5.7 – ‘Licensed Premises’

Ward:	Both Wards	Date:	22 November 2013
Precinct:	All Precincts	File Ref:	PLA0258
Attachments:	001 – Draft Policy No. 3.5.7 relating to Licensed Premises		
Tabled Items:	Nil		
Reporting Officer:	R Marie, Planning Officer (Strategic)		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

REVISED OFFICER RECOMMENDATION:

That the Council;

1. **AUTHORISES** the Chief Executive Officer to advertise the proposed new Draft Policy No. 3.5.7 – ‘*Licensed Premises*’, as shown in Appendix 9.1.8, for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City’s Policy No. 4.1.5 ‘*Community Consultation*’;
2. **After the expiry period for submissions:**
 - 2.1 **REVIEWS** the new Draft Policy No. 3.5.7 – ‘*Licensed Premises*’ having regard to any submissions received; and
 - 2.2 **DETERMINES** the new Draft Policy No. 3.5.7 – ‘*Licensed Premises*’ having regard to any submissions with or without amendments, to or not to proceed with the draft Policy; and
3. **NOTES** that the Working Group (comprising Mayor, Councillors and Officers) is currently reviewing the Council’s Policy No. 4.1.5 ‘*Community Consultation*’ and this includes Section 7 – Non-Statutory Consultation, as it relates to Licensed Premises – ‘*Extended Trading Permit Applications*’ and
4. **APPROVES BY AN ABSOLUTE MAJORITY** to amend the City’s Policy No. 4.1.5 – “*Community Consultation*” – Section 7., as shown below;

Subject	Minimum Requirement
<p>ALL LICENSED PREMISES – EXTENDED TRADING PERMIT APPLICATIONS</p> <p><i>This applies to the following licensed premises and associated liquor licenses:</i></p> <ul style="list-style-type: none"> • <i>Small Bars;</i> • <i>Hotel;</i> • <i>Tavern;</i> • <i>Night Club;</i> • <i>Restaurant;</i> • <i>Extended Trading Permits; and</i> • <i>Any other premises prescribed by the Department of Racing, Gaming and Liquor (DRGL).</i> 	<p>New Applications:</p> <p>Letter to Consultation will be carried out with owner(s) and occupier(s) of <u>all residential</u> properties within 200 metres of the proposed premises or wherever applicable a specified <u>greater</u> distance (as determined by the CEO) of the premises, <u>providing them 14 days</u> to provide comment.</p> <p>Renewals and Applications for Variation to Trading Hours and Conditions of Existing Licensed Premises:</p> <ol style="list-style-type: none"> 1. <u>Letter to owner(s) and occupier(s) of all properties within 200 metres or wherever applicable a specified distance (as determined by the CEO) of the premises, providing them 14 days to provide comment. Advertising of conditions (deemed minor) will be at the discretion of the CEO. At discretion of Director, Development Services in liaison with Manager Health Services.</u> 2. <u>At the discretion of the Chief Executive Officer, consultation will be carried out <u>only</u> if there have been <u>written justified</u> complaints lodged with the City during the previous 12 months of the date of application for renewal and/or variation to hours.</u>

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

Moved Cr Cole, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

Cr Wilcox departed the Chamber at 8.18pm.

Debate ensued.

Cr Wilcox returned to the Chamber at 8.20pm.

Debate ensued.

Cr Topelberg departed the Chamber at 8.25pm.

Debate ensued.

Cr Topelberg returned to the Chamber at 8.26pm.

Debate ensued.

REVISED MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

COUNCIL DECISION ITEM 9.1.8

That the Council;

1. **AUTHORISES** the Chief Executive Officer to advertise the proposed new Draft Policy No. 3.5.7 – ‘*Licensed Premises*’, as shown in Appendix 9.1.8, for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City’s Policy No. 4.1.5 ‘*Community Consultation*’;
2. **After the expiry period for submissions:**
 - 2.1 **REVIEWS** the new Draft Policy No. 3.5.7 – ‘*Licensed Premises*’ having regard to any submissions received; and
 - 2.2 **DETERMINES** the new Draft Policy No. 3.5.7 – ‘*Licensed Premises*’ having regard to any submissions with or without amendments, to or not to proceed with the draft Policy;
3. **NOTES** that the Working Group (comprising Mayor, Councillors and Officers) is currently reviewing the Council’s Policy No. 4.1.5 ‘*Community Consultation*’ and this includes Section 7 – Non-Statutory Consultation, as it relates to Licensed Premises – ‘*Extended Trading Permit Applications*’ and

4. APPROVES BY AN ABSOLUTE MAJORITY to amend the City’s Policy No. 4.1.5 – “Community Consultation” – Section 7, as shown below;

Subject	Minimum Requirement
<p>ALL LICENSED PREMISES</p> <p><i>This applies to the following licensed premises and associated liquor licenses:</i></p> <ul style="list-style-type: none"> • <i>Small Bars;</i> • <i>Hotel;</i> • <i>Tavern;</i> • <i>Night Club;</i> • <i>Restaurant;</i> • <i>Extended Trading Permits; and</i> • <i>Any other premises prescribed by the Department of Racing, Gaming and Liquor (DRGL).</i> 	<p>New Applications:</p> <p>Consultation will be carried out with owner(s) and occupier(s) of all properties within 200 metres of the proposed premises <i>or</i> wherever applicable a specified greater distance (as determined by the CEO) of the premises, providing them 14 days to provide comment.</p> <p>Renewals and Applications for Variation to Trading Hours and Conditions of Existing Licensed Premises:</p> <ol style="list-style-type: none"> 1. Letter to owner(s) and occupier(s) of all properties within 200 metres <i>or</i> wherever applicable a specified distance (as determined by the CEO) of the premises, providing them 14 days to provide comment. Advertising of conditions (deemed minor) will be at the discretion of the CEO. 2. At the discretion of the Chief Executive Officer, consultation will be carried out only if there have been justified complaints lodged with the City during the previous 12 months of the date of application for renewal and/or variation to hours.

CHIEF EXECUTIVE OFFICER’S COMMENT:

It is strongly recommended that the City’s Policy No. 4.1.5 – *Community Consultation* – be amended as shown above, in order to remove ambiguity and ensure that all new licensed premises and all existing premises applying for renewal and/or variation to hours be subject to Community Consultation.

PURPOSE OF REPORT:

The purpose of this report is for the Council to endorse the new Draft Policy 3.5.7 relating to Licensed Premises for community consultation.

BACKGROUND:

The City has recently seen an influx of applications for Small Bars and as a result it was recommended that a Policy be prepared to provide a framework to consider the applications. During the development of the Policy it was considered appropriate to include provisions and standards for other commonly considered licensed premises.

DETAILS:

Licensed Premises

This Policy is only applicable to the following licensed premises – small bars, hotels, taverns, night clubs, restaurants, liquor without a meal and extended trading permits.

It is acknowledged that there are other forms of licensed premises including club, liquor store, special facility and wholesalers, have not been included in this policy.

Objectives

The key objective of this Policy is to develop consistent guidelines for considering applications for licensed premises.

Definitions

Land use definitions have been defined in the Town Planning Scheme No. 1 and the *Town Planning Regulations 1967* and license type definitions have been defined under *the Liquor Control Act 1988*.

Trading hours

Informal advice received from the Department of Racing, Gaming and Liquor (DRGL) outlined that if the Council has concerns about the trading hours or noise, they can impose conditions on the Section 40 (Planning Approval) to clearly outline the restriction. If the applicant agrees with the conditions, they can proceed with the application and the Section 40 conditions will be imposed. Where an applicant disagrees with the conditions, they will need to make a case to the Council to seek a Section 40 without the conditions. This would require a Planning Application for the reconsideration of conditions.

The *Liquor Control Act 1988* sets the times in which alcohol can be sold, supplied and consumed, however the times outlined in the Policy have been prescribed based on the type of use and the zone in which it is located. The different land uses covered by the Policy are outlined below and include justification of the times prescribed by the Policy. The City can consider trading hours outside those listed in the Policy; however justification will need to be provided by the applicant.

Hotel, tavern and small bar

Under the *Liquor Control Act 1998*, the permitted trading hours for hotels, taverns and small bars on Monday to Sunday are as follows:

- On a day other than a Sunday- from 6.00am to midnight; and
- On a Sunday – 10.00am to 10.00pm.

The Policy proposes that an opening hour of 7.00am is considered more appropriate than 6.00am as this time is considered to be less disruptive to the surrounding residential area and it also aligns with the time that construction is permitted to begin. It is noted that on Sundays the City has recommended that trading hours commence at 7.00am, however as per the *Liquor Control Act 1988*, the sale, supply and consumption of alcohol cannot commence until 10.00am.

Within Residential zones and Local Centres, closing times of 10.00pm, with the exception of Friday and Saturday in the Local Centre indoor areas, is appropriate, as it ensures that the surrounding residential areas are not adversely impacted by noise. Within the Commercial and District Centre zone, opening hours on Monday – Saturday until midnight are considered appropriate as these areas are more active and already have established trading hours. The Sunday closing times align with those of the *Liquor Control Act 1988*, being 10.00pm.

Night club

Under the *Liquor Control Act 1998*, the permitted trading hours for night clubs on Monday to Sunday are as follows:

- Monday – Saturday – 6.00pm to 12 midnight and then continuing to 5.00am the next day; and
- On a Sunday – 8.00pm to midnight.

The Policy proposes that within all zones, the opening hours are to align with the *Liquor Control Act 1988*. However, in order to protect the amenity of the Residential and Residential/Commercial zone, trading on Monday – Thursday is to finish at midnight, with trade in the outdoor areas to finish by 10.00pm. Within the Residential and Residential/Commercial zone on Friday and Saturday it is considered appropriate to allow trade until 1.00am; however the outdoor areas shall be closed by 10.00pm. This allows the use to remain active on Friday and Saturday whilst minimising the impact on the residential areas.

Night clubs within the Commercial and District Centre zone are proposed to align with the times permitted under the *Liquor Control Act 1988*, with the exception of the outdoor areas on Monday – Saturday which is reduced to 1.00am. This is considered appropriate for night clubs as it allows the use to remain active till late, however will minimise the impact on the surrounding area. It is proposed that the closing time of indoor areas within a Commercial and District Centre zone be 5.00am, which is in line with the *Liquor Control Act 1988*.

Restaurants

Trading hours for restaurants is unrestricted, except for those times listed under Section 98F of the *Liquor Control Act 1988*. The City has not prescribed trading hours for restaurants as it allows for the consideration of diverse applications, such as 24 hours restaurants.

Extended Trading Permits

There is a variety of different Extended Trading Permits (ETP) as outlined below.

Liquor without a meal

Liquor without a meal applies to restaurant and allows patrons to consume alcohol without purchasing a meal. This is an extension to an existing Restaurant Planning Approval and is not considered to increase the impact of the land use significantly therefore further planning approval is not required. However it will need to be confirmed, with the Section 40, that the development has a current planning approval for the restaurant.

Festivals and one-off events

These ETPs are not permanent therefore do not require planning approval. However, written approval is required from the Chief Executive Officer and further restrictions may be imposed by the City's Health and Compliance Services Section.

As the extension to the number of patrons, time or area may have some impact on the community, it is recommended that a Management Plan and Public Interest Assessment is included.

Ongoing extension to hours of operation

These ETPs apply where an applicant wants to permanently trade beyond the hours prescribed in the *Liquor Control Act 1988*. For example a small bar may want to permanently trade until 1.00am on a Saturday, however the *Act* only permits trade until midnight. This ETP would allow the consideration of trading until 1.00am. As the extension to the opening hours may have some impact on the community, it is recommended that management plan and Public Interest Assessment is included with the Planning Application.

Management Plans

Management Plans will be required to enable to the City to determine how the premises will be managed, to minimise any adverse impact on the community. This provides a greater level of certainty for the City and the community and gain an understanding of how the premises will function.

Public Interest Assessment

In accordance with Section 38 of the *Liquor Control Act 1988*, applicants are required to submit a Public Interest Assessment with their application for a liquor license. To allow the Local Government and the community to gain an understanding of the impact of the licensed premises, the applicant is required to submit a copy of their Public Interest Assessment with their Development Application. Some additional information is required to provide context to the area where the licensed premises is proposed.

Appendix

Applications for licensed premises involve a number of steps and approval and liaison with multiple Local Government departments and the Department of Racing, Gaming and Liquor. A summary of the procedure has been provided as an appendix to clearly outline the process.

CONSULTATION/ADVERTISING:

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

Consultation Period: Four consecutive weeks

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

LEGAL/POLICY:

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

- City of Vincent Town Planning Scheme No. 1 and associated Policies;
- City of Vincent Policy No 4.1.5 Community Consultation;
- *Town Planning Regulations 1967*; and
- *Liquor Control Act 1988*.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2017 states:

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

SUSTAINABILITY IMPLICATIONS:

The Policy Amendment has no direct sustainability implications relating to the City's Sustainable Environment Strategy 2013-2017.

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

ENVIRONMENTAL
Nil.
SOCIAL
This Policy will provide a clear framework for considering applications for licensed premises which will give greater certainty to the community when these applications are considered.
ECONOMIC
This Policy will provide a clear framework for developers and ensure that the process for preparing an application for licensed premises is more efficient.

FINANCIAL/BUDGET IMPLICATIONS:

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

'Town Planning Scheme Amendment and Policies'

Budget Amount: \$73,000
Spent to Date: \$ 8,668
Balance: \$64,332

COMMENTS & CONCLUSION:

This Policy will provide a clear and consistent framework for considering applications for licensed premises. This will provide more certainty for the developer and the community.

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

9.2.1 Richmond/Loftus Street, Leederville; Cowle Street, West Perth; Eton, Barnet and Fitzgerald Streets, North Perth and Beaufort/Walcott Street, Mount Lawley – Traffic Related Matters Referred to the City’s Integrated Transport Advisory Group (ITAG):- Progress Report No. 2

Ward:	Both	Date:	22 November 2013
Precinct:	Smiths Lake (6), North Perth (8), Hyde Park (12)	File Ref:	TES0067, TES0207, TES0132, TES0156, TES0227, TES0545,
Attachments:	001 – Plan No. 3085-CP-01 - Cowle Street 002 – Plan No. 3067-CP-02 - Barnet Street 003 – Plan No.s 3086-CP-01 & 3086-CP-02 - Eton Street 004 – Plan No. 3087-CP-01 & 3098-CP-01 – Richmond Street		
Tabled Items:	Nil		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

REVISED OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** the installation of;
 - 1.1 **planted nibs and speed humps in Cowle Street, West Perth, as shown on attached Plan No. 3085-CP-01, estimated to cost \$12,000; and**
 - 1.2 **traffic calming, adjacent to the Italian/Australian Child Care Centre on Barnet Street, North Perth, as shown on attached Plan No. 3067-CP-02, estimated to cost \$12,000;**
2. **DOES NOT APPROVE** the installation of speed humps on Eton Street, North Perth between Gill and Haynes Streets, as shown on the attached Plan Nos. 3086-CP-01 and 3086-CP-02, due to the limited response received during the community consultation and the split vote from those in favour and those against the proposal;
3. **DEFERS** proceeding with the seagull island on the eastern side of Richmond Street, Leederville at the intersection of Loftus Street, as shown on the attached Plan No. 3087-CP-01, for the reasons outlined in the report;
4. **CONSIDERS** possible alternative options for Richmond Street, as shown on attached Plan No. 3098-CP-01 which will ensure that access to and from Richmond Street and the Loftus Centre is not compromised while improving safety;
5. **REFERS** the following traffic matters back to the Integrated Transport Advisory Group for its consideration;
 - 5.1 Richmond Street; and
 - 5.2 Eton Street;
6. **NOTES** the response received from the WA Police regarding the possible scenario regarding the supply/installation of a Red Light Camera at the Beaufort Street/Walcott Streets intersection;
7. **SUBMITS** a project plan to the Road Safety Council providing justification and requesting a Red Light Camera be installed at the Beaufort/Walcott Intersection;

8. **INFORMS** all respondents and the local members of Perth and Mount Lawley of its decision; and
9. **RECEIVES** further progress reports on clauses 3, 4, 5 and 6.

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

Moved Cr Topelberg, **Seconded** Cr McDonald

That the recommendation be adopted.

Debate ensued.

REVISED MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

That the Council;

1. **APPROVES** the installation of;
 - 1.1 planted nibs and speed humps in Cowle Street, West Perth, as shown on attached Plan No. 3085-CP-01, estimated to cost \$12,000; and
 - 1.2 traffic calming, adjacent to the Italian/Australian Child Care Centre on Barnet Street, North Perth, as shown on attached Plan No. 3067-CP-02, estimated to cost \$12,000;
2. **DOES NOT APPROVE** the installation of speed humps on Eton Street, North Perth between Gill and Haynes Streets, as shown on the attached Plan Nos. 3086-CP-01 and 3086-CP-02, due to the limited response received during the community consultation and the split vote from those in favour and those against the proposal;
3. **DEFERS** proceeding with the seagull island on the eastern side of Richmond Street, Leederville at the intersection of Loftus Street, as shown on the attached Plan No. 3087-CP-01, for the reasons outlined in the report;
4. **CONSIDERS** possible alternative options for Richmond Street, as shown on attached Plan No. 3098-CP-01 which will ensure that access to and from Richmond Street and the Loftus Centre is not compromised while improving safety;
5. **REFERS** the following traffic matters back to the Integrated Transport Advisory Group for its consideration;
 - 5.1 Richmond Street; and
 - 5.2 Eton Street;
6. **NOTES** the response received from the WA Police regarding the possible scenario regarding the supply/installation of a Red Light Camera at the Beaufort Street/Walcott Streets intersection;
7. **SUBMITS** a project plan to the Road Safety Council providing justification and requesting a Red Light Camera be installed at the Beaufort/Walcott Intersection;
8. **INFORMS** all respondents and the local members of Perth and Mount Lawley of its decision; and
9. **RECEIVES** further progress reports on clauses 3, 4, 5 and 6.

PURPOSE OF REPORT:

The purpose of this report is to update the Council of the outcome of community consultation regarding a number of traffic matters and other matters considered by the Integrated Transport Advisory Group (ITAG).

BACKGROUND:

At its Ordinary Meeting held on 8 October 2013 the Council considered the recommendations of the Integrated Transport Advisory Group Meeting (ITAG) held on 17 July and 12 September 2013 and made the following decision (in part);

"That the Council;

2. *AUTHORISES the Chief Executive Officer to;*

2.1 *consult with residents in the following streets;*

2.1.1 *Richmond Street regarding the installation of a 'Seagull' island at the intersection of Richmond Street and Loftus Street, as shown on Plan No 3087-CP-01, estimated to cost \$25,000;*

2.1.2 *Cowle Street regarding the installation of planted nibs and a speed hump in Cowle Street, as shown on Plan No 3085-CP-01, estimated to cost \$12,000;*

2.1.3 *Eton Street regarding the installation of additional speed humps as shown on attached Plan No. 3086-CP-01, estimated to cost \$5,000; and*

2.1.4 *Barnet Street regarding a proposal to install speed humps, as shown on plan No 3067-CP-02, estimated to cost \$12,000;*

2.2 *write to MRWA advising that the;*

2.2.1 *existing speed cushions in Fitzgerald Street will be made permanent and request that consideration be given to permanently lowering the posted speed along Fitzgerald Street between Burt Street and Raglan Road to 40 kph;*

2.2.2 *City support starting the morning peak period right turn bans at the corner of Beaufort Street and Walcott Street, Mount Lawley, at 7.00am (currently 7.30am).*

2.3 *write to the local members of Perth and Mount Lawley requesting that they lobby the WA Police to install a red light camera at the intersection; and*

2.4 *write to the WA Police Commissioner regarding a 'possible' scenario whereby the City funds the supply/installation of a camera at the Beaufort Street/Walcott Street intersection, owns the camera and recoups all of the fines revenue until the camera has been paid off and then hands the camera over to the WA Police on the proviso that it remains at the intersection indefinitely. ..."*

DETAILS:

Richmond Street - Installation of a 'Seagull' Island:

On 22 October 2013 seventy seven (77) letters were distributed to residents in the Richmond Street area. At the close of the consultation on 7 November 2013, six (6) responses were received with two (2) in favour of the proposal and three (3) against the proposal and one (1) with other comments. A summary of the comments received are below;

Related Comments *In Favour* of the Proposal

- 2 x in favour with no further comment.

Related Comments *Against* the Proposal

- 1 x against the proposal with no further comment.
- We believe the proposed seagull will be of itself become a safety issue increasing traffic at the intersection of Bourke and Loftus as residents and motorists will be forced to use this intersection to turn right heading north. The seagull island will prevent residents from turning right into and across Loftus Street to Richmond Street to Leederville having to use Bourke Street and likewise on return...the proposed seagull will be a complete waste of money that will not address anything...
- I have concerns about the impact this will have on the residents on the Eastern side of Loftus St. Thompson, Barnet and Morriston Streets are already used as 'rat-runs' in peak hour....I believe that it would be safer and more beneficial to restrict the right turn from Richmond Street (West of Loftus) onto Loftus St. Cars wanting to head south could go to the signal controlled junctions of Bourke and Loftus Sts via Fleet St. The residents of Fleet St may not like the increased volume of traffic – however it is much wider than Barnet St and I believe that many drivers that are familiar with this area already use this option as it is significantly safer. Another possible solution would be to install a 'half seagull island' on both the Eastern and Western sides of Loftus St restricting cars turning right onto Loftus St from Richmond St but allowing cars to turn right from Loftus St onto Richmond St in both directions....

Related *Other* Comments

- A seagull island will make it difficult for us to access our street from Loftus Street. We don't oppose it but would prefer other traffic calming options in the area. Examples are slowing and discouraging traffic from rat running down Barnett St between Richmond and Bourke Streets. Slowing traffic rat running from Richmond into Morriston St. Cars do not give way or slow down when travelling from Barnett into Richmond and into Morriston and vice versa. We believe these measures are more important than the seagull island but welcome any measure to slow traffic in Richmond Street. Perhaps a half seagull on each side of Richmond St would be better. This would not restrict access but would improve safety by stopping cars travelling over the intersection.

Officers Comments

This issue arose following continual complaints by some residents in Richmond Street resulting in an overview of the intersection, traffic movements and accident statistics being presented to iTAG.

iTAG was advised that a Black Spot submission for a 'seagull' island on the eastern leg restricting traffic to left in/left out only had been lodged for 2014/2015 for safety improvements at the intersection following a deputation from some local residents. The BCR (benefit cost ratio) score was high enough to suggest that it had a good chance of success.

The proposal would have an impact on the other streets and 'rat running' issues in Barnet, Campsie, Morriston and Emerson Streets may arise. While the response to the community consultation was low, it is obvious that those who responded are concerned about access and some of the alternatives suggested are not feasible – access to the Loftus Centre/Library would be severely compromised.

It is considered that alternatives be explored (as per attached sketch plan 3087-CP-01A) and the matter referred back to iTAG.

Cowle Street - Installation of Planted Nibs and a Speed Hump:

On 22 October 2013 sixty one (61) letters were distributed to residents of Cowle Street, West Perth. At the close of the consultation on 7 November 2013, nine (9) responses were received with seven (7) in favour of the proposal, one (1) against the proposal and one (1) other comment. A summary of the comments received are below;

Related Comments *In Favour* of the Proposal

- 3 x with no comments submitted.
- We agree to the proposal as we have just purchased a four wheel drive to get around this area.
- I would like to see 3 x speed humps at intervals on Cowle Street, not just one.
- I wish to endorse my support for the implementation of speed reducer on Cowle Street, West Perth. I too have concerns at the volume of that vehicles travel on our street at dangerous speeds; which I have noticed to be mainly during the evening. My only other queries would be the following; will one reducer be enough to discourage the traffic and is there also a plan to upgrade/revamp the whole vegetation on the street and not just in one particular area...
- ...I believe more speed humps should be installed, similar to those in Victoria St...I am concerned that the proposed speed hump (as per proposed plan) does not induce vehicles to slow down...I believe there should be a 'No Right Turn' at the corner of Cowle and Fitzgerald Sts, ...

Related Comments *Against* the Proposal

- I am a resident of Cowle Street and I have not felt the necessity to introduce traffic calming measures on the street...Even if there was a problem on the street, the solution to this problem is not to further obstruct traffic flow by pushing the problem into someone else's neighbourhood. The real solution is to upgrade and improve the traffic handling capabilities of other main thoroughfares. This means implementing physical improvements, as well as raising speed limits and synchronising traffic controls to accommodate actual vehicle speeds. If main streets provide convenient access between home, work and shopping destinations, motorists will use them, versus alternate routes through residential neighbourhoods... my main concerns; They can increase response time for emergency vehicles; Can increase congestion on other streets and create problems in other neighbourhoods; Will increase vehicle wear and tear, air pollution, and noise; Can increase street maintenance...Increase a community's liability for accidents attributed to such devices; May cause physical discomfort, even pain, for disabled persons or persons with physical ailments; Create neighbourhood friction....

Related *Other* Comments

- We agree that peak hour traffic is a concern in our street and I (we) would agree that calming measures are required. We believe that the type of hump is important because we will have to drive over it every day. We would much prefer the type of hump that is in Victoria Street, as the ones in Fitzgerald St are very harsh on the tyres. We would not like to see the proposed nibs emplaced as the parking in our street is already at a premium. When coming home in the afternoon, after work in the morning, it is sometimes difficult to find parking and the nibs will reduce available spots even further...

Officers Comments

The comments both for and against are noted. Only one speed hump with planted nibs is proposed to minimise the loss of on road parking. The speed hump will be asphalt and not the Fitzgerald Street speed cushion type (as is being proposed for Barnet Street). The issues of congestion on major Roads and the solution to this is beyond the scope of this proposal. Also speed humps have been successfully implemented in many locations in the City without any of the issues raised by the respondent, against the proposal. It is therefore recommended that the proposal be implemented and the impacts monitored.

Eton Street – Installation of Speed Humps:

On 22 October 2013 one hundred and twenty six (126) letters were distributed to residents of Eton Street, North Perth. At the close of the consultation on 7 November 2013, sixteen (16) responses were received with six (6) in favour of the proposal and seven (7) against the proposal and two (2) other comments (predominately in favour). A summary of the comments received are below;

Related Comments *In Favour* of the Proposal (6)

- 4 x in favour with no further comment.
- It's about time! So many near fatal accidents have been happening and speeding traffic – lots of it.

Related Comments *Against* the Proposal (7)

- 2 x against the proposal with no further comment.
- We appreciate the need to slow people down, however as a resident having to go over that many speed bumps everyday each time we leave and come back to the house would be tiresome.
- I don't think the speed humps will alleviate the problem. It will just be moved to another street. A hump is proposed very near to my house as it is we get enough traffic, noise, this will increase the noise level (e.g. cars moving over the bump) especially at night perhaps ask local police to do random speed checks along the street (during high traffic times)...
- I strongly oppose using speed humps in our street. I propose that if anything we use chicanes. I have seen these used effectively in Bayswater. It eliminates the noise we would be subjected to by cars going over speed humps and also doesn't impose the extra maintenance cost on us as car owners as a result of having to negotiate the speed humps...
- To many additional speed humps might divert traffic to other nearby streets and create another problem. If it's acceptable leave it for now.
- Traffic flow increases only during peak morning and afternoon times and in the main is not excessively fast. I feel humps would be an inconvenience to local residents and unnecessary.

Related *Other* Comments (2)

- We are both for the install of speed humps in our street but would like a very slight relocation of proposal of approx. 5m...
- Between Haynes and Hobart the centre hump should be more in the centre adjacent to No. 35, the reduction in speed could be more shared between the two halves of this part of Eton Street.

Officers Comments

On the 126 letters distributed only 16 responses were received with an even split between those in favour and those against. Due to the low response and the evenly split vote it is considered that no further action be taken at this stage.

Barnet Street - Proposal to Install Speed Humps:

On 22 October 2013 eighteen (18) letters were distributed to residents of Barnet Street, North Perth. At the close of the consultation on 7 November 2013, there was only one (1) response received *in favour* of the proposal.

- We would like to support the proposed traffic management system, but note: we do not support the speed cushion on the northern side as we believe this would be noisy at night as our main bedroom is at the front of the property. The speed cushion on the southern side we believe would be sufficient by itself to reduce traffic speed and in this location only does not impact any of the residents on Barnet Street.

Officers Comments:

For the traffic management proposal to be effective in slowing vehicles in the vicinity of the Italian/Australian Child Care Centre there needs to be slowing measures on both approaches. Therefore the northern device requires speed cushions. It is considered that due to the proposed location of the northern device, between the water corporation pump station reserve (on the western side) and Charles Veryard Reserve (on the eastern side) there will be minimal impact on nearby residents. The location of the device will be 30m from the nearest dwelling. Therefore due to the low traffic volumes in Barnet Street and the proposed location of the device it is considered that the impact to nearby residents will be minimal).

Existing Speed Cushions in Fitzgerald Street:

Letter sent to MRWA. Still awaiting a formal response.

Morning Peak Period Right Turn Bans at the Corner of Beaufort Street and Walcott Street:

Letter sent to MRWA. Still awaiting a formal response.

Possible Scenario Supply/Installation of a Camera at the Beaufort Street/Walcott Street intersection:

A response was received from WA Police on 11 November 2013:

"I refer to your letter addressed to the Commissioner of Police dated 21st October 2013, concerning a proposal to fund and install a red light camera at the Beaufort and Walcott Street intersection.

Your proposal suggests the City of Vincent may fund and purchase a red light camera on the basis that you are able to recoup your costs from the associated infringement revenue. However, all revenue raised from red light camera infringements must be paid directly to the Road Trauma Trust Account in accordance with the Road Safety Council Act 2002. As a result WA Police is not in a position to appropriate camera revenue in the manner which you have proposed.

Independent research has demonstrated that red light speed cameras deliver a significant benefit in the reduction of traffic crashes and associated road trauma at intersections. Police and Main Roads WA have previously submitted project proposals to the Road Safety Council to expand the existing fleet of red light speed cameras with a focus on the most dangerous intersections in the metropolitan area. The Towards Zero strategy and priorities are available on the Office of Road Safety website www.ors.wa.gov.au.

You may wish to submit a project plan through the Road Safety Council with your proposal regarding this particular intersection.....

Thank you for your interest in road safety, WA Police supports the principle of additional red light cameras where a direct link to road safety can be demonstrated and suitable infrastructure exists."

Officers Comments:

The officers will submit a project plan through the Road Safety Council for the Beaufort/Walcott Intersection proposal.

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/Medium: Mainly related to amenity improvements for residents and visitors.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

1.1.4 *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:

Richmond Street - installation of a 'Seagull' island at the intersection of Richmond Street and Loftus Street: Application for Black Spot Funding for 2014/2015 – estimated cost \$25,000.

Cowle Street - installation of planted nibs and a speed hump. Can be funded from the Miscellaneous Traffic Management budget allocation – estimated cost \$12,000.

Barnet Street - proposal to install speed humps. To be funded from the 'Traffic Calming Charles Veryard Reserve' budget allocation – estimated cost \$12,000.

COMMENTS:

As a result of the community consultation, it is recommended that the Council approves the installation of planted nibs and speed humps in Cowle Street, West Perth and traffic calming, adjacent to the Italian/Australian Child Care Centre on Barnet Street, North Perth.

It is however recommended that the installation of speed humps on Eton Street, North Perth between Gill and Haynes Streets does not proceed due to the limited response received during the community consultation and the split vote from those in favour and those against the proposal;

With regards the Richmond/Loftus intersection improvement proposal it is considered that possible alternative options be investigated to ensure that access to and from Richmond Street and the Loftus Centre is not compromised while improving safety.

It is also advised that a project plan will be sent through to the Road Safety Council for a Red light camera at the Beaufort/Walcott Intersection.

9.2.3 Hyde Park, Perth – Proposed Bike Traffic Calming and Path Signage

Ward:	South	Date:	22 November 2013
Precinct:	Hyde Park (12)	File Ref:	TES0524, RERS0016
Attachments:	001 – Plan of Signage and Chicanes		
Tabled Items	Nil		
Reporting Officer:	F Sauzier, TravelSmart Officer		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** a range of measures to reduce cyclist and pedestrian conflict along the paths in Hyde Park estimated to cost in the order of \$5,500, as shown on attached Plan No. 3101-CP-01, and as included in the report, including;
 - 1.1 the installation of chicanes at all path entrances to Hyde Park;
 - 1.2 on-path signs to encourage courteous shared path behaviour; and
 - 1.3 pole signs installed at path entrances to encourage more attention by pedestrians and cyclists; and
2. **REFERS** the matter to the Heritage Council of Western Australia regarding the proposal; and
3. **RECEIVES** a further report on the matter, if required.

Moved Cr Buckels, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Topelberg, Seconded Cr Buckels

“That Clause 3 be amended to read as follows:

3. **RECEIVES** a further report on the matter, after two (2) years if required.

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

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

COUNCIL DECISION ITEM 9.2.3

That the Council;

1. **APPROVES a range of measures to reduce cyclist and pedestrian conflict along the paths in Hyde Park estimated to cost in the order of \$5,500, as shown on attached Plan No. 3101-CP-01, and as included in the report, including;**
 - 1.1 **the installation of chicanes at all path entrances to Hyde Park;**
 - 1.2 **on-path signs to encourage courteous shared path behaviour; and**
 - 1.3 **pole signs installed at path entrances to encourage more attention by pedestrians and cyclists; and**
2. **REFERS the matter to the Heritage Council of Western Australia regarding the proposal; and**
3. **RECEIVES a further report on the matter, after two (2) years.**

PURPOSE OF REPORT:

The purpose of the report is to consider improvements to the cyclist and pedestrian shared spaces in Hyde Park in order to reduce conflict between path users.

BACKGROUND:

Ordinary Meeting of Council held on 28 June 2011

Following consideration of a report on cyclists in Hyde Park the Council decided not to proceed with the creation of a Local Law to control speed restrictions for bicycle riders within the City's Parks and Reserves for the a number of reasons.

The Council further requested the provision of a further report on any other approach which improves pedestrian safety without unnecessarily discouraging recreational cycling.

DETAILS:

Further to ongoing reports of cyclist and pedestrian conflict in Hyde Park this report offers a number of possible path signage and infrastructure options which may improve pedestrian safety and highlight safer cycling practices.

Proposal:

It is proposed that treatments be installed at the main entrances to Hyde Park at the following locations:

- junction of Norfolk/Vincent;
- corner of William/Vincent;
- junction of Glendower/Palmerston; and
- junction of Glendower/Lake.

The interests of the Heritage Council of Western Australia in Hyde Park, may need to be considered for changes to signage and infrastructure.

The treatments recommended include the following:

Chicanes:

Chicanes should be installed at the main entry points to the park. Chicanes have recently been used by the City of Perth on the Mount Street pedestrian overpass to great effect. The signage is clear and contemporary and the text and images encourages people to share the space rather than provide a 'negative' message (e.g. DON'T RIDE ON THE PATH).



Mount Street Overpass

On-Path Signs:

A series of path signs should be applied to the paths at the main entrances of Norfolk/Vincent; William/Vincent; Glendower/Palmerston; Glendower/Lake. These would be branded in line with the Vincent Style Guide. An example of those recently employed in the City of Sydney are shown below.



Path signage used in Sydney

http://www.cityofsydney.nsw.gov.au/_data/assets/pdf_file/0019/132049/Memo-Relevant-To-Item-7.7.pdf

Pole Signs:

Pole signs located at each of the main entrances would reiterate the 'Share the Path' message and are currently used at Banks Reserve.



Banks Reserve Share the Path Signage

Rumble strips had previously been considered at the entrance points to the park, but it is noted that these also cause some hazard for the elderly, those in wheelchairs, and parents pushing prams and would therefore not be recommended for Hyde Park.

CONSULTATION/ADVERTISING:

The proposal will be sent to the Heritage Council.

LEGAL/POLICY:

The City can create a local law to introduce speed restrictions for bicycle riders in parks, however the City would not be able to enforce the local law as only a Police Officer is authorised to control the speed in accordance with the Road Traffic Act.

RISK MANAGEMENT IMPLICATIONS:

Low: Whilst there have been some isolated incidences of bicycle/pedestrian conflict, the prevalence of these has been minor.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable

FINANCIAL/BUDGET IMPLICATIONS:

There is no specific budget for improvements to paths in Hyde Park. Improvements to path signage and some infrastructure can be financed from TravelSmart Community Programs.

TravelSmart Programs and Events	\$65,000
Expenditure to date	\$ 5,285
Funds Remaining	\$59,715

COMMENTS:

Pedestrian and cyclists conflict in Hyde Park has been an ongoing issue for the City. Although the City installed 'cyclists dismount' signs at entrance paths to the Park in 2011, cyclists continue to cycle through and in the Park.

A series of path signs, pole signs and chicanes at four (4) entrances to Hyde Park are recommended to be installed. These will heighten the responsibility and awareness of both sets of path users – cyclists and pedestrians.

9.2.4 Forrest Park, Mount Lawley – Installation of Partial Removable Barrier – Final Report

Ward:	South	Date:	22 November 2013
Precinct:	Forrest (14)	File Ref:	RES0003
Attachments:	001 – Plan No. 3033-CP-01B 002 – Fencing Options		
Tabled Items:	Nil		
Reporting Officer:	J van den Bok, Manager Parks and Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

1. **NOTES that;**
 - 1.1 the part permanent vegetative barrier has been planted and includes semi-mature Yellow Gums, native shrubs and the installation of park furniture, as indicated on the attached Plan No 3033-CP-01B; and
 - 1.2 the Perth Junior Soccer Club (PJSC) were initially providing a partial removable barrier concept design to the City for consideration, however following various follow-up requests, nothing has been forthcoming;
2. **APPROVES** the installation of the ‘pool type’ partial removable barrier at Forrest Park, at an estimated cost of \$30,000, as shown on the attached Plan No. 3033-CP-01B; and
3. **ADVISES** all users of Forrest Park and the local community of the Council’s decision.

COUNCIL DECISION ITEM 9.2.3

Moved Cr Buckels, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

Cr McDonald departed the Chamber at 8.35pm.

Debate ensued.

Cr McDonald returned to the Chamber at 8.37pm.

Debate ensued.

AMENDMENT

Moved Cr Buckels, Seconded Cr.....

“That Clause 2 be deleted as follows:

- ~~2. **APPROVES** the installation of the ‘pool type’ partial removable barrier at Forrest Park, at an estimated cost of \$30,000, as shown on the attached Plan No. 3033-CP-01B; and~~

PROPOSED AMENDMENT LAPSED FOR WANT OF A SECONDER

Debate ensued.

MOTION PUT AND LOST (1-7)

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

REASON FOR REFUSAL OF OFFICER RECOMMENDATION:

The Council did not consider the proposed removable barrier for Forrest Park was aesthetic.

PURPOSE OF REPORT:

The purpose of the report is to provide the Council with an option(s) of a suitable partial removable barrier (within budget) for Forrest Park in accordance with its decision at the Ordinary Meeting held on 25 June 2013.

BACKGROUND:

Ordinary Meeting held on 11 September 2012:

The Council resolved to consult with the community and sports users of Forrest Park including holding another public meeting regarding the following:

1. permanent removal of the existing southern cricket pitch;
2. installation of a permanent barrier to separate the dog exercise area from the active sports area;
3. possible reconfiguration of the existing soccer fields, the inclusion of an additional soccer field and increasing the size of the existing dog exercise area;
4. additional parks furniture including seating, picnic areas and barbeque; and
5. further investigates the creation of a dog free area in a park.

Ordinary Meeting held on 4 December 2012:

The Council resolved to consult with the community and park users on three (3) options which included:

Option 1 - a part permanent/part semi permanent barrier (the latter to be in place for a period of six (6) months trial period from the beginning of April to the end of September, annually);

Option 2 - a permanent barrier comprising mature trees, garden beds; and

Option 3 - No change to Forrest Park, Mount Lawley.

Ordinary Meeting held on 12 February 2013– Progress Report No. 3:

The Council considered the submissions received during the consultation period and supported in principle the erection of a partial/full barrier in Forrest Park based on Options 1 and Option 2, as shown in Plan No. 3009-CP-01A and Plan No. 3009-CP-01B.

Ordinary Meeting held on 12 March 2013 – Progress Report No. 4:

The item was *deferred* and the Chief Executive Officer, in liaison with the Mayor, were authorised to engage a Landscape Consultant Architect to review and further develop the barrier options with local residents and park users (adopted in Principle by the Council) for Forrest Park.

Ordinary Meeting held on 23 April 2013 – Progress Report No. 5:

The Council were advised that Newforms Landscape consultants had been selected to undertake the Forrest Park barrier options project and that a community forum would be held at Forrest Park on 1 May 2013 and facilitated by Newforms to discuss the options being considered. Newforms would then submit a report to the City with the recommended options for consideration by the Council.

Ordinary Meeting held on 25 June 2013 – Progress Report No. 6:

The Council considered the report provided by Newforms Landscape consultants in relation to the options for a barrier across Forrest Park to segregate the active sports area from the Community Recreation space.

The Council approved Option 1 which was to install a partial permanent vegetative barrier and for the officers to explore further fencing alternatives and have a further report to the Council by November 2013 so a removable fence can be ready to be installed at the beginning of the 2014 soccer season.

DETAILS:

Part Permanent Vegetative Barrier:

The part permanent vegetative barrier was planted and associated park benches installed in August 2013 in accordance with the Council's decision. Considerable growth of the vegetation has been noticeable over the past month and a reasonable screen will be provided as the planting matures.

Whilst there were some initial concerns in relation to the location/length of the vegetative barrier this was constructed as outlined in all previous reports to Council and outlined at the community forum. Both the cricket club and soccer club have raised concerns, however these have now been resolved or are being further discussed with the clubs involved.

Whilst the existing cricket pitch has a boundary of only 40.0 metres it is still able to be used by schools, juniors and the general community.

Perth Junior Soccer Club (PJSC) Fencing Proposal:

At an onsite meeting with the former Mayor, PJSC officials and the Manager Parks and Property Services in August 2013, the PJSC outlined a fencing proposal and advised that a concept design would be sent in for the City's officers to consider prior to November 2013.

PJSC's proposal in brief was for the club to design a fence that the club officials could erect / dismantle on training and match days during the season. Possible sponsorship signage was proposed to be placed on the northern side of the fencing facing the 'active' sporting area.

Following numerous contacts with the club, nothing has been submitted to date and as the previous Council decision was to report back in November 2013, officers have provided the attached option which is within the budget allocated, practicable and aesthetically considered reasonable given comments received in relation to what has been already installed throughout many Vincent parks.

Partial Removable Fence Barrier:

As previously reported to Council the landscape consultants engaged to look at the barrier options provided three (3) fencing options as follows:

- Artwork/Public Artwork fencing – cost in excess of \$75,000
- Custom 5 – colours fence (see attached) – estimated cost \$46,800
- Bluedog Fences - pool type fence (see attached) estimated cost – \$31,200

Of the above options, only the pool type fence falls within the budget available for the Forrest Park barrier project listed within the 2013/2014 capital works program.

Following discussion with various fence manufacturers and contractors, officers have been unable to identify any alternative option other than a pool fence style that will accommodate the requirements and keep within the allocated budget. Any artistic element or design included that is basically a non-stock item ups the price per metre considerably.

Officers Comments

Therefore, the style of fencing proposed (see attached photo) is very similar to the pool type fencing recently installed around the treatment train at Hyde Park. However, due to the location and likelihood of having balls kicked against it, the 900mm high fence will be constructed from heavier gauge steel and have an additional rail to provide added strength.

The colour will be black and the 2.0 metre long fence sections will be locked into position once erected. The removable sections will be installed in fixed in-ground sleeves that can be safely sealed off during the summer season once the fencing has been removed and stored away. (A suitable storage site will be identified).

Estimated Cost:

The estimated cost of supplying and installing the above fence is \$30,000. At the Ordinary Meeting of Council on 12 March 2013, officers advised that a similar fence was estimated at around \$17,000, however following discussions with the landscape consultants given the location of the fence and potential for damage, stronger materials have been recommended to reduce the likelihood of ongoing maintenance.

CONSULTATION/ADVERTISING:

All respondents, the local community and sporting clubs affiliated with this reserve will be advised of the Council decision.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: A part-permanent physical or vegetative barrier if installed may improve the amenity/safety of all park users.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

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

SUSTAINABILITY IMPLICATIONS:

As indicated in previous reports, if the Council was to consider the segregation of the dog exercise area from the 'active' sports area by creating a vegetative barrier consisting of native plants this would ultimately result in increased biodiversity; however, would not necessarily reduce groundwater use given the design of the existing in-ground reticulation system.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$65,000 has been listed in the 2013/2014 budget to undertake the proposed works.

Budgeted amount:	\$65,000
Expenditure to date:	\$18,411 (additional costs still to be invoiced)
Funds remaining:	\$46,589

The estimated cost of the 'pool type' fencing proposed is \$30,000.

COMMENTS:

Following much discussion, community meetings and reports by officers and consultants the Council should make a decision based on the limited design options and budget available to implement this project for the upcoming winter season commencing on 1 April 2014.

9.3.2 Expression of Interests for Hyde Park and Banks Reserve Fit Out and Operate Café Kiosk.

Ward:	South	Date:	22 November 2013
Precinct:	Hyde Park (12) Banks (15)	File Ref:	RES0042 & RES0008
Attachments:	001 - Confidential Evaluation Summary – (Council Members Only)		
Tabled Items:	-		
Reporting Officers:	M Rootsey, Director Corporate Services G Pieraccini, Director Special Projects		
Responsible Officer:	M Rootsey, Director Corporate Services - Financial G Pieraccini, Director Special Projects - Implementation		

OFFICER RECOMMENDATION:

That the Council;

1. **ACCEPTS** the Expression of Interests for:
 - 1.1 the Hyde Park Reserve Fit Out and Operate Café Kiosk from the following:

1.1.1	Linda Goldsmith;
1.1.2	Melonpin Pty Ltd;
1.1.3	Dome Coffees Australia Pty Ltd; and
1.1.4	Pan-O-Rama Catering
 - 1.2 the Banks Reserve Fit Out and Operate Café Kiosk from:

1.2.1	Nirvana Family Trust
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2. **INVITES** the following organisations to submit a tender:
 - 2.1 for the Hyde Park Reserve Fit Out and Operate Café Kiosk:

2.1.1	Linda Goldsmith;
2.1.2	Melonpin Pty Ltd;
2.1.3	Dome Coffees Australia Pty Ltd; and
2.1.4	Pan-O-Rama Catering
 - 2.2 for the Banks Reserve Fit Out and Operate Café Kiosk:

2.2.1	Nirvana Family Trust
-------	----------------------
3. **APPROVES** of the Tender Criteria, as detailed in the report; and
4. **NOTES** that a further report will be submitted to the Council once the Request for Tender has closed.

COUNCIL DECISION ITEM 9.3.2

Moved Cr Buckels, Seconded Cr Cole

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Harley, Seconded Cr Cole

That the item be DEFERRED to the Ordinary Meeting of Council to be held on 17 December 2013 and the Chief Executive Officer and Mayor be authorised to prepare more specific criteria for inclusion in the tender document.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

PURPOSE OF REPORT:

The purpose of this report is to advise Council of the outcome of the Expression of Interests called for the Fit out and operation of a Café/Kiosk at Hyde Park and Banks Reserve and to invite organisations to submit a tender.

BACKGROUND:

At the Ordinary Meeting of Council held 23 July 2013 the following resolution was adopted:

“That the Council;

1. *AUTHORISES the Chief Executive Officer to call for Expressions of Interest for the fit out and operation of a Café/Kiosk at Hyde Park and Banks Reserve;*
2. *RECEIVES the report on the temporary mobile food facility for the period ending the 30 April 2013;*
3. *APPROVES the provision of a mobile food facility for Hyde Park (adjacent to the water playground) for a further three month period (that is for the period 1 October 2013 to 31 December 2013);*
4. *NOTES that:*
 - 4.1 *Approval may be required from the Heritage Council’s Development Committee for a café/kiosk in Hyde Park; and*
 - 4.2 *Approval will be required from the Western Australian Planning Commission for a café/kiosk in Hyde Park; and*
5. *REQUESTS the Chief Executive Officer to consult with the communities surrounding Hyde Park, Banks Reserve and the broader community with regards to the proposals.”*

The Expression of Interests were advertised on 17 August 2013 and closed on 10 September 2013.

DETAILS:

The Expressions of Interest closed at 4.00pm on Tuesday 10 September 2013.

The following Officers were in attendance at the opening of the Expressions of Interest:

- Purchasing Officer; and
- Acting Director Corporate Services.

Specification

Hyde Park

The City wishes to provide a permanent facility that provides a food and drink service for users of Hyde Park.

An existing building located adjacent to the Throssell Street playground consists of public toilets and storage and it is envisaged this could be utilised for a cafe/kiosk. Large shady trees and views of the lake provide a most suitable and practicable location for a small café/kiosk.

Planning and Heritage Requirements

- Any proposal would be required to be referred to and approved by the Heritage Council of Western Australia;
- Any proposal would need to be considered and approved by the Heritage Council's Development Committee; and
- Any proposal would be required to be submitted as a planning application that would be determined by the Western Australian Planning Commission.

Scope of Work

The City of Vincent invites suitably qualified organisations/persons to fit out and operate a Café/Kiosk at Hyde Park, located at the Throssell Street location.

- Operation to be able to open 7.00am – 7.00pm – at the discretion of the operator;
- Operate with the preference for use of local suppliers for their produce;
- Comply with the City of Vincent 'Menuwise' programme; and
- Compliance with Health Regulations.

Cafe Design & Conditions

- The fit out is to meet Planning and Building approval from the City of Vincent;
- The facility will be required to comply with the Heritage conditions that apply to Hyde Park (Any building alterations will require approval from the State Heritage Council)

Other Functional Requirements

The following is to be included (where applicable):

- Safe, easy access for people of all ages; and
- Pedestrian access.

Banks Reserve

Banks Reserve is located in Joel Terrace, Mount Lawley, overlooking the Swan River. There is an amphitheatre which is used throughout the year for concerts and events and a life trail and outdoor gym equipment.

The Banks Reserve Pavillion adjacent the walking path on the river has a kitchen facility and public toilets which is envisaged could be utilised for a Café/Kiosk.

Scope of work

The City of Vincent invites suitably qualified companies/persons to fit out and operate a Café/Kiosk at Banks Reserve, located at Joel Terrace Mount Lawley.

- Operation to be able to open 7.00am – 7.00pm – at the weekends and or any other days deemed suitable for the operator;
- Operate with the preference for use of local suppliers for their produce;
- Comply with the City of Vincent Menuwise programme; and
- Compliance with Health Regulations.

Cafe Design & Conditions

- The fit out is to meet Planning and Building approval from the City of Vincent.

Other Functional Requirements

The following is to be included (where applicable):

- Safe, easy access for people of all ages;
- Pedestrian access; and
- Sustainability principles.

Indicative Timeline

The following Implementation Timetable was included in both EOIs:

Invitation to submit EOI	17 August 2013
Closing date for submissions	10 September 2013
Assessment of submissions received	September/October 2013
Submissions shortlisted and preferred designers notified	October 2013
<i>Indicative future Request for Tender (RFT) Timeline</i>	
<i>Invitation to submit RFT</i>	<i>October/November 2013</i>
<i>Closing date for RFT</i>	<i>November 2013</i>
<i>Award Contract</i>	<i>December 2013</i>

Note: Only the City shall vary the above time frames.

Future Request for Tender

The respondents were advised that the EOI was the first stage of a two stage process, whereby following the close of the EOI, the Principal may proceed to the calling of a restricted Expression of Interest (EOI) or commence direct negotiations at the Principal's sole discretion.

The issuing of an EOI does not commit the Principal to proceeding with a Request for Tender (RFT). The submission of an EOI does not commit the Principal to include any organisation on the shortlist in the event that the project proceeds.

The respondents were further advised that eligibility to participate in the RFT would be restricted to providers who complied with the provisions of the EOI and who were accepted to be placed on a pre-qualified shortlist.

EOI Submissions Received

At the close of the EOI, 10 September 2013 the following submissions were received.

Hyde Park

Four (4) submissions were received for the fit out and operation of a Café /Kiosk at Hyde Park as follows:

- Linda Goldsmith;
- Melonpin Pty Ltd;
- Dome Coffees Australia Pty Ltd; and
- Pan-O-Rama Catering.

Banks Reserve

One (1) submission was received for the fit out and operation of a Café/Kiosk at Banks Reserve as listed below:

- Nirvana Family Trust.

Tender Evaluation

Hyde Park & Banks Reserve

The submissions received were evaluated in accordance with the following criteria:

Evaluation Criteria	Weighting
<p>Past experience in operating a similar type of catering facility</p> <ul style="list-style-type: none"> • Capacity to provide the services required • Understanding of the required service associated with delivering the services to the City. • Relevance to area, quality and uniqueness of design • Demonstrated evidence of successful results in undertaking similar projects. • Ongoing availability to provide sufficient skilled persons capable of performing the tasks consistent with the required standards 	35%
<p>History and Viability of Organisation</p> <ul style="list-style-type: none"> • Detail your history and viability • Include any comments received from referees • Demonstrate your capacity to deliver • Demonstrate your capacity and depth to effectively address the range of requirements of the City 	20%
<p>Key Personnel</p> <ul style="list-style-type: none"> • Role and credentials of the key person(s) in the provision of the service (i.e. formal qualifications and experience) • Experience, expertise and project team 	20%
<p>Methodology</p> <ul style="list-style-type: none"> • Proposed methodology for this project to be completed on time and within budget • Demonstrated project management experience in relevant projects of a similar nature • Demonstrated ability to complete the project on time and within budget 	20%
<p>References</p> <ul style="list-style-type: none"> • Provide details of at least three (3) referees 	5%
<p>Total:</p>	100%

Evaluation

The evaluation of the EOI's was carried out by a panel comprising:

- Director Corporate Services; and
- Director Special Projects.

The results of the evaluation are attached and summarised in **Confidential Appendix 9.3.2**.

As it is recommended that the Council invite a number of organisations to submit a tender it is essential that the confidential information attached not be disclosed, as this may jeopardise the tender process.

Tender Criteria

The tender will be evaluated in accordance with the following criteria:

Evaluation Criteria	Weighting
<p>Financial Offer/Fee Proposal</p> <ul style="list-style-type: none"> • This contract is offered on a lump sum fee basis and paid progressively. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST) • Represents the "<i>best value</i>" for money • Application of a reasonable fee structure in proportion to the service provided 	50%
<p>Past experience in operating a similar type of catering facility</p> <ul style="list-style-type: none"> • Capacity to provide the services required • Understanding of the required service associated with delivering the services to the City. • Relevance to area, quality and uniqueness of design • Demonstrated evidence of successful results in undertaking similar projects. • Ongoing availability to provide sufficient skilled persons capable of performing the tasks consistent with the required standards 	20%
<p>History and Viability of Organisation</p> <ul style="list-style-type: none"> • Detail your history and viability • Include any comments received from referees • Demonstrate your capacity to deliver • Demonstrate your capacity and depth to effectively address the range of requirements of the City 	20%
<p>Key Personnel</p> <ul style="list-style-type: none"> • Role and credentials of the key person(s) in the provision of the service (i.e. formal qualifications and experience) • Experience, expertise and project team 	10%
<p>Total:</p>	100%

CONSULTATION/ADVERTISING:

The Expression of Interests were advertised on 17 August 2013 and closed on 10 September 2013.

LEGAL/POLICY:

- Food Act 2008 and Food Regulations 2009;
- Environmental Protection (Noise) Regulations 1997;
- Local Government (Function and General) Regulations 1996 Reg. 22, 23 & 24; and
- Local Government Act (1995) Tender Regulations.

RISK MANAGEMENT IMPLICATIONS:

Medium: there is a risk that the operation of the proposed Café/Kiosk at the site is not successful and ceases operation.

STRATEGIC IMPLICATIONS:

Plan for the Future Strategic Plan 2013–2017:

Key Result Area One – Natural and Built Environment:

“1.1.1 Improve and Maintain the Environment and Infrastructure.”

Key Result Area Two–Eco Economic Development:

“2.1.1 Promote the City of Vincent as a place for investment appropriate to the vision for the City.”

SUSTAINABILITY IMPLICATIONS:

The building will take cognisance of its environmental surrounds and will be low impact.

The projects will have to be economically sustainable to be retained longer term.

FINANCIAL/BUDGET IMPLICATIONS:

It is planned there will be no capital outlay as the fit out for the venues will be the responsibility of the successful operator.

The City would receive rental revenue from the operators, however there could be some rental incentive to encourage any operator during the infancy of the business at the locations.

COMMENTS:

A total of four (4) EOI submissions for Hyde Park, and one (1) EOI submission for Banks Reserve, were received at the closing time and date for the Fit out and Operation of a Cafe/Kiosk. These have been assessed in accordance with the Local Government (Function and General) Regulations 1996 and the EOI Evaluation Criteria.

All submissions for the Hyde Park EOI were comprehensive and addressed the Evaluation Criteria.

The Banks Reserve EOI submission was simple and generally demonstrated that they had relevant experience and potential resources to undertake the requested tasks.

Accordingly all submissions were considered to have satisfied the EOI Evaluation Criteria and would be capable of satisfactorily supplying the requested goods and services as specified in the EOI documentation.

It is therefore recommended that the four (4) Hyde Park submissions and one (1) Banks Reserve submission be invited to submit a tender, as detailed in the Officer Recommendation.

9.4.3 No. 459 Fitzgerald Street, North Perth – Amalgamation of Rosemount Hotel Carpark and City of Vincent View Street Carpark and Approval of Care, Control and Management of Carpark and Introduction of Paid Parking including the Wasley Street Carpark – Progress Report No. 2

Ward:	North	Date:	22 November 2013
Precinct:	North Perth Centre (9)	File Ref:	PRO0315
Attachments:	001 – North Perth Parking Survey Draft Report 002 – Aerial Photo of Rosemount Hotel and View Street Carparks 003 – Rosemount Hotel Carpark Layout 004 – Proposed Combined Carpark Layout 005 – Aerial of Wasley Street Carpark		
Tabled Items:	Nil		
Reporting Officers:	D Mrdja, A/Manager Strategic Planning, Sustainability and Heritage Services; J O'Keefe, Senior Strategic Planning Officer		
Responsible Officers:	R Boardman, Director Community Services – Enforcement R Lotznicker, Director Technical Services – Infrastructure		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the Luxemoore Parking and Safety Report dated 23 October 2013 titled 'Data Collection and Audit of Public and City Managed Carparking Bays in North Perth';
2. **APPROVES IN PRINCIPLE:**
 - 2.1 the introduction of paid parking in an amalgamated Rosemount Hotel Carpark and View Street Carpark, and the Wasley Street Carpark (behind Fitzgerald Street shops) between Wasley Street and Forrest Street; and
 - 2.2 the hourly rate in Rosemount Hotel Carpark and the City of Vincent View Street and the Wasley Street Carparks to be \$2.20 per hour (first hour free) for the 2013/2014 financial year. Paid parking shall be applicable between 7am to midnight, to a maximum of three hours (3P) between 7am to 7pm, with no time restrictions between 7pm and midnight. Future price levels, shall be as determined annually by the Council when adopting the 'Schedule of Fees and Charges';
3. **ADVERTISES** the proposed parking arrangements for a period of twenty-one (21) days in accordance with the City's Policy No. 4.1.5 Community Consultation.
4. **DEFERS** consideration of the following:
 - 4.1 to determine that the Rosemount Hotel Carpark No. 459 Fitzgerald Street, North Perth, as shown in Appendix 9.4.7B (aerial photo), to be under the care, control and management of the City, pursuant to Clause 1.5(4) of the City of Vincent Parking and Parking Facilities Local Law 2007;
 - 4.2 to enter into a Legal Agreement with the owners of the Rosemount Hotel, for the City to have the care, control and management of the Rosemount Hotel Carpark, subject to (but not exclusive to) the conditions detailed in this report;
 - 4.3 the capital works required to be undertaken to complete the amalgamation of the Carparks; until such time as the Council considers any submissions and determines the proposal following community consultation; and
5. **NOTES** that a further report will be submitted to the Council at the conclusion of the community consultation process to consider any submissions received.

Moved Cr Buckels, Seconded Cr Topelberg

That the recommendation, together with the following change(s), be adopted:

“2. APPROVES IN PRINCIPLE:

- 2.1 the introduction of paid parking in an amalgamated Rosemount Hotel Carpark and View Street Carpark, and the Wasley Street Carpark (behind Fitzgerald Street shops) between Wasley Street and Forrest Street; and
- 2.2 the hourly rate in Rosemount Hotel Carpark and the City of Vincent View Street and the Wasley Street Carparks to be \$2.20 per hour (first hour free) for the 2013/2014 financial year. Paid parking shall be applicable between 7am to midnight, to a maximum of three hours (3P) between 7am to 7pm, with no time restrictions between 7pm and midnight. Future price levels, shall be as determined annually by the Council when adopting the ‘Schedule of Fees and Charges’; and
- 2.3 All revenue for the City from this proposed paid parking will be transferred to the “Parking Funded City Centre and Parking Benefit Districts Upgrade and Promotion Reserve” to be used exclusively for future works in the North Perth Town Centre;

Debate ensued.

AMENDMENT

Moved Cr Topelberg, Seconded Cr Pintabona

“That the Officer Recommendation be amended as follows:

1. RECEIVES the Luxemoore Parking and Safety Report dated 23 October 2013 titled ‘Data Collection and Audit of Public and City Managed Carparking Bays in North Perth’;
2. APPROVES :
 - 2.1 the introduction of paid 3 hour timed parking between 7am to midnight in the amalgamated Rosemount Hotel Carpark and View Street Carpark, ~~and the Wasley Street Carpark (behind Fitzgerald Street shops) between Wasley Street and Forrest Street;~~ and
 - ~~2.2 the hourly rate in Rosemount Hotel Carpark and the City of Vincent View Street and the Wasley Street Carparks to be \$2.20 per hour (first hour free) for the 2013/2014 financial year. Paid parking shall be applicable between 7am to midnight, to a maximum of three hours (3P) between 7am to 7pm, with no time restrictions between 7pm and midnight. Future price levels, shall be as determined annually by the Council when adopting the ‘Schedule of Fees and Charges’;~~
 - 2.2 the installation of ticket machines in the amalgamated Rosemount Hotel Carpark and the View Street Carpark;
- ~~3. ADVERTISES the proposed parking arrangements for a period of twenty one (21) days in accordance with the City’s Policy No. 4.1.5 Community Consultation.~~

4. **AUTHORISES the Mayor and the Chief Executive Officer to enter into a Legal Agreement with the owners of the Rosemount Hotel and sign on behalf of the Council and affix the Common Seal; DEFERS consideration of the following:**
- 4.1 ~~to determine that the Rosemount Hotel Carpark No. 459 Fitzgerald Street, North Perth, as shown in Appendix 9.4.7B (aerial photo), to be under the care, control and management of the City, pursuant to Clause 1.5(4) of the City of Vincent Parking and Parking Facilities Local Law 2007;~~
- 4.2 ~~to enter into a Legal Agreement with the owners of the Rosemount Hotel, for the City to have the care, control and management of the Rosemount Hotel Carpark, subject to (but not exclusive to) the conditions detailed in this report;~~
- 4.3 ~~the capital works required to be undertaken to complete the amalgamation of the Carparks; until such time as the Council considers any submissions and determines the proposal following community consultation; and~~
5. ~~NOTES that a further report will be submitted to the Council at the conclusion of the community consultation process to consider any submissions received.~~

Debate ensued.

Cr Wilcox departed the Chamber at 9.05pm.

Debate ensued.

Cr Wilcox returned to the Chamber at 9.07pm.

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

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

REASONS FOR SIGNIFICANT CHANGE TO OFFICER RECOMMENDATION:

The Council want an overall strategy for the whole of North Perth Precinct, prior to any paid parking being introduced.

COUNCIL DECISION ITEM 9.4.3

That the Council;

1. **RECEIVES** the Luxemoore Parking and Safety Report dated 23 October 2013 titled 'Data Collection and Audit of Public and City Managed Carparking Bays in North Perth';
2. **APPROVES:**
 - 2.1 the introduction of 3 hour timed parking between 7am to midnight in the amalgamated Rosemount Hotel Carpark and View Street Carpark, and
 - 2.2 the installation of ticket machines in the amalgamated Rosemount Hotel Carpark and the View Street Carpark; and
3. **AUTHORISES** the Mayor and the Chief Executive Officer to enter into a Legal Agreement with the owners of the Rosemount Hotel and sign on behalf of the Council and affix the Common Seal; and

PURPOSE OF REPORT:

To obtain Council approval in principle to introduce paid parking in the View Street Carpark, Wasley Street Carpark and the Rosemount Hotel Carpark, and amalgamate the City of Vincent View Street Carpark with the Rosemount Hotel Carpark, as well as for the City assuming the day-to-day management of the Rosemount Hotel Carpark.

This report has been prepared to inform the Council on the recent parking survey which was undertaken in the North Perth shopping area. The purpose of the survey was to determine the demand for parking in the locality, which would inform the City of the appropriateness of introducing paid parking in the View Street Carpark, Wasley Street Carpark and the Rosemount Hotel Carpark.

The City of Vincent Precinct Parking Management Plan recommends that the City take over the management of the Rosemount Hotel Carpark.

BACKGROUND:

On 22 March 2013, former Mayor, Hon Alannah MacTiernan and the City's Director Community Services met with the owners of the Rosemount Hotel, and their Architect to discuss and view the proposed concept plan to combine the Rosemount Hotel Carpark and the City's View Street Carpark. 'In principle' support of the amalgamation was reached for this proposal.

Following this discussion, the City decided to consider the amalgamation in the wider context of the parking needs of the whole shopping precinct and on 14 May 2013, Council resolved to engage a traffic consultant to undertake a Carparking survey in the North Perth shopping precinct to identify current parking trends and demand in the locality.

The outcome of this report was to inform the appropriateness of the proposed implementation of paid parking in several of the City's Carparks and also including the Rosemount Hotel Carpark.

History

Date	Comment
14 May 2013	Council approved the amalgamation of the Rosemount Hotel Carpark with the View Street Carpark and to engage a consultant to undertake the parking survey, but deferred a decision for the City finalising negotiations with the Rosemount Hotel or by entering a legal agreement, the proposed hourly rate or advertising the amalgamations of Carparks to the public.
11 September 2013	North Perth shopping area Carparking survey commenced.
12 October 2013	Carparking survey completed.

Previous Reports to Council

This matter was previously reported to the Council on 14 May 2013.

The Minutes of Item 9.4.7 from the Ordinary Meeting of Council held on 14 May 2013 relating to this report is available on the City's website at the following link:

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

DETAILS:

Legal Agreement

Following advertising of the proposal in accordance with the City's Consultation Policy, a report with a summary of the consultation will be presented to the Council with a request to authorise the Chief Executive Officer to formalise the legal agreement.

The Legal Agreement will comprise, but not be limited to, the following:

- the operation of the Carpark shall be in accordance with the relevant provisions of the City of Vincent Parking and Parking Facilities Local Law 2007;
- the City will install and three (3) ticket machines in the Rosemount Hotel Carpark at the City's expense;
- the City will maintain the ticket machines and will arrange for the collection of cash from the machines;
- the City will purchase and erect appropriate signage, compliant with Australian Standards, to ensure that enforcement action can be taken;
- the City will maintain the signage and line-marking for the carpark;
- the City will be responsible for the "day-to-day" operation and management of the carpark;
- the City of Vincent will deduct the costs associated with the operation of the ticket issuing machines and maintenance from the revenue generated by these machines and then divide the net revenue as mutually agreed between the City and the owners of the Rosemount Hotel;
- in the event that the legal agreement is terminated, the City reserves its right to remove the ticket machines and physically segregate the two carparks; and
- the Legal Agreement will continue until terminated by either Party giving three (3) months notice; however, the initial period is for five (5) years

Summary of outcomes of the North Perth Parking Survey 2013

In accordance with the recommendations in the City of Vincent's Carparking Strategy and further to the 2008 Parking Survey Report, Luxmoore Parking and Safety (Luxmoore) were commissioned by the City to undertake surveys of public parking in the North Perth Precinct in order to re-examine demand, volumes, duration of stay, peak usage and compliance with restrictions to inform the City's decision to implement a paid parking scheme throughout the North Perth shopping area.

The introduction of paid parking throughout the City is supported by the City's Carparking Strategy where occupancy rates exceed an average of 85% during peak hour.

The study area for the 2013 survey was more extensive than that of the 2008 survey and included spillover areas of Raglan and Grosvenor Roads, plus Angove, Forrest, Wasley and Burt Streets. The Coles, Rosemount Hotel and Albert Street Carparks were also included in 2013. The 2008 study surveyed approximately 215 bays over two weeks, whereas the 2013 study surveyed approximately 663 bays over a period of 4 weeks.

This parking survey obtained data on how parking occupancy varied throughout the day and identified peak parking periods, and also:

- identified any applicable parking restrictions within the study area;
- determined parking occupancy;
- determined the length of stay for parked vehicles and cross-referenced data to applicable parking restrictions to assess user compliance with restrictions and signage; and
- examined spillover and the availability of spaces.

Surveyors compiled a number plate survey in the study area to estimate the duration of stay of parked vehicles. This involved recording the registration numbers of parked vehicles on Wednesdays, Fridays and Saturdays, during the following times:

- 9 am – 11 am
- 12 pm – 2 pm
- 3 pm – 5 pm
- 7 pm – 9 pm.

The surveys commenced on Wednesday, 11 September 2013 and continued for a period of four weeks. These were regarded as typical weeks when there were no special events, although the last week of the survey was affected by the school holidays. The surveyors encountered rain for the first two weeks of the surveys and fine weather for the remaining two weeks.

The total number of bays (663) surveyed for this report was 448 more than the 215 bays surveyed in 2008. The increase in numbers was due to the survey being undertaken in additional spillover areas and the addition of the Coles and Rosemount Hotel Carparks.

As with the 2008 survey, average occupancy was low in most areas, with some exceptions, confirming that the City has a high percentage of underutilised parking capacity.

Of the 663 spaces surveyed, a minimum of 118 (18%) bays were vacant even at times of peak demand as shown in Table One.

Location	Total Bays	Peak Parking Demand	Vacant Bays at Peak Demand	% Vacant
Angove Street	34	9-11am Saturday	0	-
Woodville Street	43	9-11am Saturday	0	-
Menzies Street	18	3-5pm Friday	1	5%
View Street	36	9-11am Saturday	6	7%
Fitzgerald Street	10	7-9pm Weds & Sat	0	-
Alma Street	31	9-11am Saturday	8	25%
Glebe Street	25	9-11am Friday	0	-
Leake Street	22	9-11am & 12-2pm Weds	0	-
Raglan Road	74	9-11am Friday	34	46%
Grosvenor Road	68	3-5pm Weds 7-9pm Friday	47	69%
Forrest Street	9	9-11 Weds & Sat 12-2pm Weds 7-9pm Friday	0	-
Wasley Street	14	All surveys Weds 7-9pm Friday 3-5pm & 7-9pm Sat	0	-
Burt Street	12	9-11am & 12-2pm Weds 7-9pm Friday	0	-
Coles Carpark	109	9-11am & 12-2pm Sat	3	3%
Rosemount Hotel Carpark	50	7-9pm Friday	4	8%
View Street Carpark	41	9-11am Saturday	12	29%
Wasley Street Carpark	48	12-2pm Saturday	0	-
Albert Street Carpark	19	3-5pm Friday	3	16%
Total bays	663	Total vacant bays	118	

Table 1: Summary of Peak Demand and Vacant Bays

The 4 week average peak occupancy for on-street parking was 87% and 89% for off-street parking. Saturdays had the highest occupancy rates during the day time with parking demand dropping in the evening.

78% of all vehicles were parked for less than 3 hours, indicating that most parkers are short term. Many areas have unrestricted parking; therefore, parking compliance was not a major issue. However, 44% of vehicles in Raglan Road, 21% of vehicles in Grosvenor Road, 18% of vehicles in Angove Street and 14% of vehicles in Alma Street were parked for longer than three (3) hours. This was also observed in Coles Carpark where 13% of vehicles overstayed the three (3) hour parking limit.

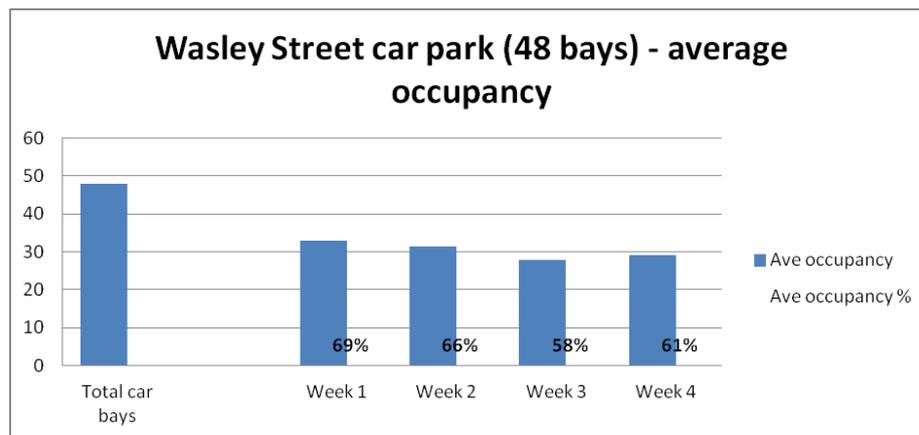
In all locations, the peak demand for parking is greater in 2013 than in 2008.

Comparatively, the vehicles that park for less than three (3) hours in the surveyed streets are less in Leake and Menzies Streets and in the View Street Carpark, but greater in Alma, View and Woodville Streets and in the Wasley Street Carpark.

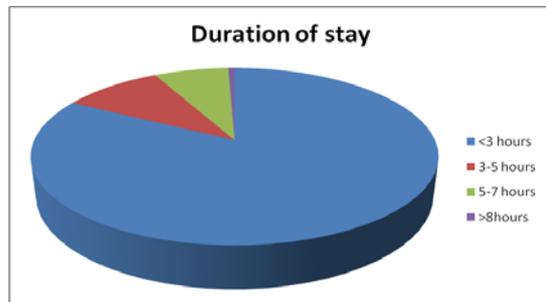
Implications for Establishing Paid Parking in View Street, Wasley Street and Rosemount Hotel Carparks

Wasley Street

The Wasley Street Carpark has approximately 48 bays which are time restricted to 3P parking. Peak occupancy of 100% was recorded during the 12-2pm survey on Saturday, 21 September. Average occupancy over the 4 week period was 63%. 93% of vehicles were parked for three hours or less.



Wasley Street Carpark– Average occupancy over 4 week period



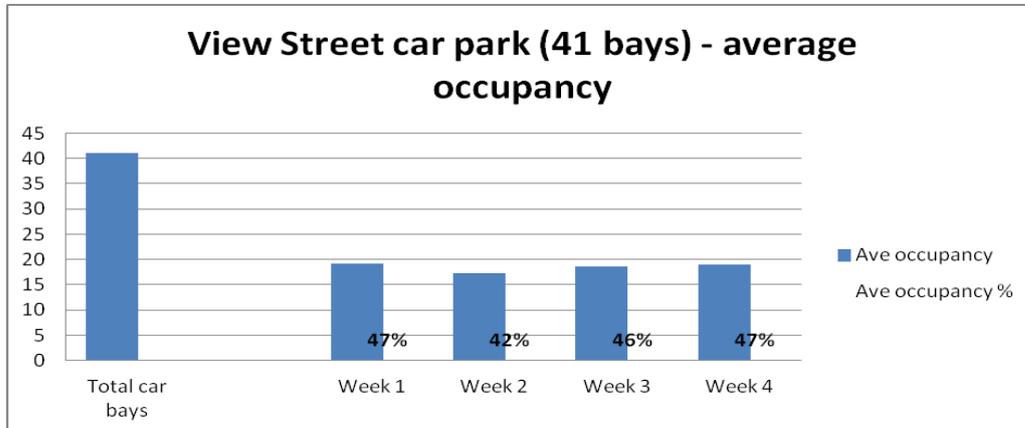
Wasley Street Carpark – Average duration of stay over 4 week period

The on-street parking on Wasley Street demonstrated significantly higher occupancy rates. The surveyed area of Wasley Street has approximately 14 bays of which 8 are time restricted to 1P and 6 are restricted to ¼P parking. Peak occupancy of 100% was recorded at multiple times: during the 9-11am, 12-2pm and 3-5pm surveys on Wednesday, 11 September 2013; during the 7-9pm survey on Friday 13 September; during the 9-11am and 3-5pm surveys on Saturday 14 September; during the 3-5pm and 7-9pm surveys on Wednesday 18 September; during the 7-9pm survey on Friday 20 September; during the 3-5pm and 7-9pm surveys on Saturday 21 September; during the 7-9pm survey on Friday 27 September; during the 3-5pm and 7-9pm surveys on Wednesday 2 October and during the 12-2pm and 7-9pm surveys on Saturday 5 October. Average occupancy over the 4 week period was 78%. 92% of vehicles were parked for three hours or less.

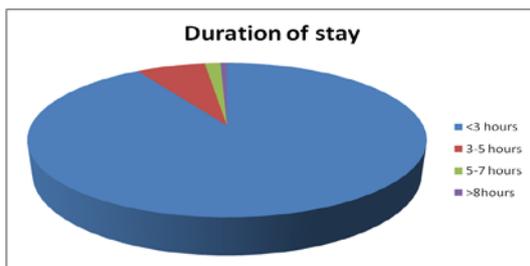
The survey found that the occupancy rates at Wasley Street Carpark currently averages 63%, however during peak periods (12pm – 2pm Saturday) hits 100% occupancy. Furthermore, 92% of vehicles are compliant with the three hour time limit, justifying the case to introduce a paid parking scheme. In addition, the on-street parking at Wasley Street also had 100% occupancy rates during all peak periods.

View Street

The View Street Carpark has approximately 41 bays which are time restricted to 3P parking. Peak occupancy of 71% was recorded during the 9-11am survey on Saturday 14 September 2013 and again during the 12-2pm survey on Wednesday 18 September. Average occupancy over the 4 week period was 45%. 92% of vehicles were parked for three hours or less.



View Street Carpark – Average occupancy over 4 week period



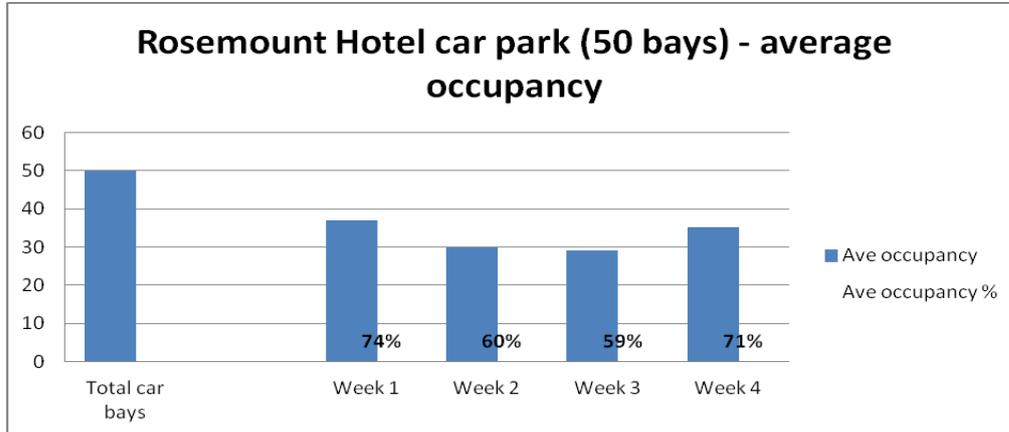
View Street – Average duration of stay over 4 week period

The on-street parking at View Street also demonstrated low levels of occupancy. The surveyed area of View Street has approximately 36 bays of which 20 are time restricted to 1P and 4 are restricted to ¼P parking. The remaining bays have no time restrictions. Peak occupancy of 83% was recorded during the 9-11am survey on Saturday, 28 September 2013. Average occupancy over the 4 week period was 50%. 93% of vehicles were parked for three hours or less.

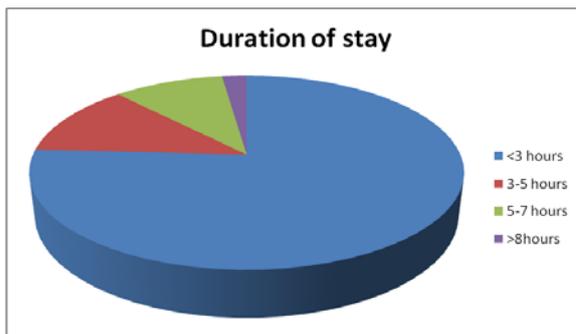
The survey found that the occupancy rates at View Street Carpark currently average 45%, however during peak periods (9am – 11am Saturday) hits 71% occupancy. Furthermore, 93% of vehicles are compliant with the three hour time limit, parked for three hours or less. This would be considered to be borderline; however, in view of the co-operation of the Rosemount Hotel in amalgamating the two Carparks, a paid parking scheme could be justified in this instance. Although occupancy rates do not hit the 85% threshold, the outcome would satisfy other important elements of the Carparking Strategy which do not rely on percentage calculations.

Progression of the Amalgamation of Rosemount Carpark with View Street Carpark

The Rosemount Hotel Carpark has approximately 50 bays with no time restrictions. Peak occupancy of 92% was recorded during the 7-9pm survey on Friday, 4 October 2013. Average occupancy over the 4 week period was 66%. 86% of vehicles were parked for three hours or less.



Rosemount Hotel Carpark – Average occupancy over 4 week period



Rosemount Hotel – Average duration of stay over 4 week period

The surveyed area of Angove Street has approximately 34 bays of which 22 are time restricted to 1P, 8 are restricted to ½P and 4 are restricted to ¼P parking. Peak occupancy of 100% was recorded during the 9-11am survey on Saturday 5 October. Average occupancy over the 4 week period was 66%. 82% of vehicles were parked for three hours or less.

It is recommended discussions continue with the Rosemount Hotel owners regarding the amalgamation of their Carpark with the View Street Carpark as per the recommendation of the Precinct Parking Management Plan.

CONSULTATION/ADVERTISING:

The proposed parking arrangement will be advertised for a period of twenty-one (21) days in accordance with the City’s Policy 4.1.5 relating to Community Consultation.

LEGAL/POLICY:

- Clause 1.5 of the City of Vincent Parking and Parking Facilities Local Law; and
- Formal Agreement between the City of Vincent and owners of the Rosemount Hotel.

RISK MANAGEMENT IMPLICATIONS:

MEDIUM/HIGH: Whilst there is a low risk associated with the proposal for the City to take over the management of the Rosemount Hotel Carpark, the introduction of paid parking often results in considerable objections from the public.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2013-2017*, Objective 1.1.4(b) states as follows:

"Continue to implement both minor and major improvements in public open spaces".

Strategic Implications for the City of Vincent Carparking Strategy

The amalgamation of the City of Vincent View Street Carpark with the Rosemount Hotel Carpark, and for the City assuming the day to day management of the Rosemount Hotel Carpark, is consistent with the recommendations of the City's Carparking Strategy and associated Precinct Parking Management Plans that were adopted by the Council at its Ordinary Meeting held on 9 March 2010.

With respect to the Carparking Strategy, the proposal is supported by the following recommendations of the Strategy:

- Ensure sufficient parking supply to support prosperous and vibrant commercial and high activity centres;
- Provide enforcement resources to ensure safety, adequate turnover of pay spaces to support business activity in the area and protect residential amenity;
- Promote shared or publicly available parking in preference to single user parking; and
- Ensure pay space availability is managed according to the varying needs of businesses, customers and commuters.

More specifically, the Precinct Parking Management Plans recommend the following with respect to North Perth in support of the proposal:

- Merge the parking and vehicle flow between the Rosemount Hotel Carpark and the View Street Carpark; and
- Negotiate with landlords of the Rosemount Hotel and Coles Carparks for the City to take over the management of each single Carpark.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

There will be a cost associated with these recommendations, which is estimated to be as follows:

Should the ticketed three hour free parking be adopted, the following costs are estimated:

Capital Outlay

- | | |
|---|-----------------|
| • Five (5) ticket machines (currently held in stock and based on 2010 tender) | \$ 0 |
| • Signage for the carparks | \$ 2,000 |
| • Programming of Ticket Machines (in Rosemount Hotel Carpark) | \$ 1,500 |
| • Removal of old style ticket machines | \$ 600 |
| • View Street Carpark speed humps | <u>\$ 1,000</u> |
| | \$ 5,100 |

Operating expenses

- | | |
|---|------------------|
| • Depreciation costs for 5 Ticket Machines | \$ 5,000 |
| • Annualised maintenance for these machines | \$ 4,200 |
| • Annualised maintenance for signs and line-marking | \$ 1,000 |
| • Coin collection costs for a weekly collection | <u>\$ 7,800</u> |
| | \$ 18,000 |

It is estimated that the ticket machines will have an operational life of 10 years, so the capital outlay of \$50,000 to purchase the five machines is being depreciated at \$5,000 per annum.

An Agreement will be required to be prepared between the City and the Rosemount Hotel similar to the agreement that has been entered into between the City and the Leederville Hotel. The Agreement prescribes that the hourly rate should be similar to the City owned Carparks. Therefore, the fee to be proposed is \$2.20 per hour (First Hour Free) from 7am to midnight, for the financial year 2013/2014.

There will be 57 public parking bays in the Rosemount Hotel Carpark. If the hourly parking rate of \$2.20 is used with a 60% occupancy rate, based on six (6) days per week (313 days per year), the anticipated gross annual revenue is \$235,501. The cost of operating the facility, including maintenance, coin collection and documentation for evidentiary purposes, is estimated at around \$18,000 per annum. This would result in a Nett revenue of around **\$217,501** being available for distribution between the City and the Rosemount Hotel owners each year. The distribution of this revenue should be on a percentage basis and it is suggested that a 60%: 40% split would be a reasonable division. This would result in a Nett revenue to the City of Vincent of around **\$87,000** per annum and the remaining **\$130,501** to the Hotel owners.

Wasley Street Carpark

There will be 50 public car bays in the Wasley Street Carpark. If the hourly rate is \$2.20 is used with 60% occupancy, based on six (6) days per week (313 days per year), the anticipated gross revenue for the facility is **\$206,580**.

COMMENTS & CONCLUSION:

The City has now received the findings of the Car Parking Survey undertaken in North Perth during the months of September / October 2013.

The report was commissioned to inform the decision taken by Council whether to install a paid parking scheme in the Wasley and View Street Carparks, as well as supporting the decision to amalgamate the View Street and Rosemount Hotel Carparks.

The City's Carparking Strategy and subsequent Precinct Parking Management Plans recommend that paid parking be implemented where occupancy rates of the Carparks or streets reach 85% during peak hour demand and where those parked are compliant (that is, only parking during the allocated time period).

The survey found that the occupancy rates at Wasley Street Carpark currently averages 63%, however during peak periods (12pm – 2pm Saturday) hits 100% occupancy. Furthermore 92% of vehicles are compliant with the three hour time limit, justifying the case to introduce a paid parking scheme. In addition, the on-street parking at Wasley Street also had 100% occupancy rates during all peak periods.

The survey found that the occupancy rates at View Street Carpark currently average 45%, however during peak periods (9am – 11am Saturday) hits 71% occupancy. Furthermore, 93% of vehicles are compliant with the three hour time limit, parked for three hours or less. This would be considered to be borderline; however, in view of the co-operation of the Rosemount Hotel in amalgamating the two Carparks, a paid parking scheme could be justified in this instance. Although occupancy rates do not hit the 85% threshold, the outcome would satisfy other important elements of the Carparking Strategy which do not rely on percentage calculations.

View Street itself has 93% occupancy during peak periods (9–11am Saturday).

On this basis, it is recommended to implement a paid parking scheme for both Wasley Street and View Street Carparks, extending into a newly amalgamated Rosemount Hotel/View Street Carpark. Justification could even be made to extend the scheme into Angove Street, Wasley Street and View Street given their current occupancy rates.

9.4.4 Discovering Perth's Lost Wetlands – Collaboration with Edith Cowan University

Ward:	Both	Date:	22 November 2013
Precinct:	All	File Ref:	CMS0071
Attachments:	001 – Discovering Perth's Lost Wetlands – Proposal		
Tabled Items:	Nil		
Reporting Officers:	A Birch, Senior Community Development Officer J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the proposal from Edith Cowan University for a collaborative project to discover Perth's lost wetlands, as shown in Appendix 9.4.4; and
2. **APPROVES BY AN ABSOLUTE MAJORITY** to fund Edith Cowan University's 'Discovering Perth's Lost Wetlands' project with a \$10,000 contribution, with \$8,000 from the 2013/2014 Budget and \$2,000 listed for consideration in the 2014/2015 Draft Budget.

COUNCIL DECISION ITEM 9.4.4

Moved Cr Buckels, Seconded Cr Harley

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST (2-6)

For: Cr Pintabona and Cr Topelberg

Against: Presiding Member Mayor John Carey, Cr Buckels, Cr Cole, Cr Harley, Cr McDonald and Cr Wilcox

REASONS FOR REFUSAL OF THE OFFICER RECOMMENDATION

The Council wants to concentrate its focus and expenditure on key strategies and projects.

PURPOSE OF REPORT:

To obtain Council approval to collaborate with Edith Cowan University (ECU) and a project to further develop and enhance the City's current Wetlands Heritage Trail.

BACKGROUND:

The City's Officers met with representatives from ECU on Wednesday, 30 October 2013 to discuss the expansion of the City's current wetlands heritage trail to develop it into an educational and historical project with a larger scope.

The City received a proposal from ECU on Monday, 18 November 2013, outlining details of the proposed project and presenting financial contribution options for the City to consider.

DETAILS:

Perth was founded on wetlands and while they are important habitats for a range of species, these environments have also played a significant role in the City's cultural and economic development over time.

The proposed project aims to develop an interpretive package for residents and tourists alike that highlights the rich cultural and environmental history of Perth and its wetlands. The project will involve digital modelling of the flora and topography of both the City of Vincent and the City of Perth wetlands as they may have been in 1827. The map will include Indigenous place names and will be integrated in an interpretive package that includes rich data outlining the cultural and environmental significance of the wetlands.

The scale of project deliverables vary depending on the amount of funding the City of Vincent provides. Two (2) options have been presented to the City for consideration:

Option One

A \$5,000 contribution from the City of Vincent would be paired to a \$20,000 contribution from ECU. Project deliverables from this will include:

- A map that includes digital modelling of the flora and topography of Perth's wetlands and includes reference to Indigenous place names; and
- Content for a brochure that value adds to the current City of Vincent Wetlands Heritage Trail brochure by referencing the digital modelling showing the past and present extent of the wetlands, their topography and flora with additional indigenous information and cultural and archival materials.

Option Two

A \$10,000 contribution from the City of Vincent would be paired to a \$30,000 contribution from ECU. Project deliverables from this will include:

- A map that includes digital modelling of the flora and topography of Perth's wetlands and includes reference to Indigenous place names;
- Content for a brochure that value adds to the current City of Vincent Wetlands Heritage Trail brochure by referencing the digital modelling showing the past and present extent of the wetlands, their topography and flora with additional indigenous information and cultural and archival materials; and
- Development of a smart phone app that links to and accesses the modelling and related cultural and historical material guiding participants along a wetlands interpretive walk trail, encompassing both the City of Vincent and the City of Perth.

Timeline

The proposed timeline for this project is as follows:

Period	Proposed Action
January 2014 to April 2014	Research consultant to carry out digital modelling and mapping.
May 2014 to July 2014	Research and develop the updated brochure, referencing the digital modelling and other relevant cultural material. This material will also be made available for inclusion on the City of Vincent website.
July 2014 to December 2014	The development of a smart phone app, in conjunction with the National Trust of Australia (WA).

CONSULTATION/ADVERTISING:

In order to ensure the research project is completed in an accurate manner, academics will be consulted for information. Specifically, Dr Noel Nannup will be the Indigenous heritage consultant for the project, providing accurate place names and other Nyoongar information that will be included in the modelling and brochure.

LEGAL/POLICY:

Nil.

RISK MANAGEMENT IMPLICATIONS:

Low: Upon careful assessment of the risk management matrix and consideration of this project, it has been determined that this project is low risk.

STRATEGIC IMPLICATIONS:

The City of Vincent's 'Plan for the Future'; *Strategic Plan 2013 – 2017*, the following Objectives state:

“Objective One: Natural and Built Environment

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

1.1.6 Enhance and maintain the City's parks, landscaping and the natural environment

Objective Two: Economic Development

2.1 Progress Economic Development with Adequate Financial Resources

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

SUSTAINABILITY IMPLICATIONS:

This project proposes to value add to the current Wetlands Heritage Trail and assist residents and visitors to the City in better understanding the cultural and environmental history of Perth and its wetlands.

FINANCIAL/BUDGET IMPLICATIONS:

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

Budget Amount:	\$8,000
Spent to Date:	\$ 0
Balance:	\$8,000

The remaining \$2,000 will be listed for consideration in the 2014/2015 Draft Budget.

COMMENTS:

The City of Vincent Wetlands Heritage Trail project first began in 1999 and the proposed partnership with ECU researchers could see what has already been established, further developed and built upon. The proposal from ECU reflects their thought towards what they can do to provide more for the community to better understand what our wetland areas were like prior to European settlement.

The City's contribution of \$10,000 will be matched with a a \$30,000 contribution from ECU, making the project more worthwhile for the City with a broader scope and value.

Upon completion of this project, it is anticipated that ECU researched will seek further funding from the Australian Research Council for the research and publication of a book with an established WA publisher documenting and exploring the cultural histories of Perth's wetlands.

9.4.5 Seniors' Outings Programme – Progress Report No. 3

Ward:	Both	Date:	22 November 2013
Precinct:	All	File Ref:	CMS0103
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	A Birch, Senior Community Development Officer J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** Progress Report No. 3 for the Seniors' Outings Programme;
2. **APPROVES** the;
 - 2.1 change of the 'Over 65s Outings Programme' to revert back to the 'Over 55s Outing Programme'; and
 - 2.2 change of fees for the outings from a subsidy of \$30 per resident to a flat fee of \$30 per resident;
3. **NOTES** that no formal submissions were received to the 'Request for Quotation' from suitably qualified organisations to manage and operate the Seniors Outings Programme for a trial two (2) year period 2013-2015.; and
4. **AUTHORISES** the Chief Executive Officer to enter into negotiations with the Loftus Recreation Centre on the feasibility of managing and operating the Seniors Outings Programme for a trial two (2) year period 2013-2015, and for this matter to be referred to the City of Vincent Community Development Advisory Group for consideration before reporting back to the Council.

Moved Cr McDonald, Seconded Cr Harley

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Harley, Seconded Cr McDonald

"That Clause 2 be deleted as follows:

- ~~2. APPROVES the;~~
 - ~~2.1 change of the 'Over 65s Outings Programme' to revert back to the 'Over 55s Outing Programme'; and~~
 - ~~2.2 change of fees for the outings from a subsidy of \$30 per resident to a flat fee of \$30 per resident;~~

Debate ensued.

AMENDMENT PUT AND CARRIED (7-1)

For: Presiding Member Mayor John Carey, Cr Buckels, Cr Cole, Cr Harley, Cr McDonald, Cr Topelberg and Cr Wilcox

Against: Cr Pintabona

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

For: Presiding Member Mayor John Carey, Cr Buckels, Cr Cole, Cr Harley, Cr McDonald, Cr Topelberg and Cr Wilcox

Against: Cr Pintabona

COUNCIL DECISION ITEM 9.4.5

That the Council;

1. **RECEIVES Progress Report No. 3 for the Seniors' Outings Programme;**
2. **NOTES that no formal submissions were received to the 'Request for Quotation' from suitably qualified organisations to manage and operate the Seniors Outings Programme for a trial two (2) year period 2013-2015.; and**
3. **AUTHORISES the Chief Executive Officer to enter into negotiations with the Loftus Recreation Centre on the feasibility of managing and operating the Seniors Outings Programme for a trial two (2) year period 2013-2015, and for this matter to be referred to the City of Vincent Community Development Advisory Group for consideration before reporting back to the Council.**

PURPOSE OF REPORT:

To seek approval from Council to change the eligibility for attendance to the Seniors' Outings from over 65 years of age back to 55 years and over, and change the fees for the Outings to a flat fee of \$30 per resident.

BACKGROUND:

26 June 2012 At the Ordinary Meeting of Council, the Council considered and approved a Notice of Motion requesting an investigation into the City's Over 55s Outings after a presentation to a Council Member Forum. Specifically, City Officers were to investigate and devise a new Seniors Outings program for the 2012/2013 financial year, which included the use of external buses to cater for the high level of demand and to reduce the waiting lists. The investigation also included increasing the frequency of the program visits and for a report to be submitted no later than 30 August 2012.

9 October 2012 At the Ordinary Meeting of Council held on 9 October 2012, the Council received Progress Report No. 1 on the request to investigate the Seniors Outing Programme and to review the City's Seniors Strategy. A further progress report was requested on the outcomes and to be reported to Council at the meeting to be held on 20 November 2012 after consideration by the Seniors Advisory Group.

11 June 2013 At the Ordinary Meeting of Council held on 11 June 2013 at Item 9.4.2, the following was resolved:

"That the Council;

1. *RECEIVES Progress Report No. 2 for the Senior Outings Programme;*
2. *APPROVES the;*
 - 2.1 *change of the 'Over 55s Senior Outings' Programme' to the 'Over 65s Senior Outings' Programme';*
 - 2.2 *change in pricing for outings to a fixed 'subsidy' basis with the level of subsidy to be approximately \$30 per person;*
3. *AUTHORISES the Chief Executive Officer to advertise a 'Request for Quotation' from suitably qualified organisations to manage and operate the Seniors Outings Programme for a trial two (2) year period 2013-2015; and*
4. *REQUESTS;*
 - 4.1 *that one of the criteria used to assess the 'Request for*

Quotations' include the ability to cater for community members with physical limitations; and

- 4.2 *a further report after the 'Request for Quotation' has been analysed and that report include recommendations on how to ensure that financially disadvantaged members of the community are not excluded from going on outings."*

City Officers actioned this resolution and changed the eligibility for attendance at the Spring series, running from 11 September 2013 through to 14 November 2013 of Seniors Outings for attendees to be aged Over 65, and the cost of the outings to be a \$30 subsidy of the total cost of attendance.

2 September 2013 The Chief Executive Officer approved under delegated authority to allow seniors who are between 55 and 65 years of age and part of a couple, where the other partner is 65 years of age and over, to attend the Seniors Outing programme.

18 October 2013 A Request For Quotation (RFQ) for the Seniors Bus Outings opened on Friday, 18 October 2013. This RFQ called for suitable qualified and incorporated organisations to take on the management and operations of the Seniors Bus Outings with the outings to cater for City of Vincent senior residents, inclusive of those with physical and mobility limitations.

The RFQ was advertised on the City's website, in local newspapers and distributed directly to any relevant organisations.

7 November 2013 The RFQ for the Seniors Bus Outings closed on Thursday, 7 November 2013 at 5pm. No formal submissions were made. One (1) expression of interest was received from Loftus Recreation Centre indicating that their forecast budget was close to double the City's budget of \$30,000.

DETAILS:

As part of the City's seniors' programme, Social Outings have been organised for active Vincent seniors to encourage general wellbeing and alleviate social isolation. The City has been operating a Seniors' Outings Programme since 2000, including the outsourcing of management and operations to independent groups at various times.

The current Outings utilise the City's 22 seater community bus to transport senior residents of the City on day trips to a variety of local attractions. The trips were originally designed for active seniors over the age of 55, with the aim to provide stimulating social activities for local residents, to reduce isolation, promote friendship and a sense of belonging to their community.

It should be noted that seniors who are eligible for Home and Community Care (HACC) services, have access to social outings specific to their needs through HACC. These seniors are not eligible for the City's programme given the particular health and safety requirements of caring for frail-aged seniors.

The criteria for the new Over 65s Social Outings did not change apart from the increase in age. Seniors were still required to be a resident of Vincent and independently mobile without aid or assistance.

Following the Ordinary Meeting of Council held on 11 June 2013 and the subsequent age eligibility to the Social Outings programme, there have been several negative outcomes.

- Eleven (11) residents have identified themselves to the City as being no longer eligible to attend the outings;
- Nine (9) of these eleven (11) ineligible residents had partners who were still eligible to attend; and
- Cancellations and on the day 'no shows' have increased, with thirty-seven (37) cancellations and nineteen (19) 'no shows' throughout the spring season.

According to the 2011 Census, the City is home to 31,548 residents and has a total of 6,139 people aged 55 and over, with 3,596 people aged 65 and over. Overall, 2,543 people aged between 55 and 65 years were no longer eligible to participate in our Senior Outings Programme.

Taking into account the number of residents that identified themselves to the City as not being eligible to attend, even though they previously had been attending for several seasons, it is recommended to revert the age eligibility from the new over 65 years of age, back to 55 years of age and over.

As the number of cancellations and 'no shows' rise throughout the season, the administrative time and costs also increase, placing additional strain on the City's Officers. The increase in cancellations and 'no shows' in the recently completed season is suspected to be due to the lower cost of three (3) of the outings, at only \$10 per person. Although a \$30 subsidy allows for all attendees of all outings to receive the same benefit from the City, it means that with increased cancellations and 'no shows' that cannot always be filled at short notice; other residents may miss out on attending a trip. It also has a financial impact on the City as the City then has to bear the cost of the empty bus seat.

Request For Quotation

A Request For Quotation (RFQ) for the Seniors' Bus Outings was prepared and advertised on Friday, 18 October 2013. The RFQ called for suitable qualified and incorporated organisations to take on the management and operations of the Seniors Bus Outings with the outings to cater for City of Vincent senior residents, inclusive of those with physical and mobility limitations.

The RFQ was advertised on the City's website, in local newspapers and distributed directly to relevant organisations.

The RFQ closed on Thursday, 7 November 2013 at 5pm. No formal submissions were made. One (1) expression of interest was received from Loftus Recreation Centre indicating that their forecast budget was close to double the City's budget of \$30,000.

The City will engage in discussions with Loftus Recreation Centre on the feasibility of running the City's programme. This matter will be referred for consideration to the City's Community Development Advisory Group before reporting back to the Council.

CONSULTATION/ADVERTISING:

The City has been operating a Seniors' Outings Programme since 2000 and has grown to a mailing list of 536 members. The mailing list is continually being reviewed and expanded where possible. Seniors are sent an outings booking flyer at the beginning of each season where they can select their preferred outing and return to the City for confirmation.

LEGAL/POLICY:

Nil.

RISK MANAGEMENT IMPLICATIONS:

Low: Upon careful assessment, this investigation has been determined as low risk.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2013-2017*, Objective 3 states:

“Community Development and Wellbeing

- 3.1.3 *Promote health and wellbeing in the community.*
- 3.1.5 *Promote and provide a range of community events to bring people together and to foster a community way of life.*
- 3.1.6 *Build capacity within the community for individuals and groups to meet their needs and the needs of the broader community.”*

SUSTAINABILITY IMPLICATIONS:

The recommendations to change the programme back to Over 55s will assist with servicing an ageing demographic that is still mobile but unable to access services that the older frail aged seniors are able to from agencies and services such as Home and Community Care (HACC).

FINANCIAL/BUDGET IMPLICATIONS:

Expenditure for this matter will be incurred under the Seniors Programme budget item, as follows:

Budget Amount:	\$30,000
Spent to Date:	<u>\$12,795</u>
Balance:	\$17,205

COMMENTS:

The outings have been closely monitored and evaluated since the change in age eligibility and fees on 11 June 2013.

The Seniors' Outings have generally been very popular with senior residents of Vincent and in the past there have been full buses and extensive waiting lists. The spring season of Outings has incurred regular cancellations due to the low cost of some of the activities. The application of a \$30 per person subsidy for each outing meant most were only costing \$10 per person, with the low cost resulting in a lack of commitment on the day. The City's Officers have received thirty-seven (37) cancellations and nineteen (19) 'no shows' throughout the spring season.

Subsequently, more expensive outings such as Rottnest Island and Swan River Cruise were cancelled due to lack of registrations. This is believed to be due to the large increase in cost for these particular outings with Rottnest Island now costing \$80 per person to attend and Swan River Cruise costing \$45 per person to attend.

The purpose for redesigning the outings programme was intended to allow for more cost effective outings that more residents could access equitably and, therefore, be sustained on a longer term basis.

In the interests of seniors residing in the City of Vincent, it is recommended for the programme to revert back to the original Over 55s Seniors Outings programme and for the fee schedule to change from a \$30 subsidy per person per outing to a flat rate of \$30 per person per outing.

9.5.2 Annual Financial Report 2012-2013 - Adoption

Ward:	Both	Date:	22 November 2013
Precinct:	All	File Ref:	ADM0032
Attachments:	001 – Draft Annual Financial Report 2012/2013		
Tabled Items:	Draft Annual Financial Report 2012/2013		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **APPROVES BY AN ABSOLUTE MAJORITY** to **ACCEPT** the Annual Financial Report of the City of Vincent for the financial year 2012-2013, as shown in Appendix 9.5.2, “Tabled” and forming Attachment 001, to this report.

COUNCIL DECISION ITEM 9.5.2

Moved Cr Topelberg, Seconded Cr Buckels

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 17 December 2013, on the understanding that it would be prior reported to the Audit Committee Meeting.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY
BY AN ABSOLUTE MAJORITY (8-0)**

PURPOSE OF REPORT:

To consider and accept the 2012/2013 Annual Financial Report and the Independent Auditor’s Report.

BACKGROUND:

In accordance with Section 6.4 of the Local Government Act 1995, the 2012/2013 Annual Financial Report has been prepared and the accounts and the report have been submitted to the City’s Auditors. The preparation of an Annual Financial Report and the submission of the report and the City’s accounts to the Auditors for audit are statutory requirements of the Local Government Act 1995.

The City’s Auditors have completed their audit of the City’s accounts and the Annual Financial Report for the 2012/2013 financial year in accordance with the terms of their appointment and the requirements of the Local Government Act 1995 Part 7 Division 3 and have submitted their report.

Section 6.4 of the Local Government Act 1995 sets out the requirements for a Local Government to prepare an Annual Financial Report and to submit both the report and its accounts to the Auditor by the 30th September each year.

The City of Vincent has met these requirements and the City's Auditors have completed the audit of Council's accounts and Annual Financial Report for the financial year 2012/2013.

DETAILS:

The Annual Financial Report is required to be accepted by the Council in order to enable the holding of an Annual General Meeting of Electors at which the City's Annual Report containing the financial report (or at a minimum the abridged version) will be considered.

A copy of the Annual Financial Report is also required to be submitted to the Director General of the Department of Local Government.

The Annual Financial Report for the financial year 2012/2013 is included with the report at Appendix 9.5.2, which is "Tabled" and also as an electronic Attachment 001.

The City's Auditors provided the Annual Financial Report to the City on 13 November 2013.

CONSULTATION/ADVERTISING:

There is no legislative requirement to consult on the preparation of the Annual Financial Report. The Local Government Act 1995 requires an Annual General Meeting of Electors to be held and the City's Annual Report incorporating the financial report (or at a minimum, the abridged version) to be made available publicly. The full Annual Financial Report will also be publicly available.

As per previous years, it is proposed that the Annual Financial Report will be produced on CD-Rom and made available on the City's public website. A minimal number of printed, bound colour copies will be available for viewing at the Library and Local History Centre and the Administration's Customer Service Centre.

A printed copy of the Annual Financial Report is provided to the Council Members.

LEGAL/POLICY:

Local Government (Financial Management) Regulation 51(2) states:

"A copy of the annual financial report of a local government is to be submitted to the Executive Director within 30 days of the receipt by the CEO of the Auditor's Report on that financial report."

Section 5.53 of the Local Government Act 1995 states:

"5.53 Annual Reports

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain:*
 - f. *the financial report for the financial year;"*

Section 6.64 of the Local Government Act states:

"6.64 Financial Report

- (1) *A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.*

- (2) *The financial report is to –*
- (a) *Be prepared and presented in the manner and form prescribed; and*
 - (b) *Contain the prescribed information.*
- (3) *By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its Auditor –*
- (a) *The accounts of the local government, balanced up to the last day of the preceding financial year; and*
 - (b) *The annual financial report of the local government for the preceding financial year.”*

RISK MANAGEMENT IMPLICATIONS:

High: The risk associated with not adopting the 2012-2013 Annual Financial Report will result in non-compliance with the requirement of the Local Government Act 1995.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Strategic Plan 2013-2023

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

SUSTAINABILITY IMPLICATIONS:

Not Applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The cost of preparing the Annual Report, which contains the Financial Report, will primarily be carried out in-house. This will provide cost savings of approximately \$4,000, for typesetting of the report.

The Auditor's total costs are \$12,530 (GST inclusive).

The Financial Report is prepared by the City's administration, as such these costs are contained in the City's Operating Budget.

COMMENTS:

As in previous years, it is proposed that the Annual Financial Report will be produced on CD Rom and made available on the City's public website. A minimal number of printed, bound colour copies will be available for viewing at the Library and Local History Centre and the City's Customer Service Centre.

In order for the City to meet its legislative requirements, it is recommended that the Council accepts the Annual Financial Report for the financial year 2012-2013.

9.5.3 Annual Report 2012-2013 – Adoption and Annual General Meeting of Electors 2013

Ward:	Both	Date:	22 November 2013
Precinct:	All	File Ref:	ADM0032/ADM0016
Attachments:	001 – Draft Annual Report 2012-2013		
Tabled Items:			
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council APPROVES BY AN ABSOLUTE MAJORITY to:

1. ACCEPT the 2012-2013 Annual Report of the City of Vincent as shown in Appendix 9.5.3, “Tabled” and forming Attachment 001 to this report;
2. CONVENE the 2013 Annual General Meeting of Electors on Monday 20 January 2014 at 6pm in the City of Vincent, Leederville;
3. ADVERTISE by public notice that the City of Vincent Annual Report 2012-2013 will be available from 13 January 2014; and
4. PROVIDE a copy of the Annual Report and Annual Financial Statements to the Director General, Department of Local Government and Communities, in accordance with Local Government (Financial Management) Regulation 51(2).

COUNCIL DECISION ITEM 9.5.3

Moved Cr Topelberg, Seconded Cr Cole

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Topelberg, Seconded Cr Buckels

That the item be DEFERRED to the Ordinary Meeting of Council to be held on 17 December 2013 and be considered together with the Annual Financial Report 2012-2013

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

PURPOSE OF REPORT:

The purpose of the report is to accept the 2012-2013 Annual Report and set a date for the Annual General Meeting of Electors.

BACKGROUND:

At the Ordinary Meeting of Council held on 20 November 2012, the Council considered the matter and resolved as follows:

"That the Council:

1. *APPROVES BY AN ABSOLUTE MAJORITY to ACCEPT the 2011/2012 Annual Report of the City of Vincent as shown in Appendix 9.5.2, "Tabled" and forming Attachment 001 to this report;*
2. *CONVENES the 2012 Annual General Meeting of Electors on Monday 17 December at 6pm in the City of Vincent, Leederville;*
3. *ADVERTISES by public notice that the City of Vincent Annual Report 2011/2012 will be available from 28 November 2012; and*
4. *PROVIDES a copy of the Annual Report and Annual Financial Statements to the Director General, Department of Local Government, in accordance with Local Government (Financial Management) Regulation 51(2)."*

DETAILS:

The Local Government Act requires that every Local Government prepares an Annual Report and holds an Annual General Meeting (AGM) of Electors. Both the Annual Report and the Financial Report reflect on the City's achievements during 2012-2013 and focus on the many highlights of a busy year.

In accordance with Section 5.53 of the Local Government Act 1995, the 2012-2013 Annual Report has been prepared, summarising the year's highlights and achievements, as well as including specific statutory requirements.

The City's Auditors have completed the audit of Council's financial statements for the 2012-2013 financial year. The Financial Statements will form part of the 2012-2013 Annual Report.

The Annual Report and the Financial Report will form an integral part of Council's report to the electors at the Annual General Meeting.

Section 5.27 of the Local Government Act 1995 requires that the Annual General Meeting of Electors is to be held on a day selected by the Local Government, but not more than 56 days after the report is accepted by the Local Government.

The Local Government Act 1995 under Section 5.27(1) requires every Local Government to hold a General Meeting of Electors once each financial year. The Act provides that the Order of Business at such a meeting is:

- (a) Welcome, Introduction and Apologies;
- (b) Contents of the Annual Report; and
- (c) General Business.

PROCESS:

The Council previously resolved that the Chief Executive Officer streamline the process so that the Annual General Meeting can be held earlier. However, it should be noted that the process timetable is predominantly dictated by the availability of the City's Auditor. The City's Auditor is also the Auditor for many other Local Governments and their workload at this time of the year is very heavy, due to their commitments.

The City's administration compiles the Annual Report within two (2) months of the end of the financial year. It also prepares the Annual Financial Report. The Annual Financial Report is then submitted to the Auditor's for auditing. The Auditors are unable to complete their work until about mid October, due to their work load with other Local Governments.

Therefore, the earliest opportunity for the Council to consider and adopt the Annual Report and Financial Report is late October (at the earliest) or the first meeting in November. Once adopted, the City must give at least fourteen (14) days notice of the date of the Annual General Meeting.

To ensure there is sufficient time to advertise the Annual General Meeting and finalise the Annual Report, it is suggested that the most appropriate date for holding the Annual General Meeting of Electors is Monday 3 February 2014, commencing at 6pm.

CONSULTATION/ADVERTISING:

There is no legislative requirement to consult on the Annual Report, but the Local Government Act 1995 requires an Annual General Meeting of Electors to be held and the Annual Report to be made available publicly.

It is proposed that the Annual Report will be produced on CD-Rom and made available on the City's public website. A minimal number of printed, bound colour copies will be available for viewing at the Library and Local History Centre and the City's Customer Service Centre.

A printed copy of the Annual Report is provided to the Council Members.

LEGAL/POLICY:

The Local Government Act 1995, Section 5.53 requires every Local Government to prepare an Annual Report. Section 5.54 states that the Annual Report is to be accepted by the Local Government no later than 31 December of that financial year.

Local Government (Financial Management) Regulation 51(2) states:

"A copy of the annual financial report of a Local Government is to be submitted to the Executive Director within 30 days of the receipt by the CEO of the Auditor's Report on that financial report."

Section 5.53 of the Local Government Act 1995 states:

5.53 Annual Reports

- (1) *The Local Government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain:*
 - a. *a report from the mayor or president;*
 - b. *a report from the CEO;*
 - (c) *and (d) deleted*
 - e. *an overview of the plan for the future of the district made in accordance with Section 5.56 including major activities that are proposed to commence or to continue in the next financial year;*
 - f. *the financial report for the financial year;*

- g. such information as may be prescribed in relation to the payments made to employees;*
- h. the auditor's report for the financial year;*
- ha. a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and*
- i. such other information as may be prescribed.*

Section 5.54 of the Local Government Act states:

5.54 Acceptance of Annual Reports

- (1) Subject to subsection (2) the annual report for a financial year is to be accepted* by the Local Government no later than 31 December after that financial year.*

** Absolute majority required*

- (2) If the Auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the Local Government no later than 2 months after the Auditor's report becomes available.*

Section 5.55 of the Local Government Act 1995 states:

5.55 Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the Local Government.

Section 5.27 states:

5.27 Electors' general meetings

- (1) A general meeting of the electors of a district is to be held once every financial year.*
- (2) A general meeting is to be held on a day selected by the Local Government but not more than 56 days after the Local Government accepts the annual report for the previous financial year.*
- (3) The matters to be discussed at general electors' meetings are to be those prescribed.*

RISK MANAGEMENT IMPLICATIONS:

High: The risk associated with not adopting the 2012-2013 Annual Report and failure to set a date for the 2013 Annual General Meeting of electors will result in non-compliance with the requirement of the Local Government Act 1995.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Strategic Plan 2013-2023:

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

SUSTAINABILITY IMPLICATIONS:

Not Applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The cost of preparing the Annual Report, which contains the Financial Report, will primarily be carried out in-house. This will provide cost savings of approximately \$4,000, for typesetting of the report.

The Auditor's total costs are \$12,530 (GST inclusive).

The Annual Report is prepared by the City's administration, as such these costs are contained in the City's Operating Budget.

COMMENTS:

The Annual Report 2012-2013 has been reported to the first Ordinary Meeting of the Council after receiving the Annual Financial Report from the City's Auditors. (The Annual Financial Report forms part of the City's Annual Report).

In order for the City to meet its legislative requirements, it is recommended that the Council accepts the Annual Report for 2012/2013 and convenes the 2013 Annual General Meeting of Electors for Monday 20 January 2014 at 6pm. (The latest date for the meeting is Thursday 30 January 2014, as it must be held within 56 days of the acceptance of the Annual Report.)

Unfortunately, the Auditors Report was not received until mid November 2013. As such, the Annual Report could not be finalised and reported to the Council, prior to 3 December 2013. A date in late January 2014 is therefore recommended, as this will allow for the Annual Report to be finalised and reproduced with photographs and graphics. (Allowance has been made for the festive season holidays).

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 NOTICE OF MOTION: Mayor John Carey- Request to Amend Policy No.4.2.7 - Additional Support for the Office of the Mayor

That the Council APPROVES BY AN ABSOLUTE MAJORITY to;

1. AMEND Policy No. 4.2.7 "*Council Members- Allowances, Fees and Re - imbursement of Expenses*", to be as follows;

"2. OFFICE OF THE MAYOR

2.1 The City is to provide to the Mayor, at the City's cost, the following within the City's Administration and Civic Centre:

(a) *the use of a suitable office;*

(b) *the use of a City employee as a Personal Assistant to the extent considered appropriate by the Council (i.e. four (4) days per week) (at the Ordinary Meeting of Council held on 28 February 2012 approved of a Personal Assistant for three (3) days a week);*

(c) *word processing, photocopying and postage;*

(d) *the use of a computer and telephone;*

(e) *beverages as provided;" and*

2. RE-ALLOCATE funds of approximately \$19,800 to cover the above additional hours for the employee, for the remainder of the 2013-2014 financial year.

COUNCIL DECISION ITEM 10.1

Moved Cr Cole, Seconded Cr Harley

That the motion be adopted.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY
BY AN ABSOLUTE MAJORITY (8-0)**

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 9.30pm **Moved** Cr Pintabona, **Seconded** Cr Harley

That the Council proceed "behind closed doors" to consider confidential item 14.1, as this matter relates to;

"(a) a matter affecting an employee or employees;" and

Confidential item 14.2, as this matter relates to;

"(b) the personal affairs of any person;" and

Confidential Item 14.3, as this matter relates to;

"(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;" and

Confidential Item 14.4, as this matter relates to;

"(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;" and

Confidential Item 14.5, as this matter relates to;

"(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;" and

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

There were no members of the public present.

Executive Assistant (Minutes Secretary) – Jerilee Highfield departed the meeting.

Media – Sara Fitzpatrick departed the meeting.

PRESENT:

Mayor John Carey	Presiding Member
Cr Roslyn Harley (<i>Deputy Mayor</i>)	North Ward
Cr Matt Buckels	North Ward
Cr Emma Cole	North Ward
Cr Laine McDonald	South Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Community Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Petar Mrdja	Acting Director Planning Services

14. CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“BEHIND CLOSED DOORS”)

14.2 CONFIDENTIAL REPORT: Transport Assistance Donations, and Community and Welfare Grants Review

Ward:	All	Date:	22 November 2013
Precinct:	All	File Ref:	FIN0207
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	E Everitt, Community Development Officer J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council

1. **RECEIVES** the report regarding the allocation of funds to the Transport Assistance Donations, and Community and Welfare Grants;
2. **APPROVES BY AN ABSOLUTE MAJORITY** to revise the budget amounts, effective immediately, as detailed in the Confidential Report; and
3. **REQUESTS** that;
 - 3.1 **Policy No. 3.10.4** Relating to ‘*Aged People and People with Disabilities – Provision of Transport Assistance*’ and **Policy No. 3.10.6** Relating to ‘*Community and Welfare Grants*’ will be reviewed to reflect the actual needs of the community; and
 - 3.2 a further Progress Report with the above amended Policies be submitted to the Ordinary Meeting of Council in February 2014; and
4. **AUTHORISES** the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.

COUNCIL DECISION ITEM 14.2

Moved Cr Buckels, **Seconded** Cr Topelberg

That the motion be adopted.

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY BY AN ABSOLUTE MAJORITY (8-0)

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as the matter relates to personal affairs of any person and contains financial information and which will be discussed at the meeting.

LEGAL:

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The City of Vincent Local Law Relating to Standing Orders states the following:

“2.14 *Confidential business*

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.”*

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

In accordance with the legislation, the report is to be kept confidential until determined by the Council to be released for public information. At the conclusion of these matters, the Council may wish to make some details available to the public.

14.3 CONFIDENTIAL REPORT: Nos. 132 – 134 (Lots: 278 & 279; D/P 3845) Matlock Street, Mount Hawthorn – Review (Appeal) State Administrative Tribunal (SAT) DR 330 of 2013 – Proposed Construction of Two-Storey Building Comprising Eight (8) Two Bedrooms Multiple Dwellings

Ward:	North	Date:	22 November 2013
Precinct:	Mount Hawthorn; P1	File Ref:	PRO1155; 5.2013.183.1
Attachments:	Confidential: Property Information Report Confidential: Amended Development Application Plans Confidential: Perspectives of Front Elevation Confidential: Submission from Planning Consultant		
Tabled Items:	Nil		
Reporting Officer:	D Bothwell, Planning Officer (Statutory)		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** the Officer Recommendation as detailed in the Confidential Report; and
2. **ADVISES** the State Administrative Tribunal (SAT) of the Council decision; and
3. **AUTHORISES** the Mayor to write to all the local residents in the area of 132-134 Matlock Street, Mount Hawthorn and those who have made submissions, outlining the Council’s position and the opportunities for them to have their say concerning to future developments and
4. **AUTHORISES** the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.

COUNCIL DECISION ITEM 14.3

Moved Cr Topelberg, Seconded Cr Buckels

That the motion be adopted.

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (5-3)

For: Presiding Member Mayor John Carey, Cr Buckels, Cr Harley, Cr McDonald and Cr Topelberg

Against: Cr Cole, Cr Pintabona and Cr Wilcox

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

LEGAL:

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The City of Vincent Local Law Relating to Standing Orders states the following:

“2.14 Confidential business

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.*

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

In accordance with the legislation, the report is to be kept confidential until determined by the Council to be released for public information. At the conclusion of these matters, the Council may wish to make some details available to the public.

14.4 CONFIDENTIAL REPORT: No. 14A (Lot: 262 D/P: 38560) Scott Street, Leederville Review (Appeal) – Proposed Alterations to Existing Outbuilding (Pool Shed) to Existing Single House (Retrospective Application)

Ward:	North	Date:	22 November 2013
Precinct:	Leederville, P03	File Ref:	PRO4470; 5.2013.360.1
Attachments:	Confidential: Property Information Report and Development Application Plans Confidential: Application Submission		
Tabled Items:	Nil		
Reporting Officer:	A Groom, Planning Officer (Statutory)		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** the Officer Recommendation as detailed in the Confidential Report; and
2. **ADVISES** the State Administrative Tribunal of the Council decision; and
3. **AUTHORISES** the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.

COUNCIL DECISION ITEM 14.4

Moved Cr Buckels, Seconded Cr Topelberg

That the motion be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

LEGAL:

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The City of Vincent Local Law Relating to Standing Orders states the following:

"2.14 Confidential business

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.*

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

In accordance with the legislation, the report is to be kept confidential until determined by the Council to be released for public information.

At the conclusion of these matters, the Council may wish to make some details available to the public.

14.5 CONFIDENTIAL REPORT: No. 14A (Lot 262, D/P 38560) Scott Street, Leederville – Request for Compensation

Ward:	North	Date:	22 November 2013
Precinct:	Leederville; P03	File Ref:	PRO4470
Attachments:	001 – Confidential - Claim for Compensation (COUNCIL MEMBERS ONLY)		
Tabled Items:	Nil		
Reporting Officer:	E Clucas, A/Manager Health and Compliance Services		
Responsible Officer:	R Boardman, Director Community Services – SAT Matter John Giorgi, Chief Executive Officer - Legal		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** the Officer Recommendation as detailed in the Confidential Report; and
2. **ADVISES** the State Administrative Tribunal and the Claimants of the Council decision; and
3. **AUTHORISES** the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.

COUNCIL DECISION ITEM 14.5

Moved Cr Buckels, Seconded Cr Topelberg

That the motion be adopted.

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED BY AN ABSOLUTE MAJORITY (6-2)

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

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

LEGAL:

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The City of Vincent Local Law Relating to Standing Orders states the following:

“2.14 Confidential business

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.”*

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

In accordance with the legislation, the report is to be kept confidential until determined by the Council to be released for public information. At the conclusion of these matters, the Council may wish to make some details available to the public.

PROCEDURAL MOTION

Moved Cr Topelberg, Seconded Cr Pintabona

That Confidential Item 14.1 be moved to the end of the Meeting, to enable it to be considered without the presence of the City's Directors.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

At Approximately 10.05pm the Directors, Mike Rootsey – Director Corporate Services, Rick Lotznicker – Director Technical Services, Rob Boardman – Director Community Services and Peter Mrdja - A/Director Planning Services departed the Meeting and did not return.

14.1 CONFIDENTIAL REPORT – City of Vincent Place Making and Place Managers - Approval

Ward:	-	Date:	22 November 2013
Precinct:	-	File Ref:	ADM0061
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the report relating to Place Making and Place Managers for the City of Vincent;
2. **APPROVES BY AN ABSOLUTE MAJORITY** to;
 - 2.1 **REALLOCATE** sufficient funding from the Community Development Section Operating Budget (Arts) to facilitate Place Managers and the place management in the City; and
 - 2.2 **AUTHORISE** the Chief Executive Officer to recruit Place Managers and an Administrative Support Officer for the City of Vincent as detailed in the Confidential Report; and
3. **REQUESTS** the Chief Executive Officer to prepare a Place Making Strategy for the City of Vincent, for the consideration of the Council, no later than April 2014; and
4. **AUTHORISES** the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.

COUNCIL DECISION ITEM 14.1

Moved Cr Topelberg, Seconded Cr Buckels

That the motion be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it relates as the matter relates to an employee or employees. In accordance with Section 5.23 of the Local Government Act, the report is to be kept confidential until determined by the Council to be released for public information by the Chief Executive Officer.

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 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 10.19pm **Moved Cr Pintabona, Seconded Cr Cole**

That the Council resume an "open meeting".

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

15. CLOSURE

There being no further business, the Presiding Member, Mayor John Carey, declared the meeting closed at 10.21pm with the following persons present:

Mayor John Carey	Presiding Member
Cr Roslyn Harley (<i>Deputy Mayor</i>)	North Ward
Cr Matt Buckels	North Ward
Cr Emma Cole	North Ward
Cr Laine McDonald	South Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
John Giorgi, JP	Chief Executive Officer

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 3 December 2013.

Signed:Presiding Member John Carey.

Dated this day of 2013.w