



**CITY OF VINCENT**

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*"Enhancing and celebrating our diverse community"*

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# MINUTES

**5 NOVEMBER 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 5 November 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
Cr Emma Cole	North Ward
Cr Laine McDonald	South Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
John Giorgi, JP	Chief Executive Officer
Jacinta Anthony	A/Director Community Services (until 9.15pm)
Rick Lotznicker	Director Technical Services (from 6.07pm) (until 9.15pm)
Mike Rootsey	Director Corporate Services (until 9.15pm)
Petar Mrdja	Acting Director Planning Services (until 9.15pm)
Jerilee Highfield	Executive Assistant (Minutes Secretary until approximately 8.45pm)

Employee of the Month Recipient

Nil

Media

Sara Fitzpatrick Journalist – *"The Guardian Express"* (until  
approximately 8.45pm)

Approximately 26 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. Caroline Cohen of Banks Precinct Action Group – Item 13.1 Stated the following:
  - Ms Cohen is the Co – Chair of the Banks Precinct Action Group. She congratulated Mayor Carey on his election as Mayor. They are a community group that has worked with the City of Vincent for eighteen (18) years, since 1996.
  - She thanked the Mayor, Cr Pintabona and the Chief Executive Officer for preparing the urgent Business Motion.
  - Advised that on behalf of the Precinct Group they supported the Motion and would like the Council to be advocates on their behalf that Vincent should remain together in its entirety.
2. Ian Kerr of 92 Vincent Street, Mount Lawley – Item 13.1 Stated the following:
  - Expressed his strong support, in particular Clauses 2.1, 2.2 and 2.3.
  - There is no doubt that the Government's decision to propose that "*entire City of Vincent be incorporated into the City of Perth is a Victory for the 'One in all-in' campaign*", but it should not be the end of the fight.
  - The City of Perth has said that it strongly opposes the newly-proposed boundaries, so it would be foolish to assume that the Government's new proposal will win out.
  - At the end of the day, the Local Government Advisory Board (LGAB) can still recommend the City of Perth's asset grab and the minister can then only accept or reject, not modify, that advice. My money would be on the Minister accepting that advice rather than rejecting it, which would leave the City of Vincent as it is.
  - I doubt that it is very likely the Minister would choose to leave Vincent as it is.
  - We should not ignore the fact that the majority of those who supported the 'one-in, all-in' approach at the recent plebiscite also said that the City of Vincent should not be abolished.
  - More fundamentally, the Local Government Amendment Bill now before the Legislative Assembly removes the requirement for the LGAB to seek submissions for a minimum of six weeks on amalgamation proposals. In other words, there would be no opportunity for affected individuals or organisations to comment formally on the proposals.
  - This is pure political pragmatism – as is demonstrated by the fact that it only applies to the Metropolitan Area and, at least in theory, until December 2016. However, there is a lurking danger, as that date may be extended by Order of the Governor in Council – ie as required by the Government of the day without needing further parliamentary debate or approval.
  - The Local Government Minister has, with his own warped logic, described the Dadour provision that gives electors the right to call for a poll on recommendations of the LGAB as 'anti-democratic', but the removal of our right to comment is anti-democratic by any standards.
  - Mr Kerr is convinced, however, that the Government is in disarray on Local Government so-called reform as well as being out of touch with the community.
  - It is only a matter of time before the whole edifice comes tumbling down like a pack of cards if we continue to fight.
3. Ron Whitelaw of 33 Joel Terrace, East Perth – Item 13.1 Stated the following:
  - Mr Whitelaw is a member of the Banks Precinct Action Group. He congratulated the Mayor on his election as Mayor.
  - Supported the previous speakers. Stated it seemed a ridiculous decision to put the Banks Precinct into the City of Bayswater.
4. John Hockley of 3 Leslie Street, Mount Lawley – Item 13.1 Stated the following:
  - Mr Hockley stated that dividing the Banks Precinct from the rest of Vincent was unacceptable, When the Local Government boundaries were first raised it is only at this very late stage has it emerged that there is a proposal to join it with Bayswater Council.

5. Neil Teo of Dynamic Planning, 51 Forrest Street, Subiaco – Item 9.1.4 Stated the following:
  - Mr Teo was speaking on behalf of the applicant. The proposed condition 7.5 relates to a management plan detailing how patrons of the eating house and small bar will access parking stackers within the development.
  - He was seeking the Council advice as to whether to delete the Condition.
6. Jenny Hopwood of Claisebrook Catchment Group Stated the following:
  - Ms Hopwood presented a cheque to the City on behalf of the Claisebrook Catchment Group for \$1,375 to be used for Prize money for the Catchment friendly Garden Category of the City's Garden Competition.

**Received with Acclamation!**

7. Robert Birchall of 118 Wright Street, Highgate – Item 9.1.5 Stated the following:
  - That the developer had requested a change to the guidelines moving the setback from 4 metres to approximately 1.75 metres, this would have a detrimental visual affect due to the bulk of three (3) storey building from his garden.
  - Asked the Council if they would reject any change to the four (4) metre setback rules.
8. Mark Bertolini of 18 Salisbury Street, Leederville – Item 9.1.3 Stated the following:
  - They proposed the establishment of a modern state of the art community based facility that would cater for the young, middle aged and senior citizens.
  - The location of the facility will be in the heart of Mount Lawley which currently lacks a facility, like the current one proposed.
  - The facility will be owned, runned and hopefully used by locals. For this proposal to proceed they would need a long term commitment from the Council.
9. Ben Doyle of Planning Solutions, 296 Fitzgerald Street, North Perth – Item 9.4.4 Stated the following:
  - Mr Doyle spoke on behalf of representatives from Manna Inc.. This is incorrectly referred to within the Agenda report as "Manna Industries".
  - Stated that they were contacted to see if they could assist with the proposal to extend the use of Weld Square for a free meal service, as Planning Consultants involved in many Commercial and Residential in-fill developments in the City of Vincent.
  - The area and in particular Weld Square, has for a very long time been an important meeting place for indigenous and other persons.
  - The City's Town Planning Scheme No.1 sets out the way the City will grow and develop in a responsible manner, Clause 6 of this Scheme specifies the objectives and the intentions and includes the following:
    - To cater for the diversity of demands, interests and lifestyle facilitating and encouraging the provision of a wide range of choices in housing, business, employment, education, leisure, transport and access to protect and enhance the health, safety and general welfare of the Towns inhabitancy.
    - To promote and safeguard the cultural heritage of the Town by conserving and enchancing those places which are of significance to Vincent's cultural heritage.
    - To promote public awareness of cultural heritage.
  - A Community is not made up of those who own land or pay rent in an area. Manna Inc. has been delivering a free meal service to the homeless and vulnerable people in this location for more than seventeen (17) years.

10. M. Zrinski of 116 Wright Street, Highgate – Item 9.1.5 Stated the following:
  - Ms Zrinski is the applicant for the item presented on tonight's Meeting Agenda.
  - The previous speakers raised three (3) concerns, which is willing to take on board. They mentioned that their rear wall, they would like it be higher on the border, on the plans it is shown as 2.1 metres and the survey did show that their block was .3 to .5 higher than a 116.
  - Regarding the air-conditioning unit on their side and according to their plans, she only has one unit facing their side.
11. Claire Brady of Rural Community Services, Shenton Street, Northbridge – Item 9.4.4 Stated the following:
  - Ms Brady spoke on behalf of Rural Community servicing advising that they support the application from Manna Inc. as they deal with the homeless in the area of Northbridge and around Perth CBD area.
12. Mr Shrswasi of Aboriginal Legal Service, 7 Aberdeen Street, Northbridge – Item 9.4.4 Stated the following:
  - He spoke on behalf of Dennis Heggington who is the Chief Executive Officer.
  - Weld Square historically is a very important place both from the perspective of pre-colonisation as it has always been a meeting place for Nyoongar people.
  - Regarding Legal Services, their client base for the most part are people who are in a very low income bracket or are homeless. They have a lot of clients who quite often picked up from Weld Square and taken to court.
  - The food area service is an essential part of this and believe that the work Manna Inc. do is essential to the community.
13. Debbie Saunders of 150 Oxford Street, Leederville – Item 9.2.3 Stated the following:
  - Ms Saunders advised that the cost blow out of the original price is totally unacceptable and the practice of taking from some other area to fund that is totally unacceptable as well.
  - Ms Saunders advised that the rents on Oxford Street, where she currently has a business are a \$1000 a square metre plus and Council giving the free space to certain businesses is unfair, biased and detrimental to those who don't qualify when the fact that some of these business don't qualify has nothing to do with them, it is just where they are placed in the street.
  - There is no note given to the fact, that there is going to be six (6) lost carbays on Oxford Street and surely this amounts to not only the cost of \$11,000 per On-Road Cafe but the cost of that loss of parking revenue and the waste of the ticket machines in those bays.
  - Mary Street Bakery is not open at night and in fact shuts at 4pm and therefore not really qualifying under the criteria set out by Council.
  - She is not against the ORC's but as long as they follow the criteria and are in areas where an alfresco is not possible or should be really in front of a non food business.
14. Stuart Lofthouse of 123 Oxford Street, Leederville – Item 9.4.4 Stated the following:
  - Mr Lofthouse advised that he supported for the Manna Inc. providing food, especially within this Council where they can afford \$60,000 for sculptures, \$40,000 they can spend, \$11,000 on two (2) parking bays to upgrade them for public space.

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

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

Nil.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

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

Nil.

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

6.1 Minutes of the Ordinary Meeting of Council held on 29 October 2013

**Moved Cr Harley, Seconded Cr Topelberg**

**That the Minutes of the Ordinary Meeting of Council held on 29 October 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 Urgent Business - Item 13.1**

I have approved of Urgent Business in the form of a Notice of Motion on tonight's Agenda in response to the State Government's announcement yesterday concerning the City of Vincent.

**7.2 Confidential Motion - Item 14.4**

I have approved of a late Confidential Motion on tonight's Agenda, relating to a request for the Chief Executive Officer to provide a report concerning Place Managers for the City of Vincent Town Centres.

As this matter relates to the City's employees, it will be dealt with on a confidential basis.

**8. DECLARATIONS OF INTERESTS**

8.1 Mayor declared an Impartiality interest in Item 9.4.2 – Beaufort Street Festival – Use of Forrest Park for Parking and Removal of nib Stadium Residential Parking Restrictions. The extent of his interest being that he is the Chair of the Beaufort Street Network and on the steering Committee of the Beaufort Street Festival.

8.2 Cr Cole declared an Impartiality interest in Item 9.4.1 – Shop 1, No. 162 (Lot 4; D/P 62324) Oxford Street, Leederville – Amani Wine Bar, Extended Trading Permit (Ongoing Extension of Hours). The extent of her interest being that she is employed at the Drug and Alcohol Office. She stated however that she is not employed in the area providing advice to the Director of Liquor Licensing or on Liquor Licensing matters. She stated that however they maybe a perception of conflict but no actual conflict existing.

8.3 Cr McDonald declared an Proximity interest in Item 9.2.2 – Lincoln Street between Lord and Wright Streets, Perth - Proposed Introduction of One (1) Hour Parking Restrictions. Her interest being that she owns property and resides in Lincoln Street. Requested approval to participate in debate and vote on the item.

8.4 Chief Executive Officer Mr John Giorgi, JP declared an Impartiality interest in Item 9.4.4 – Manna Inc. – Temporary Use of Weld Square. The extent of his interest being that the consultant Ben Doyle of Planning Solutions is well known to him on a professional basis and he is often engaged as a City's Town Planning Consultant in the SAT. He stated that he had no input on the preparation of the report, other than his normal vetting as part of the compilation of the Agenda.



Cr McDonald departed the Chamber at 6.35 pm – to allow the Council to consider her request to participate in the debate and vote on Item 9.2.2.

**PROCEDURAL MOTION:**

**Moved Cr Harley, Seconded Cr Pintabona**

**That Cr McDonald's request to participate in the debate and vote on item 9.2.2, be approved.**

**CARRIED UNANIMOUSLY (7-0)**

(Cr McDonald was out of the Council Chamber and did not vote.)

Cr McDonald returned to the Chamber at 6.36pm.

Mayor John Carey informed Cr McDonald that her request had been unanimously approved by the Council.

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

Nil.

**10. REPORTS**

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

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

Items 9.1.3, 9.1.4, 9.1.5, 9.4.4 and 13.1

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

Items 9.2.1, 9.2.3, 9.3.1, 9.3.3 and 9.5.2

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

Item 9.2.2

Presiding Member, Mayor John Carey, requested Council Members to indicate:

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

COUNCIL MEMBER	ITEMS TO BE DISCUSSED
Mayor John Carey	Nil
Cr Buckels	Nil
Cr Cole	9.4.1
Cr Harley (Deputy Mayor)	Nil
Cr McDonald	9.2.2
Cr Pintabona	Nil
Cr Topelberg	9.1.2, 9.1.6 & 14.5
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 9.1.1, 9.3.2, 9.4.2, 9.4.3, 9.4.5, 9.5.1, 9.5.3 and 9.5.4

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

Item 14.1, 14.2, 14.3, 14.4 & 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 9.1.1, 9.3.2, 9.4.2, 9.4.3, 9.4.5, 9.5.1, 9.5.3 and 9.5.4

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

Items 9.1.3, 9.1.4, 9.1.5, 9.4.4 and 13.1

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

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

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

Items 14.1, 14.2, 14.3, 14.4 and 14.5

**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 Pintabona, Seconded Cr Wilcox**

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

**Items 9.1.1, 9.3.2, 9.4.2, 9.4.3, 9.4.5, 9.5.1, 9.5.3 and 9.5.4**

**CARRIED UNANIMOUSLY (8-0)**

**9.1.1 FURTHER REPORT – Review of the City’s Trees of Significance Inventory**

<b>Ward:</b>	All	<b>Date:</b>	25 October 2013
<b>Precinct:</b>	Both	<b>File Ref:</b>	PRO0092
<b>Attachments:</b>	<a href="#">001</a> – Trees of Significance Assessment Report prepared by Bowden Tree Consultancy – September 2013.		
<b>Tabled Items:</b>			
<b>Reporting Officer:</b>	A Fox, Planning Officer (Strategic)		
<b>Responsible Officer:</b>	P Mrdja, Acting Director Planning Services		

**FURTHER OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** the Trees of Significance Assessment Report dated September 2013, prepared by Bowden Tree Consultancy as show in Appendix 9.1.1 (Attachment 001);
2. **NOTES** the recommendations, as outlined in the Consultants report; and
3. **AUTHORISES** the Chief Executive Officer to advise private significant tree owners of the outcome of the Trees of Significance Assessment Report relating to their individual significant tree.

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**COUNCIL DECISION ITEM 9.1.1**

**Moved Cr Pintabona, Seconded Cr Wilcox**

That the recommendation be adopted.

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

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**FURTHER REPORT:**

The Council at their Ordinary Meeting held on 12 March 2013, considered a report relating to a review of the City’s Tree’s of Significance Inventory and resolved in part as follows:

*‘That the Council;*

- ...4. *AUTHORISES the Chief Executive Officer to engage the services of a suitably qualified Arborist to undertake a review of the remaining trees on the City’s Trees of Significance Inventory, excluding the street verge trees on Monger and Money Streets; and ...’*

Following the above Council resolution, the City’s Officers engaged the services of Bowden Tree Consultancy to undertake a review of the trees listed on the Tree’s of Significance Inventory. The outcome of this review is summarised below:

**Scope and Methodology**

The review of the Trees of Significance Inventory was undertaken by Bowden Tree Consultancy between 2 July 2013 and 26 August 2013, comprising 21 sites across the City. Trees at these sites were located on street verges, parks and reserves and also in private property with a number of these sites containing multiple trees.

Where an individual tree assessment was undertaken, the Visual Tree Assessment (VTA) method was used. Where a site contained more than one tree, a walk over assessment was used to identify structural defects and assess health condition. Assessment and recommendation for remedial works (where appropriate) was prioritised by risk targets, for example where people, property and activities that could be injured, damaged or disrupted by a tree; and where multiple trees occur at a site, the frequency and intensity of use of the area.

### **Consultant's Recommendation**

The trees assessments resulted in the following broad recommendation:

*'All 21 sites currently listed on the Trees of Significance Inventory retain their current listing as Trees of Significance.'*

A thorough visual assessment of the significant trees resulted in specific recommendations being made in relation to the ongoing maintenance of each listed tree. Further recommendations include the following:

- Some modification for the coral trees (*Erythrina x sykesii*) in Mabel Street, North Perth. There are a number of trees at this site that are located beneath power lines that possess a poorly formed crown structure, attributed to previous deleterious topping to reduce the height of the trees. Consideration should be given to removal and replacement of such trees, whilst retaining the remaining trees to form part of the 'Group Category' of significance.
- Specific recommendations have been made in relation to maintenance requirements for individual trees listed on the Trees of Significance as outlined in the Trees of Significance Assessment report prepared by Bowden Tree Consultancy.

### City owned trees

In relation to trees within the City's reserves and verges, the consultant's recommendations have been assessed by the City's Parks Services. The recommended maintenance as outlined in the Tree Assessment report is currently being undertaken as part of the City's Parks Services ongoing annual maintenance program, utilising funds from the 'Amenity Pruning Account' in the 2013/2014 Budget, of which \$60,000 has been set aside for maintenance works of this nature.

### Privately owned trees

Currently there are 9 trees in private ownership listed on the Significant Tree Inventory (including 3 at the TAFE site), of which 4 have been identified by the consultant as requiring some minor maintenance work. Whilst the maintenance of private trees is the responsibility of individual owners, the City's Administration recommends that owners of each listed tree are advised of the outcome of the consultant's assessment and any maintenance works that have been recommended.

The City's Policy No. 3.6.3 relating to Trees of Significance addresses the management of significant trees on private property. The Policy was amended at the Ordinary Meeting of Council held on 25 June 2013 in order to clarify the requirement for Planning Approval associated with significant trees; and to include a mechanism for financial assistance by way of a 'Trees of Significance Assistance Fund'. An amount of \$5,000 was set aside in the 'Trees of Significance' account in the 2013/14 Budget which can be used for assisting private owners in maintaining significant trees through a reimbursement in part (50% up to \$2,000) for works associated with their significant tree.

It is recommended that significant tree owners are also advised of their responsibilities and access to funding assistance as outlined in Policy No. 3.6.3.

**CONCLUSION:**

In light of the above, it is recommended that the Council receive the Significant Tree Assessment report prepared by Bowden Tree Consultancy and note the recommendations outlined in the consultant's report.

It is also recommended that the City's Administration advise private significant tree owners of the outcome of the consultant's report in relation to their tree.

The Minutes of the Ordinary Meeting of Council held on 25 June 2013 can be found at:  
[http://www.vincent.wa.gov.au/Your\\_Council/Agenda\\_Minutes](http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes).

**9.3.2 Annual Plan – Capital Works Programme 2013/2014 – Progress Report No.1 as at 30 September 2013**

<b>Ward:</b>	Both	<b>Date:</b>	25 October 2013
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0025
<b>Attachments:</b>	<a href="#">001</a> – Annual Capital Works Schedule 1 <sup>st</sup> Quarter		
<b>Reporting Officers:</b>	M Rootsey, Director Corporate Services; R Boardman, Director Community Services; R Lotznicker, Director Technical Services; and P Mrdja, A/Director Planning Services		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **RECEIVES** Progress Report No. 1 for the period 1 July to 30 September 2013 for the Capital Works Programme 2013/2014, as detailed in Appendix 9.3.2.

**COUNCIL DECISION ITEM 9.3.2**

**Moved Cr Pintabona, Seconded Cr Wilcox**

**That the recommendation be adopted.**

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

**PURPOSE OF REPORT:**

The purpose of this report is to provide a quarterly progress report on the Council's Capital Works Programme 2013/2014 for the period 1 July 2013 to 30 September 2013.

**BACKGROUND:**

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

**DETAILS:**

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

The programme takes into consideration the following factors:

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

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Strategic Community Plan 2011 – 2021 (Plan for the Future)

In keeping with the City's Strategic Plan 2011-2016 Key Result Area One – Natural and Built Environment:

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

**SUSTAINABILITY IMPLICATIONS:**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

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

**COMMENTS:**

The schedule of projects may be subject to change during the year. However, the Capital Works Programme will be initially implemented on the basis of the timing as outlined in the attached programme.

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

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

**9.4.2 Beaufort Street Festival – Use of Forrest Park for Parking, Temporary Suspension of nib Stadium Residential Parking Restrictions and Use of Barlee Street Car Park**

<b>Ward:</b>	South	<b>Date:</b>	25 October 2013
<b>Precinct:</b>	Forrest (14); Beaufort (13) & Hyde Park (12)	<b>File Ref:</b>	CMS0110; CMS0130
<b>Attachments:</b>	<a href="#">001</a> – Area of Suspended Residential Parking Restrictions (Plan No. 2447-PP-3B)		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	M Wood, Acting Manager Ranger and Community Safety Services		
<b>Responsible Officer:</b>	R Boardman, Director Community Services		

**OFFICER RECOMMENDATION:**

That the Council APPROVES of the following:

1. **Use of Forrest Park**

- 1.1 The use of Forrest Park as a parking area, for use on Saturday, 16 November 2013, to accommodate parking for the Beaufort Street Festival;
- 1.2 Highgate Primary School Parents and Citizen’s Committee (P&C) being appointed to manage parking on Forrest Park;
- 1.3 The operating hours for the parking facility to be set from noon to midnight on 16 November 2013;
- 1.4 A flat-rate fee of \$10.00 to be charged for each vehicle that uses the facility;
- 1.5 Beaufort Street Festival Organisers to undertake appropriate advertising to ensure that potential patrons are aware of the parking facility; and
- 1.6 Beaufort Street Festival Organisers to undertake a letter drop to all properties in the area bounded by Harold Street, Lord Street, Walcott Street and Beaufort Street, to ensure that the community is aware of the use of Forrest Park as a parking area;

2. **Temporary Suspension of nib Stadium Parking Restrictions**

- 2.1 Suspension of existing nib stadium parking restrictions from Lincoln Street to Harold Street in Areas 4 and 5 shown in Appendix 9.4.2A, due to coinciding with the Perth Glory Game on 16 November 2013; and
- 2.2 Residents in the nib Stadium Residential Parking Areas 4 and 5 be advised of the temporary arrangements specified in clause 2.1 above; and

3. **Use of Barlee Street Car Park**

- 3.1 The use of Barlee Street Car Park during the Beaufort Street Festival on Saturday, 16 November 2013, for the purpose of an ‘Upcycle Bar’ designed by sponsor James Squire;



- 3.2 Barlee Street Car Park to be closed to the public from 6am on Friday, 15 November 2013 to midnight on Sunday, 17 November 2013, to accommodate the “bump-in’ and “bump-out” periods, as well as the Festival activities; and
- 3.2 Barlee Street Car Park shall be cleared, swept and re-opened for use by the public by 6am on Monday, 18 November 2013.

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**COUNCIL DECISION ITEM 9.4.2**

**Moved Cr Pintabona, Seconded Cr Wilcox**

**That the recommendation be adopted.**

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

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**PURPOSE OF REPORT:**

The purpose of this report is to:

1. Seek approval for the use of Forrest Park as a temporary parking facility, during the Beaufort Street Festival on Saturday, 16 November 2013, in order to ensure that inconvenience to residents, caused by patrons parking in the residential streets, is minimised;
2. Council to authorise Highgate Primary School P&C to manage parking on Forrest Park;
3. Council to authorise the suspension of existing nib Stadium parking restrictions from Lincoln Street to Harold Street; and
4. Seek approval to close Barlee Street Car Park, from 6am on Friday, 15 November 2013 to midnight on Sunday, 17 November 2013, to allow for preparations before the event and dismantling after the event.

**BACKGROUND:**

The Council has previously allowed parking to take place on Forrest Park, both for a number of concerts held at nib Stadium and for the 2012 Beaufort Street Festival. The facility operated well for the 2012 Beaufort Street Festival and it is recommended that a similar approval be given for the 2013 Festival.

At the Ordinary Meeting of Council held on 9 October 2012, the Council resolved as follows:

*“That the Council APPROVES;*

1. *The use of Forrest Park as a parking area, for use on Saturday, 17 November 2012, to accommodate parking for the Beaufort Street Festival, under the following conditions:*
  - 1.1 *The operating hours for the parking facility to be set from noon to midnight on 17 November 2012;*
  - 1.2 *A flat-rate fee of \$10.00 to be charged for each vehicle that uses the facility;*

- 1.3 *Beaufort Street Festival Organisers to undertake appropriate advertising to ensure that potential patrons are aware of the parking facility; and*
- 1.4 *Beaufort Street Festival Organisers to undertake a letter drop to all properties in the area bounded by Harold Street, Lord Street, Walcott Street and Beaufort Street, to ensure that the community is aware of the use of Forrest Park as a parking area; and*
2. *The use of Barlee Street Car Park as a "European Foods, Food and Wine Stage" during the Beaufort Street Festival on Saturday, 17 November 2012, under the following conditions:*
  - 2.1 *Barlee Street Car Park will be closed to the public from 6am on Friday 16 November 2012 to midnight on Sunday, 18 November 2012, to accommodate the "bump-in" and "bump-out" periods, as well as the Festival activities; and"*
  - 2.2 *Barlee Street Car Park will be cleared, swept and re-opened for use by the public by 6am on Monday, 19 November 2012; and*
3. *REQUESTS that the Chief Executive Officer investigate alternative mechanisms for managing Forrest Park parking on the Beaufort Street Festival Day.*

#### **DETAILS:**

##### **Forrest Park**

The Beaufort Street Festival Organisers made use of Forrest Park as a temporary parking facility for the 2012 Festival and this operated very well. The Festival Organisers have again requested approval to use Forrest Park for the 2013 Festival, which occurs on Saturday, 16 November 2013.

Parking for the Beaufort Street Festival 2012 at Forrest Park was subsequently offered to Highgate Primary P&C, who ran the parking and raised \$7,900. Twenty eight (28) volunteers were required throughout the day, and a total of 50 placards and signs advertising parking at Forrest Park.

The agreement with the Highgate Primary School P&C outlined responsibilities, requirements and general information required to perform parking in a safe and effective manner. The Highgate Primary School P&C utilised the money raised from parking to repair roofing that was damaged in the storms earlier in 2011, as well as installing bench seating for the Junior School students. Recent discussions with Highgate Primary School P&C have indicated that they are prepared and have the capacity to again run the parking at Forrest Park, subject to the stringent conditions and standards outlined in the previous 2012 agreement, which included:

##### *"Operational*

- *Understanding of their Occupational Safety & Health responsibilities – including the use of reflective safety vests, torches and communication devices.*
- *If a patron attempts to park on Forrest Park but does not pay.*
- *Floodlights will be switched on at dusk and switched off at midnight.*

##### *Key Timings*

- *Forrest Park will be open and operational at 07:00hrs.*
- *Forrest Park will close at midnight.*

Risk

- *Ensure all staff are 18 years or older and are aware of these briefing notes and their responsibilities.*
- *Public Liability Insurance to the value of \$10 million will be supplied to the City of Vincent prior to the event."*

Following the same event in 2012, assessments of the impact of vehicles on the playing surface of Forrest Park revealed that no damage had been sustained as a result of its use. Forrest Park is large enough to accommodate up to 750 vehicles, without encroaching on the areas of the reserve used by Perth Soccer Club. Also, there is usually a two-week break between games, so even if there is some wear and tear on the ground, it will have adequate time to recover before being used again.

The organisers expect that the attendance numbers at the Festival could be as many as 100,000, over the course of the day, which is substantially more than the 80,000 that attended the 2012 event. The City operated a "Parking Hotline" for the 2012 Festival and, given that a larger crowd is expected to attend the 2013 event, a similar system will be in operation. This "Parking Hotline" will be advertised locally as the contact number for any parking problems and the contact mobile telephone will be carried by the Supervising Ranger. Last year, he received only a very few complaints about parking in the streets around the Festival area and he dispatched a Ranger to assist as soon as he received a complaint.

The Beaufort Street Festival Working Group previously suggested that the \$6.00 parking fee charged in 2011 was too low and that a flat rate fee of \$10.00 per vehicle should again be charged for the 2013 Festival.

It was also suggested that, if Forrest Park is to be approved, it should be a requirement for Festival Organisers to heavily promote the use of Forrest Park as a temporary parking venue.

**Barlee Street Car Park**

Barlee Street Car Park will be transformed into an upcycle bar designed by sponsor James Squire, and will be one of the largest show pieces planned for the Festival. This licensed area will hold 1250 people and will incorporate food tasting and wine tasting, so the car park will require a substantial amount of work to set up and decorate. As a result, the Festival Organisers would like to have exclusive access to the car park, for the whole of Friday, 15 November to set up the venue, Saturday, 16 November to operate the facility and all of Sunday, 17 November to take down the tables, decorations, etc.

Barlee Street Car Park is rarely full during the day on a Friday, although it is well-used on a Friday night and all day Saturday. The Car Park is little-used on a Sunday. As a result, while there will be some inconvenience to car park patrons on Friday and Saturday, it is suggested that this would not pose a major problem, because there are other surrounding parking facilities that could be used.

**Coinciding nib Stadium Perth Glory versus Adelaide United game and implications**

Because there is also a Perth Glory game on 16 November 2013, Residential Parking Restrictions in the area from Lincoln Street to Harold Street, is recommended to be suspended for the day.

The Event Organisers have been requested to make sure that their advertising material includes advice that a substantial number of Rangers will be on duty to cover this and other events in the City. As a result, Rangers will patrol surrounding streets and, while they have been asked to exercise a little leniency with time restrictions, they will immediately deal with received complaints, or obstructing vehicles. Should a person be unable to exit their driveway, because a vehicle is causing an obstruction, the offending vehicle will be towed away, incurring an approximate charge of \$300.00 in penalties, towage fees and impounding fees.

Residents, businesses and visitors, who have concerns about anything relating to the Festival, will be able to contact the City via a dedicated mobile telephone number, which will be manned from noon till midnight on the day. This will be manned by a Ranger, who will accept the calls, take the necessary details and pass the complaint on to the relevant section. The contact number will be passed to the Event Organisers, for inclusion in their information letter that is to be delivered to affected properties, around a week before the Festival.

To assist in the set up of the Festival, the area which will be within the barricades will be made into a No Stopping/No Parking area, from 6pm on 15 November 2013. This will be achieved by "hooding" the parking signs, to indicate that the area is not available for general parking. If the No Stopping/No Parking area is not set up before 7:00pm, on 15 November, vehicles can legally park till 8:00am on the morning of 16 November 2013. However, Rangers will take a lenient approach to vehicles that park on Beaufort Street on the evening of 15 November 2013.

**CONSULTATION/ADVERTISING:**

The Festival Organisers have already undertaken an initial letter drop to a wide area and this will be followed up with a second letter drop closer to the event. The organisers have also tried to engage local businesses and residents to ensure that adequate preparation can be made to accommodate anomalies and potential problems. The Festival will be promoted through newspapers, electronic media, advertising posters in local shops, banners in approved locations, a dedicated website and by letter/pamphlet drops.

**LEGAL/POLICY:**

City of Vincent Parking and Parking Facilities Local Law 2007.

Road Closure approvals have already been applied for and most have been approved.

The arrangements are in accordance with the City's standard procedures and Police and other Emergency Services have been notified.

**RISK MANAGEMENT IMPLICATIONS:**

A formal Risk Management Plan has been compiled by the Festival Organisers, in conjunction with a consultant, local WA Police and local businesses.

**STRATEGIC IMPLICATIONS:**

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

*"1.1.5 Implement the City's Car Parking Strategy and associated Precinct Parking Management Plans".*

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

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

Staff Costs (Preparation)	(10 hours)	\$ 350
Staff Costs (Operational)	(60 hours)	\$ 2,400
Loss of Parking Revenue		<u>\$ 700</u>
Anticipated Expenditure		\$ 3,450
Anticipated Revenue Parking Fees		\$ 1,500
Spent to Date:		<u>\$ 0</u>
Net Anticipated Expenditure:		\$ 1,950

Given previous experience, there is unlikely to be any damage to the playing surface of Forrest Park, so there is likely to be no financial implications with regard to the infrastructure of Forrest Park. Since vehicles will be charged a fee to use the facility, the wages cost for Rangers to attend the facility will be partly offset by the revenue derived (anticipated as \$1,500).

Since Barlee Street Car Park will be unavailable between Friday, 15 and Sunday, 17 November 2013, there will be a loss of net income to the City of approximately \$700.

**COMMENTS:**

A survey of local residents, undertaken in July 2010, suggests that there is general support for the use of Forrest Park as an overflow parking facility, when major events are held in the City.

It is recommended that a fee of \$10.00 per vehicle be levied. Further, if the availability of Forrest Park is advertised immediately prior to the Festival, this should result in a higher usage of the Reserve lessening the impact on residents in the locality.

**9.4.3 Cultural Development Seeding Grant Application – Carols by Candlelight in Hyde Park**

<b>Ward:</b>	Both	<b>Date:</b>	25 October 2013
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0155
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	A Birch, Senior Community Development Officer J Anthony, Manager Community Development		
<b>Responsible Officer:</b>	R Boardman, Director Community Services		

**OFFICER RECOMMENDATION:**

That the Council **APPROVES:**

1. The application by 'Youth with A Mission Perth' for a Cultural Seeding Grant of \$750 to organise a Carols by Candlelight event in Hyde Park; and
2. The waiving of fees for the hire of Hyde Park, including the \$164 event hire fee.

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**COUNCIL DECISION ITEM 9.4.3**

**Moved Cr Pintabona, Seconded Cr Wilcox**

That the recommendation be adopted.

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

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**PURPOSE OF REPORT:**

To seek approval for one (1) Cultural Development Seeding Grant (CDSG) application.

**BACKGROUND:**

'Youth With A Mission Perth' (YWAMP) are running their annual Carols by Candlelight event on Saturday, 7 December 2013 from 12.00pm to 10.00pm.

**DETAILS:**

The Carols by Candlelight is an annual event held in Hyde Park open to the community to celebrate Christmas. A choir of international staff and students from YWAMP will lead the audience in traditional Christmas Carols. The programme will include unique musical performances by members of the community, as well as readings of the Christmas story and short, Christmas related, words of encouragement. This year children's activities will be run prior to the Carols, including face painting and games. Tea and coffee will be served for free.

The identified aim of the event is to draw the community together to celebrate Christmas with children's activities provided prior to the Carols, including face painting and games. There is a desire that people will become better connected with their neighbours and community, and will be encouraged by being reminded of the spirit of Christmas, including that of love and hope.

This event is held in a public area of Hyde Park and will be fully accessible to all members of the community including people with disability. In line with previous events, standard conditions will apply for the use of Hyde Park. To support the event, the hire fee will be waived.

**CONSULTATION/ADVERTISING:**

The event will be advertised through the use of flyers, postcards through letterbox delivery, the City's website, e-news and Facebook.

**LEGAL/POLICY:**

The application meets the cultural requirements for a CDSG.

The allocation of Community Development Seeding Grants aligns with the City's Policies as follows:

- Policy No. 2.1.7 – Parks and Reserves – Conditions of Use and Hire; and
- Policy No. 3.10.5 – Donations, Sponsorship and Waiving of Fees and Charges.

**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:**

In keeping with the City's *Strategic Plan 2011-2016* – Objective three (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*

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

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

Budget Amount:	\$6,000
Spent to Date:	<u>\$3,350</u>
Balance:	\$2,650

**COMMENTS:**

The event proposed by YWAMP meets the criteria for the CDSG. The City's support will be acknowledged during the Carols by Candlelight event. YWAMP will complete an acquittal report after the event, detailing how the funds were expended.

The event provides an opportunity for the community to gather in celebration of the Christmas festive season.

**9.4.5 Parking Enforcement – Day-Shift Rangers – Progress Report No. 2**

<b>Ward:</b>	Both	<b>Date:</b>	25 October 2013
<b>Precinct:</b>	All	<b>File Ref:</b>	PKG0001
<b>Attachments:</b>	<a href="#">001</a> - Contract Ranger Statistics		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	M Wood, A/Manager Ranger and Community Safety Services P Morrice, Team Leader Ranger Services		
<b>Responsible Officer:</b>	R Boardman, Director Community Services		

**OFFICER RECOMMENDATION:**

That the Council:

1. **RECEIVES** the further report on the effectiveness of the positions of Contract Day-Shift Ranger positions, specifically dedicated to parking enforcement in the areas adjacent to the recently introduced ticket machine zones; and
2. **APPROVES** the employment of two (2) permanent Day-Shift Ranger Parking Officers for deployment in residential areas.

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**COUNCIL DECISION ITEM 9.4.5**

**Moved Cr Pintabona, Seconded Cr Wilcox**

That the recommendation be adopted.

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

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**PURPOSE OF REPORT:**

The purpose of this further report is to inform the Council of the effectiveness of the Contract Day-Shift Ranger positions trialled over the past 12 months as originally approved by Council on 24 April 2012 and seek approval to employ two Rangers on a permanent basis.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 23 October 2012, the Council resolved as follows:

*“That the Council;*

1. *RECEIVES* the report on the performance of and the benefits derived from the employment of two (2) day-Shift Parking Rangers, specifically dedicated to parking enforcement in the areas adjacent to the recently introduced ticket machine zones; and
2. *NOTES* that;
  - 2.1 *The City’s Administration will continue to monitor and deploy Parking Rangers to streets and areas adversely affected by parking; and*
  - 2.2 *Reports will be submitted to the Council on a six (6) monthly basis.”*



Prior to this at the Ordinary Meeting of Council held on 24 April 2012, the Council resolved as follows:

*“That the Council:*

1. *RECEIVES the report concerning the investigation of the establishment of a new Parking Services Unit;*
2. *APPROVES BY AN ABSOLUTE MAJORITY to AUTHORISE the Chief Executive Officer to:*
  - 2.1 *amend the City’s Organisational Structure to employ two (2) additional Temporary Parking Officers, for deployment in residential areas, and one (1) additional Customer Service Officer for an initial trial period of twelve (12) months as shown in Appendix 14.1 as amended and, for this to be operational, effective from 1 July 2012;*
  - 2.2 *advertise and fill the new positions of Parking Officers and Customer Service Officer;*
  - 2.3 *carryout alterations to the City’s Works Depot at an estimated cost of \$8,500 to accommodate the additional employees, to be funded from a source to be determined;*
  - 2.4 *purchase a vehicle for the new Parking Officers at an estimated cost of \$18,000, to be funded from the City’s “Light Fleet Reserve Fund”; and*
  - 2.5 *purchase the necessary electronic equipment to facilitate the organisational changes, at an estimated cost of \$24,067, to be funded from the City’s “Electronic Equipment Reserve Fund”;*
3. *Subject to clause 2 above being approved, LISTS for consideration in the Draft Budget 2012/2013 the following:*

ITEM		COST
3.1	Two (2) additional Parking Officers	\$179,775
3.2	One (1) additional Customer Service Officers	\$57,115
TOTAL		\$236,890

4. *REQUESTS the Chief Executive Officer to carry out a further review after a period of nine (9) months concerning:*
  - 4.1 *restructuring the current Ranger Services Section;*
  - 4.2 *investigating the establishment of a separate Parking Services/Enforcement Unit; and*
  - 4.3 *the application of new technology in parking enforcement; and*
5. *DOES NOT proceed with the proposal to introduce parking restrictions and conditions to the Pansy Street Car Park, Nos. 1-3 Pansy Street, North Perth, for the reasons detailed in the report.”*

**DETAILS:**

Contract Day-Shift Ranger positions have been operating since the 1 July 2012, adjacent to kerbside ticket machine areas and predominantly nearby to the inner city areas. The Officers main role has been to target and dissuade drivers seeking free parking predominantly in nearby residential and business areas in Vincent. The Officers have been an effective measure to combat illegal parking to discourage persons who were previously exploiting gaps in enforcement. Contract Day-Shift Ranger positions have been policing the main offence of ‘parking contrary to signs and limitations’ in areas nearby to the inner city and busy business districts in Vincent.

Of the two (2) Officers originally employed in the Contract Day-Shift Ranger positions, one (1) has now been employed at the City of Vincent as a Shift Ranger and the other Officer has taken up a permanent position as a Ranger at another Local Government. An Officer has been subsequently employed and another Officer set aside to cover every shift by the Day-Shift Parking Officer. Whilst not always the same Officer, two Officers have been allocated the task of enforcing restrictions in priority areas since 1 July 2012.

As an additional benefit to the City, the additional Parking Rangers have enabled the City's other Rangers to focus more on their other duties rather than being dedicated to just parking issues. The majority of the infringements that have been issued are first time offenders and very few are repeat offenders.

### **Number of Infringements Issued**

Since 30 July 2012, there has been a total of 15,196 infringement notices issued (Revenue of \$811,630). These have occurred in the areas in close proximity to the new ticket machine zones, or which could reasonably be expected to be affected by the installation of the ticket machines. However, there are generally more than just the two contract Rangers operating in these areas, so while there has been a total of 15,196 infringement notices issued, the two contract Rangers have issued 5,927 of them (around 40% of the total issued) to a value of around \$316,536. The following table shows the breakdown of the Parking Infringement notices, not including any notices that deal with offences relating to ticket machines.

<b>Suburb</b>	<b>No. Infringements Issued</b>
Perth 6000	8119
Leederville 6007	3318
Mount Lawley 6050	1342
North Perth 6006	1006
West Perth 6005	565
Mount Hawthorn 6016	498
Highgate 6003	348
	<b>15,196</b>

### **Number of Infringements Issued – by streets**

The amount of infringement notices issued by Street is shown in Appendix 9.4.5. However, a substantial number of Streets had less than 10 infringement notices issued between 1 July 2012 and 12 June 2013, meaning that there is little value in analysing these figures. As a result, they have been collated into a single entry of 1880 infringement notices.

The high number of infringements issued would suggest the need for continued enforcement action to target parking compliance in hotspot areas, and demonstrates that the continued operation of Parking Officers in this role is sustainable.

### **CONSULTATION/ADVERTISING:**

There is a need to advertise all vacant positions in accordance with the City's Equal Employment Opportunity Plan.

### **LEGAL/POLICY:**

City of Vincent Parking and Parking Facilities Local Law 2007.

### **RISK MANAGEMENT IMPLICATIONS:**

**Medium:** If parking enforcement is not sustained, it is contended that drivers will continue to take advantage of parking illegally in residential areas adjacent to locations of new ticket machines, rather than parking in paid areas, if they perceive there are areas not being policed according to the parking restrictions.

**STRATEGIC IMPLICATIONS:**

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

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

*2.1.3 Develop business strategies that reduce reliance on rates revenue.*

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

**SUSTAINABILITY IMPLICATIONS:**

The above proposal is likely to encourage some people to use alternative modes of transport, which enhances the environmental sustainability of the City.

**FINANCIAL/BUDGET IMPLICATIONS:**

Funds have been included in the City's 2013/2014 Budget, for two (2x) additional Officer positions for an additional 12 months, should this decision be supported by the Council.

**COMMENTS:**

This further report is provided to ensure that Council Members are kept aware of the benefits that have been derived from the additional two (2) Day-Shift Parking Rangers to ensure that residential areas, adjacent to the locations of the new ticket machines, were not adversely affected by drivers parking in time restricted areas, rather than paid parking areas.

The City of Vincent is a vibrant and diverse inner city Local Government which is experiencing all the benefits (and disadvantages) associated with being located only 3km from the Perth Central Business District. Parking and traffic issues are significant issues for the City and its residents, which has justified the original need for two (2) Contract Day-Shift Ranger positions being employed from 1 July 2012.

The infringement statistics demonstrate that the affected areas are receiving attention by Rangers in patrolling and monitoring those areas adjacent to the paid parking zones.

As evidenced in the current infringements issued overall by dedicated Parking Officers, the continuation of these roles will assist in providing a strong emphasis on parking control enforcement and provide benefit to the City's residents and business proprietors, whilst at the same time being sustainable.

Approval of the Officer Recommendation is therefore recommended.

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

<b>Ward:</b>	-	<b>Date:</b>	25 October 2013
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0042
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	M McKahey, Personal Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

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

**COUNCIL DECISION ITEM 9.5.1**

**Moved Cr Pintabona, Seconded Cr Wilcox**

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:

<b>Date</b>	<b>Document</b>	<b>No of copies</b>	<b>Details</b>
02/10/2013	Resident Agreement	2	Leederville Gardens Incorporated of c/o of City of Vincent, 244 Vincent Street, Leederville and Mr M J Kershaw re: Unit 55, Leederville Gardens, Britannia Road, Leederville
15/10/2013	Notification under Section 70A	3	City of Vincent and Finbar Funds Management Ltd of Level 6, 181 Adelaide Terrace, East Perth re: Nos. 369-375 (Lot 33; D/P: 15303, Lot 123; D/P 2642, Lot 35; D/P: 65374/1) Stirling Street, cnr Harold Street, Highgate - Proposed Partial Demolition of Existing Buildings, Additions and Alterations to Existing Building and the construction of a six storey mixed use development comprising eighty-three (83) multiple dwellings, forty-seven (47) single bedroom multiple dwellings, one (1) office and associated basement car parking - State Administrative Tribunal (SAT) Review Matter No. 25 of 2011 (Amendments to Plans and Reconsideration of condition of Planning Approval - <i>Conditional Approval given at Ordinary Meeting of Council held on 28 June 2011</i> )

**9.5.3 Strategic Plan 2013-2023 – Progress Report for the Period 1 July 2013 to 30 September 2013**

<b>Ward:</b>	-	<b>Date:</b>	25 October 2013
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a> – Strategic Plan Quarterly Progress Report		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	J Highfield, Executive Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council RECEIVES the progress report on the Strategic Plan 2013-2023 for the period 1 July 2013 to 30 September 2013, as shown in Appendix 9.5.3.

**COUNCIL DECISION ITEM 9.5.3**

**Moved Cr Pintabona, Seconded Cr Wilcox**

That the recommendation be adopted.

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

**PURPOSE OF REPORT:**

The purpose of this report is to provide a quarterly report to the Council to keep it informed of the various strategies in the City’s Strategic Plan for the period 1 July 2013 to 30 September 2013.

**DETAILS:**

Progress reports are reported to Council for each quarter as follows:

<b>Period</b>	<b>Report to Council</b>
1 October 2012 - 31 December 2012	February
1 January 2013 - 31 March 2013	April
1 April 2013 – 30 June 2013	August
1 July 2013 – 30 September 2013	October

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

The Council adopted a revised Plan for the Future at the Ordinary Meeting of Council held on 10 September 2013. The City’s Strategic Plan forms part of the Plan for the Future. It is not a legal requirement to have a Strategic Plan, however, it is considered “Best Practice” management that a Strategic Plan be adopted to complement and be linked and aligned to the Annual Budget.

**RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

The Strategic Plan provides the elected Council and administration with its aims, goals and objectives (key result areas) for the period 2013-2023. The reporting on a quarterly basis is in accordance with the Strategic Plain 2013-2023Key Result Area.

This is in keeping with the City's Strategic Plan 2013-2023- "*Leadership, Governance and Management*", in particular, Objective 4.1.2 - "*Manage the Organisation in a responsible, efficient and accountable manner*".

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The progress report for the Strategic Plan indicates that the City's administration is progressing the various strategies in accordance with the Council's adopted programs and adopted budget.

It should be noted that at the Ordinary Meeting of Council held on 10 September 2013, the Council adopted a revised Community Strategic Plan.

### 9.5.4 Information Bulletin

<b>Ward:</b>	-	<b>Date:</b>	25 October 2013
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a> – Information Bulletin		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J Highfield, Executive Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

#### OFFICER RECOMMENDATION:

That the Council RECEIVES the Information Bulletin dated 25 October 2013, as distributed with the Agenda.

#### COUNCIL DECISION ITEM 9.5.4

Moved Cr Pintabona, Seconded Cr Wilcox

That the recommendation be adopted.

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

#### DETAILS:

The items included in the Information Bulletin dated 25 October 2013 are as follows:

ITEM	DESCRIPTION
IB01	Letter from the Department of Transport regarding the Max Light Rail, in response to the Council Resolution of 24 September 2013
IB02	Unconfirmed Minutes of the Design Advisory Committee held on 2 October 2013
IB03	Unconfirmed Minutes of the Leederville Town Centre Enhancement Working Group held on 14 October 2013
IB04	Tamala Park Ordinary Meeting of Council Minutes held on 17 October 2013
IB05	Forum Notes - 15 October 2013
IB06	Notice of Forum - 12 November 2013
IB07	State Administrative Tribunal Orders regarding the matter of Allan Teede and City of Vincent, DR 35 of 2013
IB08	Letter from the Minister for Environment, Heritage – Advising of amalgamation of Swan River Trust with the Department of Parks and Wildlife

**14.5 CONFIDENTIAL REPORT: Leederville Town Centre Enhancement Project – Progress Report No. 6**

<b>Ward:</b>	South	<b>Date:</b>	31 October 2013
<b>Precinct:</b>	Oxford Centre (4)	<b>File Ref:</b>	ADM0106
<b>Attachments:</b>			
<b>Tabled Items:</b>			
<b>Reporting Officers:</b>	R Lotznicker, Director Technical Services J van den Bok, Manager Parks & Property Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. pursuant to section 5.23(2) of the Local Government Act 1995 and clause 2.14 of the City of Vincent Local Law Relating to Standing Orders, proceeds “behind closed doors” at the conclusion of the items, to consider the confidential report, circulated separately to Council Members, relating to a tender for the Leederville Town Centre Enhancement Project, as this matter contains information concerning:
  - (e) a matter that, if disclosed, would reveal;
    - (i) a trade secret;
    - (ii) information that has a commercial value to a person; or
    - (iii) information about the business, professional, commercial or financial affairs of a person; and
2. **AUTHORISES** the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.

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**PROCEDURAL MOTION**

**Moved Cr Topelberg, Seconded Cr Pintabona**

That the item be DEFERRED to allow Council Members sufficient time to consider the matter (given that it had been received at 4.40pm prior to the Council Meeting) and subsequently be reported to the next Meeting of Council.

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

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

**Against:** Cr Buckels and Cr Harley

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**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning:

- (e) *a matter that, if disclosed, would reveal;*
  - (i) *a trade secret;*
  - (ii) *information that has a commercial value to a person; or*
  - (iii) *information about the business, professional, commercial or financial affairs of a person.*

**LEGAL:**

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The City of Vincent Local Law Relating to Standing Orders states the following:

*"2.14 Confidential business*

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.*

**9.1.3 Nos. 7/565-567(Lot 500 Strata Lot 7) Beaufort Street, corner Vincent Street, Mount Lawley – Proposed Change of Use from Office to Recreational Facility (Health Studio-Gym) with Ancillary Two (2) Medical Consulting Rooms (Physiotherapy) and Office**

<b>Ward:</b>	South	<b>Date:</b>	25 October 2013
<b>Precinct:</b>	Mount Lawley; P11	<b>File Ref:</b>	PRO3753; 5.2013.184.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans <a href="#">002</a> – Applicant Justification		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	R Narroo, Acting Co-ordinator Statutory Planning		
<b>Responsible Officer:</b>	P Mrdja, Acting Director Planning Services		

**CORRECTED 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 owner, Project Developments (WA) Pty Ltd for Proposed Change of Use from Office to Recreational Facility (Health Studio-Gym) with Ancillary Two (2) Consulting Rooms and Office at No. 7/565-567 (Lot: 100 Strata Lot 7) Beaufort Street, corner Vincent Street, Mount Lawley, and as shown on plans stamp-dated 9 May 2013, subject to the following conditions:

1. Doors, windows and adjacent floor areas facing Vincent Street shall maintain active and interactive relationship with this street;
2. This approval is for Recreational Facility with Ancillary Medical Consulting Rooms (Physiotherapy) and Office only;
3. A maximum of two (2) consulting rooms/consultants are permitted to operate from the property at any one time;
- “4. The maximum number of patrons for the recreational facility at any one time shall be limited to ~~50~~ 100 persons;”
5. This approval for Recreational Facility with Ancillary Two (2) Medical Consulting Rooms (Physiotherapy) is for a period of twelve (12) months only and should the applicant wish to continue the use after that period, it shall be necessary to re-apply to and obtain approval from the City prior to the continuation of the use; and
6. Operating Time
  - 6.1 The proposed use of the Recreation Facility (Health Studio-Gym) is allowed to operate 24 hours, seven days a week;
  - 6.2 The hours of operation of the Consulting Rooms shall be limited to the following times:

DAY	HOURS OF OPERATION
Monday to Friday	8:00am to 9:00pm
Saturday	8:00am to 5:00pm
Sunday and Public Holidays	11:00am to 5:00pm
Christmas Day, Good Friday and Anzac Day	Closed

**“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 \$39,750 for the equivalent value of 7.95 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 \$39,750 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. Right of Way**

The Right of Way shall remain open at all times and must not be used to store any building or other material or be obstructed in any way. The Right of Way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the Right of Way condition has deteriorated, or become impassable as a consequence of the works the applicant/developer shall make good the surface to the full satisfaction of the City’s Technical Services Directorate;

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

**9.1 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

**9.2 Bicycle Parking Facilities**

Ten (10) class two bicycle facilities shall be provided on the first floor within the bike store. 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;

10. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:**

**10.1 Acoustic Report**

An Acoustic Report in accordance with the City's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted to the City for approval. The recommended measures of the approved Acoustic Report shall be implemented and certification from an Acoustic Consultant that the measures have been undertaken, prior to the first occupation of the development; and

11. 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 2, any change of use for the subject land shall require Planning Approval to be applied to and obtained from the City;
2. All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the City prior to the erection of the signage;

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 Vincent Street and Beaufort Street;

The applicant is advised that an Occupancy Permit is required for change of class from office to recreational facility with ancillary medical consulting rooms; and

Any proposed changes to the pedestrian access level within the building shall match into existing verge, footpath and road levels to the satisfaction of the City's Technical Services Directorate.

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

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**Moved Cr Buckels, Seconded Cr Pintabona**

That the recommendation be adopted.

Debate ensued.

**AMENDMENT**

**Moved Cr Topelberg, Seconded Cr Pintabona**

"That Clause 5 be amended to read as follows:

5. This approval for Recreational Facility with Ancillary Two (2) Medical Consulting Rooms (Physiotherapy) is for a period of ~~twelve~~ thirty six (36) months only and should the applicant wish to continue the use after that period, it shall be necessary to re-apply to and obtain approval from the City prior to the continuation of the use; and"

Debate ensued.

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

Debate ensued.

**CORRECTED MOTION AS AMENDED 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

**REASONS FOR CHANGE TO THE OFFICER RECOMMENDATION:**

A 12 month approval is considered an insufficient approval period, given the extent of the Applicant's financial input into the business.

**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, APPROVES the application submitted by the owner, Project Developments (WA) Pty Ltd for Proposed Change of Use from Office to Recreational Facility (Health Studio-Gym) with Ancillary Two (2) Consulting Rooms and Office at No. 7/565-567 (Lot: 100 Strata Lot 7) Beaufort Street, corner Vincent Street, Mount Lawley, and as shown on plans stamp-dated 9 May 2013, subject to the following conditions:

1. Doors, windows and adjacent floor areas facing Vincent Street shall maintain active and interactive relationship with this street;
2. This approval is for Recreational Facility with Ancillary Medical Consulting Rooms (Physiotherapy) and Office only;
3. A maximum of two (2) consulting rooms/consultants are permitted to operate from the property at any one time;
4. The maximum number of patrons for the recreational facility at any one time shall be limited to 100 persons;
5. This approval for Recreational Facility with Ancillary Two (2) Medical Consulting Rooms (Physiotherapy) is for a period of thirty six (36) months only and should the applicant wish to continue the use after that period, it shall be necessary to re-apply to and obtain approval from the City prior to the continuation of the use; and
6. **Operating Time**
  - 6.1 The proposed use of the Recreation Facility (Health Studio-Gym) is allowed to operate 24 hours, seven days a week;
  - 6.2 The hours of operation of the Consulting Rooms shall be limited to the following times:

DAY	HOURS OF OPERATION
Monday to Friday	8:00am to 9:00pm
Saturday	8:00am to 5:00pm
Sunday and Public Holidays	11:00am to 5:00pm
Christmas Day, Good Friday and Anzac Day	Closed

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 \$39,750 for the equivalent value of 7.95 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 \$39,750 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. **Right of Way**

**The Right of Way shall remain open at all times and must not be used to store any building or other material or be obstructed in any way. The Right of Way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the Right of Way condition has deteriorated, or become impassable as a consequence of the works the applicant/developer shall make good the surface to the full satisfaction of the City's Technical Services Directorate;**

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

9.1 **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**

9.2 **Bicycle Parking Facilities**

**Ten (10) class two bicycle facilities shall be provided on the first floor within the bike store. 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;**

10. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:**

**10.1 Acoustic Report**

An Acoustic Report in accordance with the City's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted to the City for approval. The recommended measures of the approved Acoustic Report shall be implemented and certification from an Acoustic Consultant that the measures have been undertaken, prior to the first occupation of the development; and

11. 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 2, any change of use for the subject land shall require Planning Approval to be applied to and obtained from the City;
2. All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the City prior to the erection of the signage;

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 Vincent Street and Beaufort Street;

The applicant is advised that an Occupancy Permit is required for change of class from office to recreational facility with ancillary medical consulting rooms; and

Any proposed changes to the pedestrian access level within the building shall match into existing verge, footpath and road levels to the satisfaction of the City's Technical Services Directorate.

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**ADDITIONAL INFORMATION:**

The Car Parking calculation is based on Clause 1.4 of new Policy 3.7.1 relating to Parking and Access which specifies the following:

*"For developments proposing a change of use or building work less than 75 percent redevelopment, the existing car parking shortfall is to be calculated by completing an existing car parking assessment, using the existing land uses, floor areas/number of persons approved and current parking ratios and adjustment factors. This total number, after subtracting the existing parking that is provided on site, becomes the existing car parking shortfall and is then subtracted from the car parking requirements (after adjustment factors)."*

**PURPOSE OF REPORT:**

The application is referred to Council for determination, given it is likely to be of significant interest to the community, involves a change of use from office to a recreational facility (health Studio – gym) with ancillary two (2) consulting rooms and office. The recreational facility will operate 24 Hours, and seven (7) days a week.

**Background:**

Date	Comment
16 November 1981	The City of Perth Council approved a male health studio at the subject site.
15 August 1988	The City of Perth Council approved offices on the upper floor and retail on ground floor resulting in a 43 car bays shortfall.
17 October 1988	The City of Perth approved display and wholesale of vehicles and upper floor for offices with a 20 car bays shortfall.
20 September 1990	The City of Perth Application approved change of use from showroom to retail for the ground floor, subject to suitable arrangements being made to the Council's satisfaction in regards to car parking shortfall.
23 August 2005	The Council at its Ordinary Meeting conditionally approved a Change of Use from Office to Shop and Associated Alterations and Signage (part Application from Retrospective Approval) No. 6/565-567 Beaufort Street.
2 May 2011	The City under Delegated Authority conditionally approved Change of Use from Shop to Take Away for No. 5/565-567 Beaufort Street.

The existing building at Nos. 565-567 Beaufort Street consists of seven (7) strata units. The subject application relates to the strata unit No. 7. There are seven (7) parking bays existing on site which have also been strata titled. However, as part of the strata plan, no parking bay has been allocated to unit 7.

**DETAILS:**

The application is for a change of use from Office to Recreational Facility (Health Studio-Gym) with Ancillary Two (2) Consulting Rooms and Office for Strata Unit 7.

<b>Landowner:</b>	Project Developments (WA) Pty Ltd
<b>Applicant:</b>	Project Developments (WA) Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Commercial
<b>Existing Land Use:</b>	Office
<b>Use Class:</b>	Recreational Facility with Ancillary Consulting Rooms
<b>Use Classification:</b>	"AA"
<b>Lot Area:</b>	1064 square metres
<b>Right of Way:</b>	3 metres in width, sealed, privately owned.

This proposal is for change of use from office to a recreation facility (health studio-gym) and ancillary consulting rooms on the vacant first floor, with the ground floor remaining as an office on strata Lot 7. The building for strata Lot 7 has been recently refurbished as an office. No additional car parking is proposed. The Consulting Rooms will be used by the patrons as well as open to the general public.

The applicant has provided the justification dated 8 May 2013 in support of the proposal as per (attachment 002), summarised as follows:

- 24 hours, 7 day fitness centre.
- Key card access to the centre.
- Video monitoring and also have personal emergency alert medallions.
- No peak or rush times.

Furthermore the applicant advised that there will be a maximum of 50 patrons at any one time for the recreational facility.



**Health Services**

~~Under the Health (Public Buildings) Regulations 1992, as the premises only has one designated Exit, the maximum number of patrons permitted to occupy the building at any one time is 50. However, should the premises install an additional Exit, the maximum patron numbers will be reviewed in accordance with the floor area of the premises, total exit width and the toilet facilities provided to patrons. The Regulations specify that for gymnasiums, 3 square metres must be allocated per person, and the available floor area deducts all non-movable fixtures (i.e. gym equipment). In this respect should an additional exit be installed, once the gymnasium has been constructed the City's Health Officers will be required to undertake an onsite inspection to calculate the available floor space in order to determine patron numbers. For further information please refer to the requirements within the Health (Public Buildings) Regulations 1992.~~

The premises maximum accommodation numbers were assessed in accordance with the Health (Public Building) Regulations 1992 and it was determined that a maximum of 50 patrons could occupy the premises due to there being only one designated exit. Upon further information from the applicant indicating that the premises has two emergency exits, the maximum accommodation numbers were reassessed taking into account the public floor area, total exit widths and toilet facilities available for patrons. The Health (Public Building) Regulations 1992 specify that for gymnasiums, 3 square metres must be allocated per person, and the available floor area deducts all non-movable fixtures (i.e. gym equipment). As a result, the calculations indicate only a preliminary number and will vary upon final inspection undertaken by the City's Environmental Health Officers once the gymnasium is constructed. Following the preliminary calculations, a maximum of 100 persons are permitted to occupy the premises due to the number of toilet facilities provided.

**ASSESSMENT:**

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

Issue/Design Element:	On-site Parking for Bicycle
Requirement:	<b>Parking and Access Policy No. 3.7.1</b> Class one or two: 16 bicycle spaces
Applicants Proposal:	Nil
Performance Criteria:	Not applicable.
Applicant justification summary:	Not provided
Officer technical comment:	It is acknowledged that the building is existing and it will be difficult for the owner to fit in 16 bicycle spaces within the bike store on the first floor. If this application is supported, it is recommended that ten (10) bicycle spaces are provided in accordance with the City's Policy No. 3.7.1 relating to Parking and Access in lieu of the required 16 bicycle spaces.

**Car Parking**

The car parking which was assessed under the previous Car Parking Policy resulted in a shortfall of 16.95 car bays. However the Council at its Ordinary Council Meeting held on 8 October 2013 approved new Policy 3.7.1 relating to Car Parking and Access. The car parking calculation is based on the new policy as follows:

Table A – Car Parking calculation based on the existing uses

<b>Car Bay Requirement</b>	
Car Parking Requirement (nearest whole number) Office (Strata 7) <ul style="list-style-type: none"> <li>1 space per 50 square metres of NLA (936 square metres NLA) = 18.72 car bays</li> </ul> Office (Strata 3) <ul style="list-style-type: none"> <li>1 space per 50 square metres of NLA (104 square metres NLA) = 2.08 car bays</li> </ul> Existing Shops (Stratas 1,2,4,6) <ul style="list-style-type: none"> <li>1 space per 20 square metres NLA (456 square metres) = 22.8 car bays</li> </ul> Existing Take Away (Strata 5) <ul style="list-style-type: none"> <li>1 space per 5 persons (11 persons)=2.2 car bays</li> </ul> Total = 45.8= 46 car bays	46 car bays
Apply the adjustment factors <ul style="list-style-type: none"> <li>0.8 (within 400 metres of a bus stop)</li> <li>0.85 (within 400 metres of a car park within excess of 75 car parking spaces)</li> <li>0.9 (within Town Centre)</li> </ul>	(0.612) 28.15 car bays
Minus the car parking provided on-site.	7
Resultant shortfall	21.15 car bays

Table B – Car parking calculation based on proposed uses

<b>Car Bay Requirement</b>	
Car Parking Requirement (nearest whole number) Recreational Facility (Strata 7) <ul style="list-style-type: none"> <li>1 space per 4 persons (<del>50</del> 100 persons) = 42.5 <u>25</u>car bays</li> </ul> Consulting Rooms (Strata 7) <ul style="list-style-type: none"> <li>3 spaces per Consulting Room (2 consulting rooms proposed)= 6 car bays</li> </ul> Office (Strata 7) <ul style="list-style-type: none"> <li>1 space per 50 square metres of NLA (30 square metres NLA) = 0.6 car bays</li> </ul> Office (Strata 3) <ul style="list-style-type: none"> <li>1 space per 50 square metres of NLA (104 square metres NLA) = 2.08 car bays</li> </ul> Existing Shops (Stratas 1,2,4,6) <ul style="list-style-type: none"> <li>1 space per 20 square metres NLA (456 square metres) = 22.8 car bays</li> </ul> Existing Take Away (Strata 5) <ul style="list-style-type: none"> <li>1 space per 5 persons (11 persons)=2.2 car bays</li> </ul> Total = <del>46.48</del> 58.68 = 46 <u>59</u> car bays	46 <u>59</u> car bays

Car Bay Requirement	
Apply the adjustment factors <ul style="list-style-type: none"> <li>• 0.8 (within 400 metres of a bus stop)</li> <li>• 0.85 (within 400 metres of a car park within excess of 75 car parking spaces)</li> <li>• 0.9 (within Town Centre)</li> </ul>	(0.612) <del>28.45</del> <u>36.1</u> car bays
Minus the car parking provided on-site.	7
Resultant shortfall	<del>21.45</del> <u>29.1</u> car bays

Resultant shortfall= ~~21.45~~ 29.1 car bays – 21.15 car bays = Nil 7.95 car bays

### Bicycle Parking

Bicycle Parking Requirement	
<p><u>Recreational Facility</u></p> <p>1 space per 60 square metres (proposed 829.3) NLA= required 13.82 spaces; and</p> <p>1 space per Consulting Room (2 consulting rooms) = required 2 spaces = 2 spaces</p> <p>Total= 15.82 spaces= 16 spaces</p>	Nil spaces

### CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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<b>Comments Period:</b>	19 June 2013 to 2 July 2013. The application was readvertised from 2 August 2013 to 16 August 2013 due to further changes to the car parking calculations.
<b>Comments Received:</b>	Four (4) objections

Summary of Comments Received:	Officers Technical Comment:
<p><u>Parking</u></p> <p>No on-site car parking provided. There is already a car parking problem along Vincent Street, due to paid car parking along Beaufort Street. The proposal will considerably result in an increase in the above car parking problem.</p>	<p>Noted. When the application was advertised the assessment was based on the previous Parking and Access Policy No. 3.7.1. As outlined in the above car parking calculation, under the new Parking and Access Policy No. 3.7.1, the proposal is compliant with the parking requirements. The site is also within 40 metres of the Barlee Street car park.</p>
<p><u>Noise and disruption</u></p> <p>The entrance is off Vincent Street, which is surrounded by 24 apartments and houses within close proximity. The 24 hours operation seven days a week will create unacceptable noise and disruptions to residents in the area and the businesses on the ground floor.</p>	<p>Noted. The entrance is an existing entrance. A condition has been imposed for a noise attenuation report to be submitted to the City for assessment and determination.</p>

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

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

**Design Advisory Committee:**

Referred to Design Advisory Committee: No

**LEGAL/POLICY:**

- City of Vincent Town Planning Scheme No. 1;
- Parking and Access Policy No. 3.7.1;
- Mount Lawley Precinct Policy No. 3.1.11;
- Consulting Rooms Policy No. 3.5.22; and
- Community Consultation Policy No. 4.1.5.

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

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

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

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

ENVIRONMENTAL	
Issue	Comment
More efficient use of existing vacant building.	

SOCIAL	
Issue	Comment
Provision of additional recreational facilities for the public.	

ECONOMIC	
Issue	Comment
Employment opportunities related to recreational facility, and are considered to contribute to the overall business activity and vitality in the area.	

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS AND CONCLUSION:**

The subject site is located within a commercial zone, along an activity corridor (Beaufort Street). It is considered that the recreational facility will provide a service for the recreational needs of local and surrounding residents 24 hours a day.

The subject site and uses are currently serviced by 7 car bays, with a historical approved shortfall in car parking approved previously by the City of Perth. The site is well serviced by public transport, and within close proximity to the City's Public Car Park (Barlee Street) which is approximately 40 metres away.

With regard to noise coming from the uses (recreational facility and consulting rooms), the applicant will be required to submit an acoustic report demonstrating there will be no noise impact on the surrounding area. Moreover to minimise any impact on the area, it is considered that the Consulting Rooms operating hours should be restricted, and not to operate 24 hours as the Recreational Facility.

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

The Presiding Member Mayor John Carey advised the Council that Item 13.1 would be brought forward as there are a number of residents in the Public Gallery waiting for this Item.

**PROCEDURAL MOTION**

**Moved Cr Harley, Seconded Cr Pintabona**

That Item 13.1 be brought forward.

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

**13. URGENT BUSINESS**

**13.1 URGENT BUSINESS: Mayor John Carey - Response to the State Government's Announcement Concerning the City of Vincent Amalgamation with the City of Perth**

That the Council;

1. **NOTES** the State Government's announcement concerning the revised boundaries for the new City of Perth;
2. **RE-AFFIRMS** its position as follows:
  - 2.1 **Recognises** the local community's first preference, based on the results of the City of Vincent plebiscite (held on 19 October 2013) and ongoing community feedback, that the City of Vincent remain as its own local government entity;
  - 2.2 **Recognises** the state Government's revised forced merger proposal is a much better than the original proposal to split the City of Vincent;
  - 2.3 **Remains opposed** to forced local government mergers which does not give ratepayers the final say on the future of their council;
3. **EXPRESSES** its **APPRECIATION** to the Vincent community for their incredible hard work, energy and activism which was a significant factor for the change in the State Government's proposal;
4. **DOES NOT SUPPORT** the state Government's revised proposal which excludes an area of the City of Vincent bounded by Summers Street, East Parade, Guildford Road, Stanley Street, Mitchell Street and its prolongation to the Swan River (known as 'Banks Precinct') from being included into the City of Perth;
5. **RESOLVES** to strongly continue to campaign for the full inclusion of City of Vincent (including the Banks Precinct) if forced mergers are to proceed; and
6. **AUTHORISES** the Mayor and Chief Executive Officer to:
  - 6.1 **Write** to the Minister for Local Government seeking clarification as to why the Banks Precinct has not been included in their proposal to be included in the new City of Perth;
  - 6.2 **Write** to and/or lodge a Submission with the Local Government Board requesting the Banks Precinct to be included along with the City of Vincent into the new City of Perth boundaries; and
  - 6.3 **prepare** a proposed model of governance for the new City of Perth, which ensures fair and equitable representation for City of Vincent ratepayers and this to be reported to the Council for approval.

**Moved Cr Harley, Seconded Cr Pintabona**

That the recommendation be adopted.

Debate ensued.

The Chief Executive Officer suggested that Clause 6.1 should be amended to seek the Minister's support.

**AMENDMENT**

**Moved Cr Harley, Seconded Cr Buckels**

"That Clause 6.1 be amended to read as follows:

- 6.1 Write to the Minister for Local Government seeking clarification as to why the Banks Precinct has not been included in their proposal to be included in the new City of Perth and seek his support for the Council's and the Community's position to include Banks Precinct;

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

Debate ensued.

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

**COUNCIL DECISION ITEM 13.1**

That the Council;

1. **NOTES** the State Government's announcement concerning the revised boundaries for the new City of Perth;
2. **RE-AFFIRMS** its position as follows:
  - 2.1 **Recognises** the local community's first preference, based on the results of the City of Vincent plebiscite (held on 19 October 2013) and ongoing community feedback, that the City of Vincent remain as its own local government entity;
  - 2.2 **Recognises** the state Government's revised forced merger proposal is a much better than the original proposal to split the City of Vincent;
  - 2.3 **Remains opposed** to forced local government mergers which does not give ratepayers the final say on the future of their council;
3. **EXPRESSES** its **APPRECIATION** to the Vincent community for their incredible hard work, energy and activism which was a significant factor for the change in the State Government's proposal;
4. **DOES NOT SUPPORT** the state Government's revised proposal which excludes an area of the City of Vincent bounded by Summers Street, East Parade, Guildford Road, Stanley Street, Mitchell Street and its prolongation to the Swan River (known as 'Banks Precinct') from being included into the City of Perth;
5. **RESOLVES** to strongly continue to campaign for the full inclusion of City of Vincent (including the Banks Precinct) if forced mergers are to proceed; and

- 6. AUTHORISES the Mayor and Chief Executive Officer to:**
- 6.1 Write to the Minister for Local Government seeking clarification as to why the Banks Precinct has not been included in their proposal to be included in the new City of Perth and seek his support for the Council's and the Community's position to include Banks Precinct;**
  - 6.2 Write to and/or lodge a Submission with the Local Government Board requesting the Banks Precinct to be included along with the City of Vincent into the new City of Perth boundaries; and**
  - 6.3 prepare a proposed model of governance for the new City of Perth, which ensures fair and equitable representation for City of Vincent ratepayers and this to be reported to the Council for approval.**
-



**9.1.4 No. 440 (Lot 200) William Street, Perth – Proposed Change of Use from Shops to Eating House and Small Bar (Unlisted Use)**

<b>Ward:</b>	South	<b>Date:</b>	25 October 2013
<b>Precinct:</b>	Mount Lawley; P11	<b>File Ref:</b>	PRO3753; 5.2013. 243.1
<b>Attachments:</b>	001 – Property Information Report and Development Application Plans		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	R Narroo, Acting Co-ordinator Statutory Planning		
<b>Responsible Officer:</b>	P Mrdja, Acting Director Planning Services		

**CORRECTED 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 Small Bar (Unlisted Use) 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);

9.4 **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:

9.4.1 Patron noise (upon arrival and departure from the premises);

9.4.2 Waste collection;

9.4.3 Deliveries;

9.4.4 Antisocial behaviour;

9.4.5 Waste disposal;

9.4.6 Amplified music;

9.4.7 Community relations;

9.5 **Management Plan (Parking)**

A Management Plan, detailing how patrons of the Eating House and Small Bar, will access the car parking 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.

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

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**COUNCIL DECISION ITEM 9.1.4**

**Moved Cr Topelberg, Seconded Cr Buckels**

That the recommendation be adopted.

Debate ensued.

**PROCEDURAL MOTION**

**Moved Cr Topelberg, Seconded Cr Buckels**

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

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

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**PURPOSE OF REPORT:**

The application is referred to Council for determination, given the proposed Small Bar is classified as an 'Unlisted Use' under the City's Town Planning Scheme No. 1.

**Background:**

Date	Comment
26 February 2008	The Council at its Ordinary Meeting conditionally approved the demolition of two existing institutional buildings and construction of a four-storey development, comprising six offices and two shops
12 June 2008	The City issued a demolition licence for the existing buildings on No. 440 and No. 444 William Street, Perth.
11 December 2008	The Western Australian Planning Commission conditionally approved the amalgamation of No. 440 (Lot 5) and No. 444 (Lot 6) William Street, Perth.

Date	Comment
11 May 2010	The Council at its Ordinary Council Meeting conditionally approved a Four-Storey Commercial Building Comprising Four Shops, Ten Offices and Associated Car Parking.
13 July 2010	The Council at its Ordinary Meeting approved reconsideration of conditions to the Four-Storey Commercial Building.
26 November 2011	The City under Delegated Authority conditionally approved an amendment to the existing approval for alterations to Front Entry and Glazing to Front Facade to the Four Storey Commercial Building Comprising Shops, Offices and Associated Car Parking.
18 December 2012	The Council at its Ordinary Meeting conditionally approved an Additional Fifth (5 <sup>th</sup> ) Storey comprising Four (4) Multiple Dwellings to Approved Four (4) Storey Commercial Building Comprising Office Building, Shops and Associated Car Parking.
23 April 2013	Council at its Ordinary Meeting conditionally approved Balconies to the Approved Fourth Floor Offices of a Five (5) Storey Building Comprising Four (4) Multiple Dwellings, Office Building, Shops and Associated Car Parking.

**DETAILS:**

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

The Council at its Ordinary Meeting held on 18 December 2012 conditionally approved an additional 5<sup>th</sup> storey mixed use building comprising shops, offices, multiple dwellings and associated car parking. The building is under construction and the proposed shops will be located on the ground floor. The proposal is for change of use of these shops into an eating house and small bar on the ground floor. There is also a mezzanine floor proposed for the small bar within the ground floor space and not resulting in any additional storey.

**ASSESSMENT:**

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

Issue/Design Element:	On-site Parking for Bicycle
Requirement:	<b>Parking and Access Policy No. 3.7.1</b> 27 spaces (9 class 1 or 2 facilities and 18 class 3 facilities)
Applicants Proposal:	12 bicycle spaces for class 2  4 bicycle spaces for class 3  End-of-Trip Facilities
Performance Criteria:	Not applicable.
Applicant justification summary:	Not provided

Issue/Design Element:	On-site Parking for Bicycle
Officer technical comment:	<p>The applicant advised the end-of-trip facilities has already been constructed and it will be difficult for the applicant to fit in the additional bicycle spaces. The City Technical Services have advised that there is no space within the entry and parking area for bike rails and therefore there will be conflict when the applicant tries to redesign where these facilities will be placed to cater for the additional bicycle spaces. The City would not permit 9 rails in the verge area, and bikes can't be placed so to obstruct vehicle movements within the parking and bin storage area.</p> <p>In view of the above, if this application is supported, it is recommended that the requirement for 27 bicycle spaces be waived and the applicant be requested to provide 12 bicycle spaces for class 2 and 4 bicycle spaces for class 3 as per the previous approval.</p>

### Car Parking

A cash-in-lieu for 8.29 car bays that was approved by Council at its Ordinary Meeting held on 26 February 2008 has been paid.

Clause 3.2 of the new Policy No. 3.7.1 relating to Parking and Access states that for a mixed use development, the car parking is to be initially allocated to the commercial component and any remaining car parking is to be allocated to the residential component.

In this instance, the mixed use development is already approved and the building is under construction prior to the new Parking and Access Policy coming into effect. As such, to be consistent with the previous approval, it is recommended that the car parking requirements for the residential component be calculated first in this instance.

<b>Car Parking – Residential</b>	
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
<b>Surplus</b>	<b>33 car bays</b>

<b>Car Bay Requirement</b>	
Car Parking Requirement (nearest whole number) Office <ul style="list-style-type: none"> <li>1 space per 50 square metres of NLA (1808.56 square metres NLA) = 36.17 car bays</li> </ul> Eating House <ul style="list-style-type: none"> <li>1 space per 5 persons (48 persons proposed) = 9.6 car bays</li> </ul> Small Bar <ul style="list-style-type: none"> <li>1 space per 5 persons (120 persons proposed) = 24 car bays</li> </ul> Total = 60.17= 60 car bays	= <del>70</del> <u>60</u> car bays

<b>Car Bay Requirement</b>	
Apply the adjustment factors <ul style="list-style-type: none"> <li>• 0.8 (within 400 metres of a bus route)</li> <li>• 0.85 (within 400 metres of a car park within excess of 75 car parking spaces)</li> <li>• 0.85 (within 800 metres of a rail station)</li> <li>• 0.9 (within Town Centre)</li> <li>• <del>0.8 (active use on ground floor (eating house))</del></li> </ul>	<del>(0.4162)</del> <del>29.13</del> <del>(0.5202)x60</del>  =31.21 car bays
Car Parking Requirement (nearest whole number) Eating House <ul style="list-style-type: none"> <li>• 1 space per 5 persons (48 persons proposed) = 9.6 car bays</li> </ul> Total car bays required= 9.6 car bays = 10 car bays	
Apply the adjustment factors <ul style="list-style-type: none"> <li>• <u>0.8 (within 400 metres of a bus route)</u></li> <li>• <u>0.85 (within 400 metres of a car park within excess of 75 car parking spaces)</u></li> <li>• <u>0.85 (within 800 metres of a rail station)</u></li> <li>• <u>0.9 (within Town Centre)</u></li> <li>• <u>0.8 (active use on ground floor (eating house))</u></li> </ul>	(0.4162)x10    =4.162 car bays
<b>Total Number of Car Bays Required (after adjustment factors)</b>	<b>= 35.37 car bays</b>
Minus the car parking provided on-site	33 car bays
<u>Resultant Shortfall</u>	<u>2.37 car bays</u>

**Bicycle Parking**

<b>Bicycle Parking Requirement</b>	
Office 1 space per 100 square metres (proposed 1808.56 square metres) NLA= required 18.08 spaces	Provided
Eating House 1 space per 20 square metres (proposed 57.62 square metres) NLA= required 2.88 spaces;	12 bicycle spaces for class 2 4 bicycle spaces for class 3
Small Bar 1 space per 20 (120 persons) persons = required 6 spaces Total= 26.96 spaces= 27 spaces 35 per cent class 1 or 2 = 9 spaces 65 per cent class 3 = 18 spaces	End-of-Trip Facilities (one provided)

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

**CONSULTATION/ADVERTISING:**

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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<b>Comments Period:</b>	16 July 2013 to 6 August 2013. A sign was placed on site.
<b>Comments Received:</b>	One submission supporting the proposal

<b>Summary of Comments Received:</b>	<b>Officers Technical Comment:</b>
The proposal is a good addition to an ever evolving streetscape.	Noted.

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

The application was referred to Department of Planning (DOP) for comments as William Street is classified as an Other Regional Road (ORR). The Department of Planning has no objection to the proposal on transport planning grounds.

**Design Advisory Committee:**

Referred to Design Advisory Committee: No

**LEGAL/POLICY:**

- City of Vincent Town Planning Scheme No. 1;
- Parking and Access Policy No. 3.7.1; and
- Beaufort Precinct Policy No. 3.1.13.

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

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

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

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

ENVIRONMENTAL	
Issue	Comment
The adaptive use of this existing space under construction has a lower environmental impact than constructing a new building for this purpose.	

SOCIAL	
Issue	Comment
More choices for the public and surrounding residents of additional eating house venues and liquor outlets within the William Street Town Centre.	

ECONOMIC	
Issue	Comment
Increased Employment opportunities related to the eating house and small bar, and the outlets are considered to contribute to the overall business activity and vitality in the area.	

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS AND CONCLUSION:**

**Health Services**

The City's Health Services have undertaken an assessment of the 'Acoustic Assessment' (Acoustic Report) submitted 16 September 2013 by Herring Storer Acoustics dated September 2013 (their reference 16852-1-13143) and subsequently provide the following conditions.

1. 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:
  - After 10pm, during the night period, the windows and doors at the premises are to remain closed;
  - Music at the premises must not exceed 75dB(A) at 1 meter from the speakers, throughout the venue;
  - Glazing at the front of the development – facing William Street – is to be a minimum 10mm thick laminated glass;
  - The in-house speaker system is not to be rigidly attached to the structure; and
  - The premises is to permit only 'background ambient style music', free from any impulsive characteristics (including but not limited to banging, thumping, drums etc.);
2. 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 3.5.21;
3. It is recommended that waste collection and deliveries shall not occur outside the hours of 9.00am – 5.00pm on any day of the week;
4. Empty bottles and other glass waste shall not be disposed of after 7.00pm;
5. Applicant is to submit for assessment and approval, prior to first occupation of the property, a Management Plan for the premises addressing all noise generating activities and their associated management practices, including but not limited to:
  - Patron noise (upon arrival and departure from the premises);
  - Waste collection;
  - Deliveries;
  - Antisocial behaviour;
  - Waste disposal;
  - Amplified music; and
  - Community relations.

Prior to commencement of trade at the premises, the City will undertake a final assessment of the Public Building for the proposed Small Bar, to calculate the Maximum Accommodation Number and it is advised that the final number may vary from the preliminary estimate of one hundred twenty (120) patrons.



### **Planning Services**

The subject site is located within a commercial zone and it is therefore reasonable to expect such type of uses such as a small bar and eating house to be located in this area. The proposed uses will complement the existing commercial uses in the area and will provide increased activity at the street level. Moreover the proposals comply with the parking requirements.

Given the site is located within a commercial zone and along an active corridor (William Street), the operating hours will not have any impact on any residential area. In this instance, it is recommended that the operating hours shall comply with the trading hours as stipulated in the Liquor Control Act 1988 as follows:

- “(a) on a day other than a Sunday – from 6 a.m. to midnight;*
- (b) On a Sunday – from 10 a.m. to 10 p.m.;*
- (c) On a Sunday that is New Year’s Eve – from 10 p.m. to 12 midnight;*
- (d) on New Year’s Day – from immediately after 12 midnight on New Year’s Eve to 2 a.m.;*
- (e) On Good Friday or Christmas Day – from 12 noon to 10 p.m., but only for liquor sold ancillary to a meal supplied by the licensee;*
- (f) On ANZAC Day – from 12 noon to 12 midnight.”*

In light of the above, given the site is located within a commercial zone, it is considered that the proposed change of use from shops to small bar and eating house is supportable. Accordingly, the application is recommended for approval, subject to standard and appropriate conditions.

Cr Matt Buckels asked the Presiding Member Mayor John Carey if Item 9.4.4 could be brought forward before the Items as they were a number of residents in the Public Gallery there for the item.

**PROCEDURAL MOTION**

**Moved Cr Buckels, Seconded Cr Harley**

That Item 9.4.4 be brought forward.

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

**9.4.4 Manna Inc. – Temporary Use of Weld Square**

<b>Ward:</b>	South	<b>Date:</b>	25 October 2013
<b>Precinct:</b>	Beaufort (13)	<b>File Ref:</b>	RES0102
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	E Everitt, Community Development Officer J Anthony, Manager Community Development		
<b>Responsible Officer:</b>	R Boardman, Director Community Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** the report regarding Manna Inc.’ current use of Weld Square;
2. **APPROVES** Manna Inc. to carry out a free meal service for people who are homeless or at risk of homelessness in Weld Square for a period of six (6) months commencing 1 November 2013, subject to the following conditions:
  - 2.1 The hours of operation shall be between 5.00pm to 6.00pm, six (6) days per week excluding Saturdays;
  - 2.2 An afterhours contact number for Manna Inc. shall be made available for the City of Vincent and local residents should any problems occur;
  - 2.3 All steps shall be taken to minimise any disturbance and impact to the nearby amenity and environment, considering the proximity to residents;
  - 2.4 No more than two (2) vehicles shall be allowed access on the Reserve at any given time;
  - 2.5 Manna Inc. shall acknowledge that this arrangement is on a fixed term of six (6) months only, and undertake to actively seek an alternative venue for the service to continue and explore funding opportunities to assist with funding an alternative venue;
  - 2.6 Manna Inc. staff shall pick up all rubbish and litter on the Reserve, pertaining to their client group; and
  - 2.7 Permission to operate within Weld Square may be withdrawn by the City at its discretion, should any problems occur that are not effectively and quickly resolved;
3. **REQUESTS** the Chief Executive Officer to provide support to Manna Inc. to source alternative premises that are more suitable to the meal service prior to 1 May 2014; and
4. **REVIEWS** Manna Inc. use of Weld Square for the above stated purposes before the agreement ends on 1 May 2014.

**Moved Cr Harley, Seconded Cr Topelberg**

That the recommendation, together with the following change(s), be adopted:

“That the Council;

1. RECEIVES the report regarding Manna Inc. current use of Weld Square;
2. APPROVES Manna Inc. to carry out a free meal service for people who are homeless or at risk of homelessness in Weld Square for a period of twelve (12) months commencing 1 November 2013, subject to the following conditions:
  - 2.1 The hours of operation shall be between ~~5.00pm~~ 4.30pm to ~~6.00pm~~ 6.30pm, six (6) days per week excluding Saturdays;
  - 2.2 An afterhours contact number for Manna Inc. shall be made available for the City of Vincent and local residents should any problems occur;
  - 2.3 All steps shall be taken to minimise any disturbance and impact to the nearby amenity and environment, considering the proximity to residents;
  - 2.4 No more than two (2) vehicles shall be allowed access on the Reserve at any given time;
  - 2.5 ~~Manna Inc. shall acknowledge that this arrangement is on a fixed term of six (6) months only, and undertake to actively seek an alternative venue for the service to continue and explore funding opportunities to assist with funding an alternative venue~~ Manna Inc. acknowledge that this arrangement is on a fixed term of 12 months, at which time the Council will further review the arrangement;
  - 2.6 Manna Inc. staff shall pick up all rubbish and litter on the Reserve, pertaining to their client group; and
  - 2.7 Permission to operate within Weld Square may be withdrawn by the City at its discretion, should any problems occur that are not effectively and quickly resolved;
3. REQUESTS the Chief Executive Officer to provide support to Manna Inc. to source alternative premises that are more suitable to the meal service prior to ~~4 May 2014~~ 5 November 2014; and
4. REVIEWS Manna Inc. use of Weld Square for the above stated purposes before the agreement ends on ~~4 May 2014~~ 5 November 2014.”

Debate ensued.

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

**REASONS FOR CHANGE TO OFFICER RECOMMENDATION**

1. The original time period in Clause 2.1 was considered insufficient to provide the service.
2. The period of review was considered insufficient and a twelve (12) period was considered more appropriate.

**COUNCIL DECISION ITEM 9.4.4**

That the Council;

1. **RECEIVES** the report regarding Manna Inc.' current use of Weld Square;
2. **APPROVES** Manna Inc. to carry out a free meal service for people who are homeless or at risk of homelessness in Weld Square for a period of twelve (12) months commencing 1 November 2013, subject to the following conditions:
  - 2.1 **The hours of operation shall be between 4.30pm to 6.30pm, six (6) days per week excluding Saturdays;**
  - 2.2 **An afterhours contact number for Manna Inc. shall be made available for the City of Vincent and local residents should any problems occur;**
  - 2.3 **All steps shall be taken to minimise any disturbance and impact to the nearby amenity and environment, considering the proximity to residents;**
  - 2.4 **No more than two (2) vehicles shall be allowed access on the Reserve at any given time;**
  - 2.5 **Manna Inc. acknowledge that this arrangement is on a fixed term of 12 months, at which time the Council will further review the arrangement;**
  - 2.6 **Manna Inc. staff shall pick up all rubbish and litter on the Reserve, pertaining to their client group; and**
  - 2.7 **Permission to operate within Weld Square may be withdrawn by the City at its discretion, should any problems occur that are not effectively and quickly resolved;**
3. **REQUESTS** the Chief Executive Officer to provide support to Manna Inc. to source alternative premises that are more suitable to the meal service prior to 5 November 2014; and
4. **REVIEWS** Manna Inc. use of Weld Square for the above stated purposes before the agreement ends on 5 November 2014.

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**PURPOSE OF REPORT:**

The purpose of this report is to inform Council of the current use of Weld Square by Manna Inc., seek Council's approval for Manna Inc. to continue to use Weld Square for a temporary period of six (6) months, and request that at the end of the six (6) month period, the use of Weld Square by Manna Inc. be reviewed by the City.

**BACKGROUND:**

Manna Inc. is a not for profit organisation that provides a free meal service six (6) days a week to people who are homeless or at risk of homelessness. Manna Inc. has operated from Weld Square since August 2008. Prior to this, they operated at the Aboriginal Advancement Council; however, due to various circumstances, they were no longer able to operate from this location.

In August 2008, Manna Inc. approached the City of Vincent requesting in kind use of Weld Square for their free food service. The City agreed to allow Manna Inc. to use Weld Square Sunday through Friday, 4.30pm - 6.30pm on a temporary basis until Manna Inc. was able to secure suitable permanent premises to operate from. The original agreement between Manna Inc. and the City of Vincent was made on 15 August 2008, with the below terms outlined in the agreement.

*“The Town of Vincent acknowledges the valuable service provided by Manna Inc.. for the disadvantaged, and the recent predicament that Manna Inc. has found themselves in, without permanent premises to operate from.*

*In light of this, as discussed at the meeting held on the 11 August 08 with yourself, the Town’s Manager of Ranger and Community Safety Services, Manager of Parks Services, Manager of Community Development and Coordinator-Safer Vincent, the Town of Vincent gives conditional approval for Manna Inc.. to operate at Weld Square, Newcastle St, Perth WA 6000, under the following conditions; that*

- *Manna Inc.. operate from the 18 August 2008, between the hours of 4.30 -6.30pm, 6 days a week (not Saturdays) as per your request;*
- *Manna Inc.. maintain an afterhours contact number available to Town staff should any problems occur;*
- *Manna Inc.. meet, within one month of operation or sooner if required to review arrangements to see if they are working;*
- *Manna Inc.. take all steps to minimise any disturbance and impact to the nearby amenity and environment considering its close proximity to residents;*
- *Manna Inc.. acknowledge this arrangement is short term with a view to them finding a permanent residence to operate from;*
- *Manna Inc.. staff be allowed to access Weld Square toilets with a key provided by the Town. It is required that Manna Inc.. staff lock up toilets at the end of each night of operation;*
- *Manna Inc.. staff pick up all rubbish and litter, takeaway containers and bottles etc pertaining to your client group, utilising Manna Inc. Service at the end of each night of operation;*
- *Manna Inc.. note that permission to operate within Weld Square may be withdrawn by the Town at anytime should any problems occur that are not effectively and quickly resolved.*

*In the interests of community safety and the local amenity I trust that a proactive response will be taken by all parties involved to ensure that this arrangement can be maintained until Manna Inc.. can secure a permanent premise to operate from.”*

As Manna Inc. has previously complied with the terms of the original agreement, the ongoing use of Weld Square has been permitted on a temporary basis. The agreement between the City and Manna Inc. has continued to be renewed on temporary basis from August 2008 to March 2013.

In July 2013, the City began to receive resident and business complaints in relation to the food service Manna Inc. provides in Weld Square. These complaints have escalated and pertain to various incidents in Weld Square that may or may not be related to the food service. These complaints include: excess rubbish in the park, anti social behaviour, public intoxication and excess noise in the park.

**DETAILS:**

Upon reviewing the complaints and Officers undertaking covert surveillance for one week in Weld Square during the meal service, it has been determined that due to the rapid residential growth in the vicinity of Weld Square, it may no longer be appropriate to have the meal service operated by Manna Inc. in Weld Square. Moreover, to assist in alleviating some of the complaints regarding excess rubbish, the City's Officers are investigating changing the current rubbish bins in Weld Square to bins that rubbish cannot be easily removed and littered by birds or people.

The City's Officers met with Manna Inc. in October 2013 to discuss the ongoing use of Weld Square; Manna Inc. was reminded that their use of Weld Square was always meant to be temporary. In light of the ongoing complaints and rapid changing nature of the area, it was discussed that Manna Inc. need to proactively seek alternative premises to operate the food service.

Manna Inc. agreed to contact the City of Perth to determine whether the use of Wellington Square for their food service is an option. The City's Officers will continue to investigate vacant indoor space within the City of Vincent that Manna Inc. may be able to operate out of at an affordable rate. Manna Inc. have acknowledged that indoor accommodation would be more dignified for their clients, as well as offer shelter and a safe environment for their clients and volunteers to operate from.

The City's Officers acknowledge that the service that Manna Inc. operates is a necessary service for marginalised persons; however, given the changing nature of the area, the City's Officers believe that an alternative venue needs to be sought for the service Manna Inc. provide.

The City's Officers recommend that the Council approve temporary use of Weld Square for a period of six (6) months, from 1 November 2013 to 1 May 2014. During the six (6) month period, Manna Inc. will need to investigate alternative venues for service provision. At the end of the six (6) month period, it will be necessary to review the agreement, consider whether the public interest and amenity is being protected, and gauge the progress Manna Inc. are making in seeking an alternative venue.

**CONSULTATION/ADVERTISING:**

There is current and ongoing communication between the City's Officers, residents, businesses and Manna Inc. in relation to concerns regarding the service in Weld Square.

**LEGAL/POLICY:**

- Policy No. 2.1. – Parks, Reserves and Hall Facilities – Conditions of Use; and
- Policy No. 3.10.5 – Donations, Sponsorship and Waiving of Fees.

**RISK MANAGEMENT IMPLICATIONS:**

**Moderate:** Upon careful assessment of this project, it has been deemed as moderate risk.

**STRATEGIC IMPLICATIONS:**

In terms of the City's *Strategic Plan 2011-2016*, the following Objectives state:

*“3.1.2: Promote and foster community safety and security.*

*3.1.3: Promote health and wellbeing in the community.*

*3.1.6: Build capacity within the community to meet its needs.”*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

There is no expenditure budgeted for this item.

**COMMENTS:**

The City's Officers recognise that the service Manna Inc. operate is a necessary service for marginalised persons; however, given the changing nature of the area, the City's Officers identify that an alternative venue needs to be sought for the service Manna Inc. provide.

The City's Officers recommend working with Manna Inc. to find a favourable outcome for all parties to allow the ongoing service provision of the meal service at Weld Square to be relocated to a more suitable facility.

**9.1.5 No. 116 (Lot 401) Wright Street, Corner of Turner Street, Highgate Proposed Three Storey Residential Development Comprising Three (3) Multiple Dwellings and Associated Car Parking**

<b>Ward:</b>	South	<b>Date:</b>	25 October 2013
<b>Precinct:</b>	Forrest, P14	<b>File Ref:</b>	PRO3536; 5.2013.35.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans <a href="#">002</a> – Applicant Submission		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Dyson, Acting Senior Planning Officer (Statutory)		
<b>Responsible Officer:</b>	P Mrdja, Acting Director Planning Services		

**OFFICER RECOMMENDATION:**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by M Zrinski & Aaron Sice Residential and Commercial on behalf of the owners, S & W Warren, for Proposed Construction of a Three (3) Storey Residential Development comprising Three (3) Two Bedroom Multiple Dwellings and Associated Car Parking at No. 116 (Lot 401; D/P 1879) Wright Street, corner of Turner Street, Highgate, and as shown on amended plans stamp-dated 25 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. 116 Wright Street, in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork;
2. PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:

**2.1 Landscape and Reticulation Plan**

A detailed Landscape and Reticulation Plan in accordance with the requirements of the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones for the development site and adjoining road verge shall be submitted to the City for assessment and approval by the City's Parks and Property Services Section.

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

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



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

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

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

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

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

- 2.2.1 The City of Vincent will not issue a residential ~~or visitor~~ car parking permit to any owner or occupier of the residential units as at the time of assessment, the on-site car parking was in accordance with the requirements of the Residential Design Codes and the City's Policy No. 3.7.1 relating to Parking and Access.

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

**2.3 Construction Management Plan**

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

**2.4 Refuse Management**

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

**2.5 Schedule of External Finishes**

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

**2.6 Star Rating**

- 2.6.1 Building to be designed to achieve a minimum 6 Star NaBERS rating and an average 7.5 Star NaBERS rating; and

**2.7 Sustainability**

All items listed below to be implemented by applicant:

2.7.1 Recyclable Cladding;

2.7.2 Recycled Brick Paving;

2.7.3 Provision of Horizontal and Vertical Roof Gardens reducing glare;

2.7.4 Provision of Grass-crete;

2.7.5 Provision of Grey Water Systems; and

2.7.6 Lightweight Construction Materials;

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

**3.1 Car Parking**

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

**3.2 Residential Car Bays**

A minimum of three (3) ~~and one (1)~~ car bays shall be provided for the residents ~~and visitors respectively~~. The ~~four (4)~~ **three (3)** car parking spaces shall be clearly marked and signposted accordingly;

**3.3 Visitor Bays**

~~The car parking area shown for the visitor bays shall be shown as "common property" on any strata or survey strata subdivision plan for the property;~~

**3.4.3 Bicycle Parking**

One (1) bicycle bays shall be provided for the residents. Bicycle bay for the residents must be located within the development. The bicycle facilities shall be designed in accordance with AS2890.3; and

**3.54 Clothes Drying Facilities**

Prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or an adequate communal drying area to be incorporated into the development in accordance with Clause 6.4.6 "Utilities and Facilities" C6.3 of the Residential Design Codes and Clause 5.2 "Essential Facilities" of Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones; 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 Turner Street;
3. Any new street/front wall, fence and gate within the Turner 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.

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

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**COUNCIL DECISION ITEM 9.1.5**

**Moved Cr Topelberg, Seconded Cr Buckels**

That the recommendation be adopted.

Debate ensued.

Cr Harley departed the Chamber at 7.23pm.

Debate ensued.

Cr Harley returned to the Chamber at 7.25pm.

Debate ensued.

**MOTION PUT AND LOST (0-8)**

<b><u>REASONS FOR OFFICER RECOMMENDATION BEING REFUSED:</u></b>
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The Setback and the impact of the third storey in the current design is not acceptable.
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**SUBSEQUENT MOTION:**

**Moved Cr Topelberg, Seconded Cr Buckels**

The Council amends Table 2, Clause 1.3 of the Parking and Access Policy 3.7.1 to include the words "this adjustment will only apply to the Car Parking calculation for the proposed active use on the ground floor (this will clarify the interpretation of this Clause.)".

Debate ensued.

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

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**PURPOSE OF REPORT:**

The application is referred to Council for determination given the proposal comprises three (3) multiple dwellings in total.

**BACKGROUND:**

Nil.

**History:**

Date	Comment
10 January 2013	The City approved a development application under delegated authority for a two storey residential dwelling.

**Previous Reports to Council:**

Nil.

**DETAILS:**

<b>Landowner:</b>	S & W Warren
<b>Applicant:</b>	M Zrinski/Aaron Sice – Residential and Commercial
<b>Zoning:</b>	Residential R80
<b>Existing Land Use:</b>	Vacant Lot
<b>Use Class:</b>	Multiple Dwelling
<b>Use Classification:</b>	“P”
<b>Lot Area:</b>	250 square metres
<b>Right of Way:</b>	Not Applicable

The proposal is for the construction of a three (3) storey residential development comprising three (3) multiple dwellings. The site is located on the newly created lot, fronting Turner Street, at the rear of the original site at No. 116 Wright Street.

**ASSESSMENT:**

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

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

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

<b>Issue/Design Element:</b>	<b>Roof Forms</b>
Requirement:	<b>Residential Design Elements Policy BDADC 3. Roof Forms</b> 30- 45 degrees
Applicants Proposal:	6 degrees & 60 degrees
Design Principles:	<b>Residential Design Elements Policy BDPC 3</b> The roof of a building is to be designed so that: <ul style="list-style-type: none"> <li>• It does not unduly increase the bulk of the building;</li> <li>• In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and</li> <li>• It does not cause undue overshadowing of adjacent properties and open space.</li> </ul>
Applicant justification summary:	<i>The roof form to the rear of the development is six degrees (6°) to reduce the visual bulk of built form on the neighbouring property – this pitch is not easily visible from the street. The front façade employs a sixty degree (60°) roof form as agreed with the DAC in an effort to “hide” the third floor as a loft with “popouts”.</i>
Officer technical comment:	The proposed development is considered to comply with the above performance criteria.  The proposed roof form provides for a roof form which limits where possible the bulk of the three (3) storey appearance of the dwellings. Furthermore the 60 degree roof form at the front of the dwellings, reduces its scale on approach from the eastern end of Turner Street.

<b>Issue/Design Element:</b>	<b>Dual Street Frontages</b>
Requirement:	<b>SADC 10. Dual Street Frontages and Corner Sites</b> Turner Street Frontage 3.0 metres (Upper)
Applicants Proposal:	(Upper) – 2.5 metres – 3.0 metres
Design Principles:	<b>SPC 10. Dual Street Frontages and Corner Sites</b> Dwellings on dual street frontages or corner lots are to present and attractive and interactive elevation to each street frontage. This may be achieved by utilising the following design elements: <ul style="list-style-type: none"> <li>• Wrap around design (design that interacts with all street frontages);</li> <li>• Landscaping;</li> <li>• Feature Windows;</li> <li>• Staggering of Height and setbacks;</li> <li>• External Wall treatments and finishes; and</li> <li>• Building Articulation.</li> </ul>
Applicant justification summary:	<i>The reduced setback is to the foyer structure only. This is a feature entry statement and is provided as a projection forward of the building line in an effort to correctly delineate the entry for the upper floor dwellings. It is provided with feature openings, it's height is staggered compared to the remaining development and it's position articulates well with the remaining façade.</i>

Issue/Design Element:	Dual Street Frontages
	<p><i>As highlighted Sheet 5 of 10, the proposed development seeks to bring across existing elements from the streetscape – namely the render features, timber slatting and panel and post construction from the renovated, neighbouring house to the West and utilising grass-crete and mature 100L and 200L trees to reflect the open green-space immediately opposite.</i></p> <p><i>The neighbourhood has a mixed architectural variety of housing; from original period homes, renovated period homes, modern provincial-style replica homes and modern townhouses. The proposed development is an extension of the transitional architectural nature of the immediate surrounds and is designed to sit well within the streetscape without dominating the surrounding houses.</i></p>
Officer technical comment:	<p>The proposed development is considered to comply with the above performance criteria.</p> <p>The proposed design provides for a minimal setback variation to Turner Street, with the principal varying area of the building being the staircase section, which provides some effective articulation to the design of the building. This section also provides some interest to Turner Street with the use of materials in contrast to the third floor section.</p>

Issue/Design Element:	Lot Boundary Setbacks
Requirement:	<p><b>Residential Design Codes Clause 6.1.4 (C4.2)</b> <b>Ground Floor</b> 4.0 metres (northern/western/eastern)</p> <p><b>First Floor</b> 4.0 metres (northern/western/eastern)</p> <p><b>Second Floor</b> 4.0 metres (northern/western/eastern)</p> <p><b><u>Buildings on the Boundary</u></b> One Side Boundary</p>
Applicants Proposal:	<p><b>Ground Floor</b> 1.55 metres – 1.85 metres (northern) Nil (Min) (eastern)</p> <p><b>First Floor</b> 2.16 metres – 3.06 metres (northern) 2.2 metres – 2.8 metres (eastern) 1.412 metres– 1.455 metres (western)</p> <p><b>Second Floor</b> 2.16 metres – 3.06 metres (northern) 2.2 metres – 2.8 metres (eastern) 1.412 metres – 1.455 metres (western)</p> <p><b><u>Buildings on the Boundary</u></b> Two Side Boundaries</p>

Issue/Design Element:	Lot Boundary Setbacks
Design Principles:	<p><b>Residential Design Codes Clause 6.1.4 (P4.1)</b> Buildings set back from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> <li>• ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them;</li> <li>• moderate the visual impact of building bulk on a neighbouring property;</li> <li>• ensure access to daylight and direct sun for adjoining properties; and</li> <li>• assist with the protection of privacy between adjoining properties.</li> </ul>
Applicant justification summary:	<p><i>Simply put, the lot is 249sqm. There is no possible way to utilise the potential of this site with the imposed setbacks – even partially utilise unless a single house is proposed. The setbacks are required because of the frontage width – designed for larger, more traditional urban infill sites. If the entire site were developed as a whole, the required setbacks would be 3m because of the Wright St frontage.</i></p> <p><i>Regardless, overshadowing is negligible on the neighbouring properties. The proposal puts forward a vertical garden and green roof to moderate the visual impact of the development from neighbouring properties and even though all bedroom windows are allowed to be major openings, the development proposes minor openings to further assist in privacy and visual protection of the neighbouring yard.</i></p>
Officer technical comment:	<p>The proposed development is considered to comply with the performance criteria due to the following:</p> <p>The proposed side setbacks are considered to provide adequate setbacks to the adjoining properties given the subject lot abuts a rear open yard area to the north, a mainly two storey high section of boundary wall to the west and a 5.0 metre wide access way to the east of the subject site.</p> <p>The ground, first floor and second floor are all articulated with a reduction in bulk to the boundaries where possible. Adequate screening is applied to north facing upper balconies, whilst highlight windows are provided for the bedrooms, maintaining privacy.</p> <p>The location of the lot at the southern end of a block of dwellings ensures that any overshadowing will only occur, at the winter solstice over Turner Street and a small portion of the adjoining eastern property.</p> <p>The location of the two boundary walls along the eastern and western boundaries, abutting similar boundary walls to the west and the access way to the east ensures no significant impact by way of bulk.</p>

<b>Issue/Design Element:</b>	<b>Number of Storeys</b>
Requirement:	<b>Forrest Precinct Policy No. 3.1.14</b> Two (2) Storeys plus Loft
Applicants Proposal:	Three (3) Storeys (Loft Appearance for Third Storey) – Nomination of Design Excellence or Sustainability Excellence required from Applicant.
Design Principles:	<p><b>Exercise of Discretion for Development Variations Policy No. 3.5.11</b></p> <p><b>EC1.1</b> The variation will not be detrimental to the amenity of the locality, nor will it result in development that would adversely affect the significance of any heritage place or area; and</p> <p><b>EC 1.2</b> The Site is zoned Residential R60 and above, Residential/Commercial, District Centre, Local Centre or Commercial.</p> <p><b>EC 1.3</b> The proposed development incorporates exemplary design excellence and has the positive recommendation of the City’s Design Advisory Committee.</p> <p><b>Additional Requirements</b> The development must meet one (1) or more of the following additional requirements:</p> <p><b>AR1.1</b> The natural ground level of the site is sloping downwards from the primary street and the proposed development has the appearance of a two storey development from the street; or</p>
	<p><b>AR1.2</b> The proposed development conserves, enhances or adaptive re-uses and existing building worthy of retention, including, but not limited to any place on the City’s Municipal Heritage List; or</p> <p><b>AR1.3</b> The proposed development incorporates exemplary design excellence and has the positive recommendation of the City’s Design Advisory Committee; or</p> <p><b>AR1.4</b> The proposed development incorporates sustainable design features which would qualify the development to receive a rating which significantly exceeds that required under the statutory minimum as assessed by an Organisation recognised by the Council.</p>
Applicant justification summary:	<i>The building height is compliant with Policy 3.5.11. The variation is not detrimental to the locality as the design is presented to the street with more “roof” than “wall”, mimicking a two storey plus loft. The rear of the development is treated with a number of articulations, along with a green roof and vertical garden as it is recognised the development is removing some vista of the trees beyond from neighbouring dwellings. The DAC have provided a positive recommendation for the proposal and the proposal puts forward an average eight (8) star energy rating.</i>



Issue/Design Element:	Number of Storeys
Officer technical comment:	<p>The proposed development is considered to comply with the above performance criteria.</p> <p>The applicant has provided compliance with the sustainability requirements of the applicable clause and approval is recommended with the applicant implementing the sustainability provisions as outlined in the conditions above (AR1.4). A minimum 6 star naBERS rating is provided with an average of 7.5 naBERS rating.</p> <p>It is noted that Design Excellence was not considered by the DAC and it was not an Essential Criteria as part of Policy No. 3.5.11 when the proposal was presented to the DAC on 5 June 2013. The Design Excellence requirement was amended on 8 October 2013, at the City's Ordinary Meeting of Council.</p>

Issue/Design Element:	Car Parking
Requirement:	<p><b>Residential Design Codes Clause 6.3.3 (C3.1)</b> Visitors to be provided at 0.25 bays per dwelling</p>
Applicants Proposal:	Nil Visitors Bays
Design Principles:	<p><b>Residential Design Codes Clause 6.3.3 (C3.1)</b> Adequate car and bicycle parking provided on-site in accordance with projected need related to:</p> <ul style="list-style-type: none"> <li>• The type, number and size of dwellings;</li> <li>• The availability of on-street and other off-site parking; and</li> <li>• The proximity of the proposed development in relation to public transport and other facilities.</li> </ul>
Applicant justification summary:	<p><i>The dwellings can accommodate street parking FOR VISITORS ONLY due to the following points as per 6.3.3 (P3.1);</i></p> <ol style="list-style-type: none"> <li>1) <i>due to the proximity to a high-frequency bus route, being Lord St.</i></li> <li>2) <i>due to the number of dwellings (3) not yet requiring a full visitor carbay under Table C3.1.</i></li> <li>3) <i>the availability of verge space and allowable street parking to the verge opposite, alongside Turner Park. The use of this space by intermittent visitors for such a small development will not have an adverse impact on the streetscape nor infringe on the movement and accessibility of any dwellings in the immediate vicinity, and</i></li> <li>4) <i>the recognition by Tech Services that the requirement for four (4) carbays on a 249m<sup>2</sup> site is excessive and poses more problems for accessibility and safety than intermittent street parking in an allowable zone does.</i></li> </ol>
Officer technical comment:	<p>The proposed development is considered to comply with the above performance criteria.</p> <p>The proposed location is located within close proximity to Lord Street which is well serviced by public transport so any visitors to the dwellings can quite easily access the site.</p>

<b>Residential Car Parking</b>	
<p>Small Multiple Dwelling based on size (&lt; 75 square meters) – 0.75 bay per dwelling ( 1 multiple dwelling) = 0.75 car bays – 1 car bay</p> <p>Medium Multiple Dwelling based on size (75-110 square meters) – 1 bay per dwelling (2 multiple dwellings) = 2.0 car bays</p> <p>Visitors = 0.25 per dwelling (3 multiple dwellings proposed) = 0.75 car bays - 1 (Whilst space is available in front of the parking area, no formalised area for visitor bays is available).</p> <p>Total car bays required = 3.0 car bays</p>	<p>3.00 car bays required</p>
Total Car Bays provided	3.0 car bays
<b>Shortfall</b>	1.0 car bay

<b>Bicycle Parking</b>		
<b>Bicycle Parking</b>	<ul style="list-style-type: none"> <li>• 1 bicycle space to each 3 dwellings for residents (1 required)</li> <li>• 1 bicycle space to each 10 dwellings for visitors (total 3 dwellings proposed): 0.33 – Nil bicycle bays for the visitors.</li> </ul>	<p>1 provided for residents</p>

**CONSULTATION/ADVERTISING:**

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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<b>Comments Period:</b>	16 September 2013 to 30 September 2013
<b>Comments Received:</b>	One (1) Comment received objecting to the development

<b>Summary of Comments Received:</b>	<b>Officers Technical Comment:</b>
<p>Issue: Setback</p> <ul style="list-style-type: none"> <li>• Concern in relation to the northern boundary setback given the adjoining property is 1.0 metre higher at ground level, than the proposed development. Feel that the setback should be 4.0 metres and moderate the visual impact of the building.</li> </ul>	<p>Not Supported. It is considered that the rear (northern) setback proposed by the development has been designed to provide maximum reduction in bulk to the adjoining dwelling with the setbacks proposed by the first and second floors at a minimum of 2.16 metres – 3.060 metres. The implementation of screening, a green vertical wall garden, will all provide a lessening in bulk in this wall to the adjoining property.</p>
<p>Issue: Streetscape</p> <ul style="list-style-type: none"> <li>• Concern that the proposed building does not maintain the existing streetscape.</li> </ul>	<p>Not supported. Whilst Turner Street itself consists of a varying height of buildings from one to two storeys, the proposed development abuts a two storey section of wall of the adjoining property to the west. Together with this wall and the implementation of raked roof section (60 degrees) reduces the visual bulk of the building and offsets the third floor.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Height</p> <ul style="list-style-type: none"> <li>Wish to clarify if the applicant is requesting design excellence or sustainability as a means of achieving additional height.</li> <li>Concern in relation to the height of the dwelling as it is three (3) storeys in appearance.</li> </ul>	<p>Noted. The applicant is requesting sustainability compliance and therefore has incorporated sustainable design practices into the development of the building. The applicant is required to provide a minimum of 6 star naBERS rating to an equivalent of 7.5 stars, given its three (3) storeys height. Design Excellence has not been considered by the City's Design Advisory Committee, nor has it been applied for by the applicant as when the applicant went through the Design Advisory Committee process, the requirement to have Design Excellence incorporated into the design as part of the Essential Criteria, was not included. This was amended as an additional requirement as at the meeting of Council on 8 October 2013.</p> <p>Noted. It is considered the proposed height of the development at three (3) storeys has been effectively ameliorated through the integration of the 'roof type' design at the front of the dwelling facing Turner Street. The height, proposed will not be any greater than a standard two storey and loft height design as per the City's Policies at 9.0 metres.</p>

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

**Design Advisory Committee:**

Referred to Design Advisory Committee: 6 March 2013/3 April 2013/5 June 2013

Summary of Design Advisory Committee Comments:

Whilst the application was referred to DAC on three separate occasions, with amendments made on each occasions to satisfy the discussion raised by the DAC members, the application was reconsidered on the 5 June 2013, with the amendments made to the satisfaction of the Director Planning Services. The following comments are provided as per the final meeting of DAC for the proposal on 5 June 2013:

**Mandatory:**

- *"Confirm levels with the neighbouring property, as survey appears to be incorrect.*
- *Define and provide sustainability submission which meets Variations Policy."*

**Design Considerations:**

- *"Third floor design – sculpt third floor to reduce impact of third floor by designing to look more like a loft, eg dormers with 'pop' outs.*
- *Be clever with roof forms, pitching points and angles. Design expression could be by dormers.*
- *Reduce perception of third storey.*
- *Sculpt 3rd floor to look like a roof rather than a wall.*
- *More concern for streetscape impact.*
- *Rear design – consider against R Codes.*
- *7m parapet wall design impact (measure 7m from neighbour's ground level) needs consideration.*
- *Redesign form to reduce massing to streetscape to not be a cubic three storey structure.*
- *DAC provide the following examples: Alison Brooks Architects- Newhall Essex UK- in the latest English Architectural Review vol 1396 June 2013 p62. MIKAN Architects Jingumae House- only review the form and not the materiality. Refer to image of 24 Gloster Street by Joe Chindarsi.*
- *Reduce materials creating bulk, create a sense of horizontally. Reduce the vertical quality."*

**Technical:**

- *“Adjoining height (rear) dwelling to be confirmed for neighbour’s ground level.*
- *Show front of original Development Application against proposal in streetscape elevation.*
- *Show all sustainability proposals on drawings and in report demonstrating excellence.*
- *Review crossover width and confirm if this can be approved by the City of Vincent.”*

The Applicant has met with the City’s Officer’s to address the Design Advisory Committee’s (DAC) comments and they have provided amended plans to reflect the required changes at the request of the Director Planning Services. The following Officer comments are provided in light of the above mandatory DAC comments of 5 June 2013:

1. Further to this the following changes have been made:
  - Levels confirmed with the adjoining northern property;
  - Sustainability has been implemented in accordance with the naBERS rating system;
  - Amendment to the third storey fronting Turner Street to implement roof like appearance;
  - Implementation of materials and greening to reduce bulk and increase sustainability.

It is noted that Design Excellence was not considered by the DAC and it was not an Essential Criteria as part of Policy No. 3.5.11 when the proposal was presented to the DAC on 5 June 2013. The Design Excellence requirement was amended on 8 October 2013, at the City’s Ordinary Meeting of Council.

**LEGAL/POLICY:**

The following legislation and policies apply to the proposed construction of three (3) storey buildings comprising three (3) two-bedroom multiple dwellings at No. 116 Wright Street, Highgate:

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2013;
- City of Vincent Town Planning Scheme No. 1;
- Forrest Precinct Policy No. 3.1.14;
- Residential Design Elements Policy No. 3.2.1; and
- Development Guidelines for Multiple Dwellings in Residential Zones Policy No. 3.4.8.
- Exercise of Discretion Policy No. 3.5.11.

**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 2011-2016 states:

*“Natural and Built Environment*

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

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

**SUSTAINABILITY IMPLICATIONS:**

The City's Strategic Plan 2011-2016 states:

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

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

ENVIRONMENTAL	
Issue	Comment
The design of the dwellings allow for adequate light and ventilation, with all the dwellings provided with good cross ventilation. These design elements have the potential to reduce the need or reliance on artificial heating and cooling, as well as high levels of artificial lighting.	

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

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS & CONCLUSION:**

It is considered that the building height and the setbacks proposed would contribute to the bulk and scale of a development; however in this instance, 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, the Residential Design Codes of WA 2013 and the Exercise of Discretion Policy No. 3.5.11 for the additional storey.

Turner Street, comprises a varying streetscape of single-storey and two-storey dwellings. The redesign of the development following the DAC process, incorporating a far less bulky third floor appearance to the street, will enable the development to fit more appropriately with the street. It is also noted the properties location in close proximity to major roads such as Lord Street, will enable the one car bay (visitors) shortfall to be offset given its close links to public transport. In light of the above, the proposal is considered to be in keeping with the existing and future desired streetscape of the locality.

**CONCLUSION:**

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

**9.2.3 LATE ITEM: On Road Cafes in Shopping Precincts – Request for Re-Allocation of Funds – Progress Report No. 6**

<b>Ward:</b>	Both	<b>Date:</b>	28 October 2013
<b>Precinct:</b>	ALL	<b>File Ref:</b>	PLA0084
<b>Attachments:</b>			
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	R Lotznicker, Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **NOTES** that additional funds of \$40,000 are required to enable the On Road Cafe's (ORC's) to be installed, as previously approved at its Ordinary Meeting held on 24 September 2013;
2. **APPROVES BY AN ABSOLUTE MAJORITY** to reallocated \$40,000 from the 2013/2014 Clieveden Street drainage budget item to the 2013/2014 On Road Cafe budget, for the reasons outlined in the Financial Implications Section of the report; and
3. **RECEIVES** a further progress report/s as the On Road Cafe project progresses.

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**Moved Cr Harley, Seconded Cr Buckels**

That the recommendation be adopted.

Debate ensued.

Cr Pintabona departed the Chamber at 7.42pm.

Debate ensued.

Cr Pintabona returned to the Chamber at 7.45pm.

Debate ensued.

**AMENDMENT**

**Moved Cr Harley, Seconded Cr Buckels**

"That the Officer Recommendation be amended to read as follows:

That the Council;

1. **NOTES** that additional funds of \$40,000 are required to enable the On Road Cafe's (ORC's) to be installed, as previously approved at its Ordinary Meeting held on 24 September 2013;
2. ~~**APPROVES BY AN ABSOLUTE MAJORITY** to reallocated \$40,000 from the 2013/2014 Clieveden Street drainage budget item to the 2013/2014 On Road Cafe budget, for the reasons outlined in the Financial Implications Section of the report; and~~
- 3.2. **RECEIVES** a further progress report/s as the On Road Cafe project progresses;

**3. Prioritises the following ORC's to be placed within the current budget allocation;**

- 3.1 Metrio and Co**
- 3.2 Sienas**
- 3.3 The Red Teapot;**
- 3.4 Mary Street Bakery;**
- 3.5 Cosmos Kebabs; and**
- 3.6 The Ladder Café and Deli;**

**4. Prior to the placement of the ORC's in front of Cosmos Kebabs and The Ladder Café and Deli; and**

- 4.1 requests a Road Safety Audit to be undertaken for these sites and reported back to Council for further consideration; and**
- 4.2 Identifies a location for a motorcycle bay to replace the one which would be removed outside Cosmos Kebabs to enable the ORC to be provided in this location.**

Debate ensued.

**PROCEDURAL MOTION**

**Moved Cr Harley, Seconded Cr Cole**

That the item be DEFERRED and subsequently reported to the next Meeting of Council, together with a Rescission Motion, to change the Council Decision made at the Ordinary Meeting of Council held on 24 September 2013.

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

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

**PURPOSE OF REPORT:**

The purpose of this report is to update the Council on the progress regarding the On Road Cafe's (ORC's) and seek the Council's approval to re-allocate funds to enable the Council's, previous decision to be implemented.

**BACKGROUND:**

**Ordinary Meeting of Council held on 24 September 2013:**

The Council considered a further report on the ORC's whereby the following decision was made:

*"That the Council;*

- 1. *NOTES that;*
  - 1.1 *\$30,000 has been allocated in the 2013/2014 budget to implement On Road Cafes (ORC); and*
  - 1.2 *businesses are not requested to or expected to financially contribute to the construction or structure of the ORC's which are intended to be universally accessible as unlicensed property;*
  - 1.3 *as previously adopted by the Council, installation of an ORC is to be for a maximum period of nine (9) months; and*

2. *AUTHORISES the Chief Executive Officer to;*

- 2.1 *enter into a Legal Agreement to implement an 'On Road Cafe' with the following businesses at the following locations, for the reasons outlined in the report and as shown on attachments 9.2.1;*

Item	Name	Address
2.1.1	Metrio and Co.	36-38 Angove Street, North Perth
2.1.2	Foam Coffee Bar (one bay only)	128-130 Oxford Street, Leederville
2.1.3	Siena's	115 Oxford Street, Leederville
2.1.4	Cosmo's Kebabs –(subject to alternative locations for existing motorcycle parking being found);	129 Oxford Street, Leederville
2.1.5	The Red Teapot Restaurant & Centurion Sea Food WA P/L	411-415 William Street, Northbridge
2.1.6	Mary Street Bakery – (subject to the ORC being able to be universally accessible);	507 Beaufort Street, Mount Lawley
2.1.7	The Ladder Cafe and Deli	167 Scarborough Beach Road, Mount Hawthorn

- 2.2. *DEFERS entering into a Legal Agreement with the following until 2014/2015 and subject to City funds becoming available;*

Item	Name	Address
2.2.1	Kailis Brothers	99-101 Oxford Street, Leederville

- 2.3 *DOES NOT proceed with the Northbridge Hotel proposal as the concept is considered inappropriate for venues which are primarily licensed; and*

3. *LISTS the following as a 'reserve project' as the business has not been set up as yet;*

Item	Name	Address
3.1	The Edge of Sahara	3/451 William Street, Northbridge

4. *DOES NOT invite the following to enter into a Legal Agreement, as the proposed location does not meet the required criteria;*

Item	Name	Address
4.1	Little Caesars	127 Oxford Street, Leederville
4.2	Caffissimo	7/595 Beaufort Street, Mount Lawley
4.3	Azure at the Mezz Cafe	148 Scarborough Beach Road, Mount Hawthorn

5. *WORKSHOP an alternative model based on the Vancouver Parklets Project at the December 2013 Forum for a decision in principle in February 2014."*



**DETAILS:**

**Progress to date:**

Applicants Notified:

The following letter was sent to all successful applicants on 2 October 2013:

*"With regards to your recent EOI for the above matter a report was presented to the Council on 24 September 2013.*

*I am pleased to advise that at the meeting the Council authorised the Chief Executive Officer to enter into a Legal Agreement to implement an 'On Road Cafe' with the following businesses:*

Name	Address
Metrio and Co.	36-38 Angove Street, North Perth
Foam Coffee Bar	128-130 Oxford Street, Leederville
Siena's	115 Oxford Street, Leederville
Cosmo's Kebabs – (subject to alternative locations for existing motorcycle parking being found);	129 Oxford Street, Leederville
The Red Teapot Restaurant & Centurion Sea Food WA P/L	411-415 William Street, Northbridge
Mary Street Bakery – (subject to the ORC being able to be universally accessible);	507 Beaufort Street, Mount Lawley
The Ladder Cafe and Deli	167 Scarborough Beach Road, Mount Hawthorn

*The Council also decided to workshop an alternative model based on the Vancouver Parklets Project at the December 2013 Forum for a decision in principle in February 2014.*

*I thank you for your submission and will be contacting you in the next month or so to finalise the terms and conditions of the Legal Agreement and progress the fabrication of the ORC."*

Legal Agreement:

A draft legal agreement has been prepared and this is currently being finalised by the City's Solicitor. The agreement deals with such matters as;

- Responsibilities of the City;
- Responsibilities of operator;
- Duration;
- Assignment of Lease - sale of business;
- City may remove On Road Café at its discretion;
- No claims against City; and
- Costs

Once the legal agreement has been finalised the successful applicant will be notified in early November.

Cost to Install:

The ORC installed for the trial in Oxford Street was constructed 'in – house' by the City's Property Maintenance Officer at a cost of approximately \$3,000.

The Council subsequently allocated \$30,000 in the 2013/2014 budget for the installation of five (5) ORC's based on an estimated cost of \$6,000 per ORC.

The Council approved six (6) ORC's. Quotations were obtained and the cheapest price submitted is \$11,577 per ORC to supply and install.

Therefore as one (1) of the six (6) ORC's currently already exists (the one outside Foam) the total cost to install the six (6) new ORC's is \$69,462 say \$70,000.

**RISK MANAGEMENT IMPLICATIONS:**

**High:** Each location has been assessed on a case by case basis and appropriate safety measures designed into the ORC.

**CONSULTATION/ADVERTISING:**

Businesses have been advised of the previous Council Decision and will also be advised of the Council's decision.

**LEGAL/POLICY:**

Local Roads and Local and District distributors are under the care, control and management of local government. Any event on a road needs not only the approval of the local government but depending on the event may also require endorsement by the Police and/or Main Roads WA.

Laws that apply include the City's relevant local laws, the Road Traffic Act and/or the Local Government Act.

**STRATEGIC IMPLICATIONS:**

No specific area within the City's Strategic Plan 2013-2018 matched this proposal; however, the closest states:

*"Natural and Built Environment*

*Objective 4.1.4 Focus on stakeholder needs, values, engagement and involvement*

*(a) Ensure stakeholders are effectively engaged on issues that may affect them."*

**SUSTAINABILITY IMPLICATIONS:**

Raises awareness of the importance of urban public spaces, rethinking the way streets are used and creating diverse conversations about making cities more sustainable.

**FINANCIAL/BUDGET IMPLICATIONS:**

As mentioned above total of \$30,000 has been listed for consideration in the 2013/2014 Budget for ORC's and the total estimated cost to install six (6) ORC's is \$70,000 (a funding shortfall of \$40,000).

There is \$50,000 allocated for the Clieveden Street drainage improvements in the 2013/2014 budget (a carry forward from 2012/2013).

The road was resurfaced last year and a large number of gully soakwells were installed as part of these works. In addition an asphalt bund has been installed at Charles Street to divert storm water away from the street. Also previously, additional gully's were installed in the street low point to address flooding issues.

It is considered that no further urgent drainage works are required in this street as substantial drainage infrastructure has recently been installed (as mentioned above) and it is therefore recommended that \$40,000 (out of the \$50,000) be reallocated to the ORC budget and retain \$10,000 in the Clieveden Street drainage budget should additional drainage be required (next winter).

**COMMENTS:**

It is therefore recommended that the Council approves the reallocation of \$40,000 from the Clieveden Street drainage budget to the ORC budget to enable the ORC initiative as previously approved by the Council to proceed.

**9.1.2 FURTHER REPORT – Way Finding Strategy Implementation – Progress Report No. 3 (Pedestrian Way Finding Totem Signs)**

<b>Ward:</b>	All	<b>Date:</b>	25 October 2013
<b>Precinct:</b>	Both	<b>File Ref:</b>	PLA0084
<b>Attachments:</b>	<a href="#">001</a> – Proposed Locations of Signs <a href="#">002</a> – Proposed Places of Interest		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Fox, Planning Officer (Strategic)		
<b>Responsible Officer:</b>	P Mrdja, Acting Director Planning Services		

**FURTHER OFFICER RECOMMENDATION:**

That the Council;

1. **ENDORSES** the:
  - 1.1 **Proposed location of seven (7) Pedestrian Way Finding Totem Signs as shown in Appendix 9.1.2 (Attachment 001);**
  - 1.2 **Proposed Places of Interest for the Pedestrian Way Finding Totem Signs as shown in Appendix 9.1.2 (Attachment 002); and**
  - 1.3 **Design of the Pedestrian Way Finding Signs being consistent in design to the City of Perth signs; and**
2. **AUTHORISES** the Chief Executive Officer to:
  - 2.1 **Liaise with Officers at the City of Perth to discuss how the project can achieve mutually beneficial outcomes for both Local Authorities given the recent announcement of boundary changes; and**
  - 2.2 **Inform the landowners and local businesses directly adjacent to the proposed Pedestrian Way Finding Totem Signs and business groups in each Town Centre area, of the City’s intention to install the Pedestrian Way Finding Totem Signs and seeks their comments prior to the final designs being approved;**
  - 2.3 **in liaison with the Mayor to approve of the final design.**

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**Moved Cr Topelberg, Seconded Cr Buckels**

That the recommendation be adopted.

Debate ensued.

**AMENDMENT 1**

**Moved Cr Topelberg, Seconded Cr Buckels**

“That Clauses 1 and 2 be deleted and a new Clause be inserted to read as follows:

That the Council;

1. ~~ENDORSES~~ the:
  - 1.1 ~~Proposed location of seven (7) Pedestrian Way Finding Totem Signs as shown in Appendix 9.1.2 (Attachment 001);~~
  - 1.2 ~~Proposed Places of Interest for the Pedestrian Way Finding Totem Signs as shown in Appendix 9.1.2 (Attachment 002); and~~

~~1.3 — Design of the Pedestrian Way Finding Signs being consistent in design to the City of Perth signs; and~~

~~2. — AUTHORISES the Chief Executive Officer to:~~

~~2.1 — Liaise with Officers at the City of Perth to discuss how the project can achieve mutually beneficial outcomes for both Local Authorities given the recent announcement of boundary changes; and~~

~~2.2 — Inform the landowners and local businesses directly adjacent to the proposed Pedestrian Way Finding Totem Signs and business groups in each Town Centre area, of the City's intention to install the Pedestrian Way Finding Totem Signs and seeks their comments prior to the final designs being approved;~~

~~2.3 — in liaison with the Mayor to approve of the final design; and~~

1. — RECEIVES the report and DEFERS any implementation pending the outcome and report relating to Place Managers in the City's Town Centres."

Debate ensued.

**AMENDMENT 1 PUT AND CARRIED UNANIMOUSLY (8-0)**

Debate ensued.

**AMENDMENT 2**

**Moved Cr Buckels, Seconded Cr Cole**

"That a new Clause 2 be inserted to read as follows:

2. — RECEIVES the report and DETERMINES to not continue with the Way Finding Strategy Implementation in its current form and reallocate the budget to other means."

Debate ensued.

The Mover, Cr Buckels advised that *he* wished to *change his* amendment and *reword it*  
The Seconder, Cr Cole agreed.

"2. — RECEIVES the report and DETERMINES to not continue with the Way Finding Strategy Implementation in its current form and APPROVES BY AN ABSOLUTE MAJORITY TO reallocate the budget (\$93,000) to other projects.

Debate ensued.

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

**For:** Presiding Member, Mayor John Carey, Cr Buckels, Cr Cole, Cr Harley, Cr McDonald and Cr Wilcox

**Against:** Cr Pintabona and Cr Topelberg

**MOTION AS AMENDED PUT AND CARRIED (7-1)**

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

**Against:** Cr Pintabona

**REASONS FOR CHANGING THE OFFICER RECOMMENDATION**

**It is considered that the Totem Pole Signage was not required.**

**COUNCIL DECISION ITEM 9.1.2**

**That the Council;**

- 1. RECEIVES the report and DEFERS any implementation pending the outcome and report relating to Place Managers in the City's Town Centres; and**
- 2. RECEIVES the report and DETERMINES to not continue with the Way Finding Strategy Implementation in its current form and APPROVES BY AN ABSOLUTE MAJORITY TO reallocate the budget (\$93,000) to other projects.**

**FURTHER REPORT:**

The Council at their Ordinary Meeting held on 10 September 2013, considered the City's Way Finding Strategy Implementation Plan (Pedestrian Way Finding Totem Signs) and resolved as follows:

*'That the item be DEFERRED to a Council Forum.'*

Following the decision of Council, the item was presented at a Council Forum on 15 October 2013. The comments raised by the Council are presented below.

**Design**

The design of the pedestrian way finding totem signs to be consistent with the signs within the City of Perth.

**Location**

The locations for each Town Centre area were discussed with the following comments being raised in relation to preferred locations:

Leederville

No comment raised by the Council.

The proposed location for two signs in Leederville is as follows:

- Sign 1. Oxford Street between the train station and Kailis; and
- Sign 2. Oxford and Richmond Street (TAFE corner)

Mount Hawthorn

Council discussion concluded that no sign should be included in the Mount Hawthorn area as this area is predominately a local commercial area, and that the area can be promoted in other ways. Alternatively, the funds could be better used to include an additional sign in the Perth area.

North Perth

No comment raised by the Council.

One sign is proposed for North Perth as follows:

- Sign 1. Corner of Angove and Fitzgerald Street (outside the Rosemount).

### Mount Lawley/Highgate

No comment raised by the Council.

The proposed location for two signs in Mount Lawley as follows:

- Sign 1. North Beaufort - corner of Beaufort and Grosvenor Streets; and
- Sign 2. South Beaufort – corner of Beaufort and Bulwer Streets.

### Perth

An additional sign near Weld Square at the corner of Newcastle and Beaufort Streets.

The proposed location for two signs in Perth as follows:

- Sign 1. Corner of William and Brisbane Street (south west corner); and
- Sign 2. Corner of Newcastle Street and Beaufort Street (north west corner).

### **Places of Interest**

Where appropriate, signs should also include landmarks within the City of Perth. In this instance the two signs proposed for the Perth Town Centre areas will include City of Perth landmarks such as the Library, Museum, Art Gallery, Council House, Convention Centre, Theatres, and Educational Institutions.

### **CONCLUSION:**

In light of the outcomes of the Council Forum on 15 October 2013, it is recommended that the Council endorse the amended proposed locations as shown in Appendix 001 and the proposed Places of Interest shown in Appendix 002.

It is also recommended that the Council endorse the design of the pedestrian way finding signs being consistent to those located within the City of Perth.

Following the Council's endorsement of the locations, design and places of interest as recommended above, the City's Administration will finalise collating information for inclusion on the sign maps and panels. A design consultant will be appointed to prepare draft signs for presentation at a Council Forum and approval by the Council prior to final manufacture of the signs.

The Minutes of the Ordinary Meeting of Council held on 10 September 2013 can be found at: [http://www.vincent.wa.gov.au/Your\\_Council/Agenda\\_Minutes](http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes).

**9.1.6 No. 10 (Lot 36) Farmer Street, North Perth - Proposed Recreational Facility Addition (Wellness Centre) to Existing Woodville Reserve**

<b>Ward:</b>	North	<b>Date:</b>	25 October 2013
<b>Precinct:</b>	North Perth Precinct P08	<b>File Ref:</b>	PRO0079; 5.2013.384.1
<b>Attachments:</b>	<a href="#">001</a> – Development Application Plans		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J Giguere, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	P Mrdja, Acting Director Planning Services		

**OFFICER RECOMMENDATION:**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1, APPROVES the application submitted by the City of Vincent, for Proposed Recreational Facility Addition (Wellness Centre) to Existing Woodville Reserve at No. 10 (Lot 36; D/P: 2002) Farmer Street, North Perth, as shown on plans date stamped 14 August 2013, subject to the following conditions:

1. The proposed car parking area(s) shall be sealed, drained, paved and line marked prior to the first occupation of the development and maintained thereafter by the City;
2. Trees are to be planted within the parking area in accordance with the Parking and Access Policy 3.7.1; and
3. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City's Chief Executive Officer.

**ADVICE NOTES:**

1. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Farmer and Namur Streets;
2. All signage that does not comply with the City's Policy No. 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 Building Permit application, being submitted to and approved by the City prior to the erection of the signage.

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**COUNCIL DECISION ITEM 9.1.6**

**Moved Cr Cole, Seconded Cr Topelberg**

That the recommendation be adopted.

Debate ensued.

**PROCEDURAL MOTION**

**Moved Cr Topelberg, Seconded Cr Pintabona**

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

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

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**PURPOSE OF REPORT:**

This proposal requires referral to the Council given the interest of the matter by the community.

**BACKGROUND:**

The Wellness Centre proposal was approved in principle by Council after being extensively advertised to the Community at its Ordinary Meeting held on 12 February 2013 when the Woodville Reserve Master Plan was adopted. It was also resolved at that meeting that Council investigates the use of grass-crete in the driveway component next door to the centre. Details about the above investigation can be found below in the Officer Technical Comments section of this report.

Date	Comment
25 October 2011	Planning Approval issued under delegated authority for a Decking Addition to the existing Bols Club on Woodville Reserve. (5.2011.519.1).
24 July 2012	Planning Approval issued under delegated authority for an Outbuilding (Mens Shed) including Workshop, Bathroom, and Office to Existing Recreational Facilities (5.2011.557.1).
7 November 2012	Planning Approval issued under delegated authority for Lighting upgrade to existing bowling club (5.2013.397.1).
6 May 2013	Planning Approval issued under delegated authority for Outbuilding and Water Tank Additions to Woodville Reserve. (5.2013.159.1).
5 September 2013	Planning approval is granted under delegated authority for an Outbuilding Addition (Men's Shed) Including Workshop, Bathroom, and Office to Existing Recreational Facilities (5.2013.342.1).

**DETAILS:**

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

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

The proposed building will be approximately 329 sqm in area and will consists of three (3) offices, a kitchen, toilets and an open area. The Wellness Centre will assist elderly people and people with disabilities by providing recreational activities during the day such as bingo, card games.

**ASSESSMENT:**

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

<b>Issue/Design Element:</b>	<b>Development on Reserves</b>
Requirement:	N/A
Applicants Proposal:	Construction of a Wellness Centre
Performance Criteria:	<b>North Perth Precinct Policy (PO8) Clause 3</b> The development of any further buildings on any of these sites should generally not be permitted unless they are unobtrusive in bulk and scale and are to be used for a purpose incidental to, and associated with, the primary use of the land. No healthy mature trees should be destroyed to facilitate the development.
Applicant justification summary:	N/A
Officer technical comment:	<p>The proposed development is compliant with the North Perth Precinct Policy (PO8), in that the development is considered to be unobtrusive in bulk as it is single storey in height, and a reasonable size relative to the size of the block it is located on. The front setback is also consistent with buildings in the surrounding area.</p> <p>The use is also considered to be incidental to the recreational uses of Woodville Reserve, providing a service to the community. Further, the proposal was approved in principle by Council at its Ordinary Meeting held on 12 February 2013 when the Master Plan was approved.</p> <p>It is proposed to remove a tree and adjacent shrubs within the road reserve in order to allow for parking access. The application was referred to the Parks Department which has supported the removal of the tree, with the shrubs adjacent to the entry point being reinstated after completion of the construction.</p>

<b>Issue/Design Element:</b>	<b>Parking Area</b>
Requirement:	All open-air parking areas are to be landscaped at a rate of one (1) tree per four (4) car bays. The perimeter of all open-air parking areas are to be landscaped by a planting strip of at least 1.5 metre in width.
Applicants Proposal:	The site plan indicates that four (4) trees are to be planted within the car parking area. A 0.6 metre landscape strip will be provided adjacent to the driveway.
Performance Criteria:	N/A
Applicant justification summary:	N/A
Officer technical comment:	It is considered that sufficient landscaping is provided adjoining the parking perimeter. This includes the planting of four (4) trees and shrubs.

<b>Issue/Design Element: Parking</b>	
Car parking requirement (nearest whole number) • 1 space per 4 persons ( based on 40 persons approved for the site)	10 car bays
Total car bays required = 10 car parking bays	
Adjustment factors • 0.80 (The development is located within 400 metres of a bus route) • 0.95 (The development is located within 400 metres of an existing off street public car park with in excess of 25 car bays)	(0.76) 7.6 car bays
Minus the car parking provided on-site	7 car bays
Resultant shortfall	0.6 car bays

The car parking shortfall is considered acceptable as the centre will be used by elderly and handicapped people who do not drive. They will be picked up in a mini bus and brought to the centre and back home. The centre uses five (5), eight (8) seater buses. As such, there will be sufficient car parking spaces available for the centre. It is also noted that six (6) work stations are available for employees. The proposed number of car parking spaces is considered sufficient to cater for the demand of the centre.

### Bicycle Parking

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

### CONSULTATION/ADVERTISING:

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

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

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

**Design Advisory Committee:**

Referred to Design Advisory Committee: No

**LEGAL/POLICY:**

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

**RISK MANAGEMENT IMPLICATIONS:**

As the City is the landowner, the City is to ensure that the facility complies with all the relevant legislation.

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2011-2016 states:

"Community Development and Wellbeing:

3.1 *Enhance and promote community development and wellbeing*

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

**SUSTAINABILITY IMPLICATIONS:**

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

ENVIRONMENTAL	
Issue	Comment
The proposed centre is a better use of the Reserve.	

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

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Minutes for the ordinary Meeting of Council 12 July 2011- Item 9.3.2 outlines a detailed explanation of the funding models. The Wellness Centre will be applying for Lottery West as well as Home and Community Care Funding.

**COMMENTS & CONCLUSION:**

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

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

The proposal will provide sufficient car parking spaces for the proposed use as the users do not drive and will be commuting to and from the centre via a mini-bus.

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

**9.2.1 Proposed Upgrade of a Portion of Right of Way Bounded by Woodstock, Matlock and Coogee Streets, and Scarborough Beach Road, Mount Hawthorn**

<b>Ward:</b>	North	<b>Date:</b>	25 October 2013
<b>Precinct:</b>	Mount Hawthorn Centre Precinct (P2)	<b>File Ref:</b>	TES0270
<b>Attachments:</b>	<a href="#">001</a> – Portion of Unsealed Row		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	A Munyard, Senior Technical Officer – Land and Development R Lotznicker, Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES BY AN ASOLUTE MAJORITY;**
  - 1.1 the upgrade of the portion of the City owned Right of Way bounded by Woodstock, Matlock and Coogee Streets, and Scarborough Beach Road, Mount Hawthorn, as shown on the attached Plan 9.2.1, estimated to cost \$65,000;
  - 1.2 to reallocate \$35,000 from 2013/2014 Right of Way Rehabilitation – Contribution to ROW's budget, and \$30,000 from the 2013/2014 Nova Lane Upgrade budget of \$48,000, as outlined in the report; and
2. **LISTS for consideration appropriate funds in the 2014/2015 draft budget to complete the Nova Lane ROW upgrade.**

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**COUNCIL DECISION ITEM 9.2.1**

**Moved Cr Harley, Seconded Cr Buckels**

**That the recommendation be adopted.**

**Debate ensued.**

**MOTION PUT AND CARRIED UNANIMOUSLY  
BY AN ABSOLUTE MAJORITY (8-0)**

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**PURPOSE OF REPORT:**

The purpose of the report is to seek the Council's approval to seek a portion of unsealed Right of Way (ROW) Bounded by Woodstock, Matlock and Coogee Streets, and Scarborough Beach Road.

**BACKGROUND:**

The above ROW is largely unsealed and this is problematic for the adjacent residents, who are affected by storm water run-off, sand scour and dust.

As the ROW was not owned by the City at the time the current ROW Upgrade and Acquisition Program was re-assessed in 2006, it was scheduled for the end of the program with City owned ROWs having precedence.

The ROW is now owned by the City, which as the owner of the ROW, has an obligation to address the drainage and dust control problems.

**DETAILS:**

**ROW Details:**

The ROW was created on Plan 2503 sheet 1, with only those lots on its eastern boundary having implied access rights. It was owned by the City of Perth and should have been transferred to the then Town of Vincent in 1994. However, this ROW was overlooked during the transfer of land from Perth to Vincent.

Although this ROW was owned by the City of Perth, it was purchased and not resumed, and therefore retained its "private ROW" status, with implied access rights to only those lots with Coogee Street frontages.

**Issues:**

The ROW has regularly presented a number of maintenance problems, however, the City did not expend funds on private property or land not under its care and control and management. As the City already had ownership of many unsealed ROWs, these were given precedence in the Upgrade Program.

**ROW Transferred to the City:**

In 2010, the City refused a carport application from a Matlock Street property owner, as lots on this side of the ROW did not have a legal right of access via the ROW. In order to resolve the access issue, the City of Vincent requested that the City of Perth to transfer the ROW ownership to it. As owner of the ROW, the City was then in a position to give expressed access rights to the Matlock Street property in question.

**Works undertaken/required:**

The City previously installed a series of soak wells in the ROW, in the sealed portion at the ROW low point behind the adjacent lots fronting Scarborough Beach Road.

The soak wells have now been connected to the City's drainage system in Scarborough Beach Road, with a contribution towards costs being made by the owner of a development currently under construction.

These measures have assisted in mitigating the flooding issues however additional soak wells are required along the full length of the ROW to completely resolve this.

Approximately 110m of the ROW remain unsealed and without drainage. It has been estimated that the cost to complete the upgrade of the ROW is \$65,000.

**CONSULTATION/ADVERTISING:**

Residents adjoining the ROW will be advised of the Council decision.

**RISK MANAGEMENT IMPLICATIONS:**

**High:** The current condition of the ROW is causing flooding issues and sand washouts into the adjoining properties. There is increased risk to the City for compensation to be paid to landowners, in the event of flooding and/or damage.

**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:**

The City owns the ROW and has a duty of care to ensure there is no adverse affects resulting from the current ROW condition.

**FINANCIAL/BUDGET IMPLICATIONS:**

The estimated cost to complete the upgrade of the ROW is \$65,000.

The funding sources available are as follows:

- \$35,000 from 2013/2014 Right of Way rehabilitation – contribution to ROW's budget, and
- Reallocate \$30,000 from the 2013/2014 Nova Lane\* upgrade budget of \$48,000.

Note:\* Nova Lane which runs between Fitzgerald Street and Knutsford Street in North Perth is currently drained and sealed however some of the surface is in poor condition and requires an asphalt overlay. Due to developments currently underway adjacent to this ROW the works have been placed on hold. It is considered that the ROW being the subject of this report has a much higher priority and therefore the funds should be reallocated and reinstated to the Nova lane ROW in the 2014/2015 budget.

**COMMENTS:**

It is recommended that the portion of unsealed ROW bounded by Woodstock, Matlock Street, Coogee Streets and Scarborough Beach Road be sealed for the reasons detailed in the report.



**9.2.2 Lincoln Street between Lord and Wright Streets, Perth - Proposed Introduction of One (1) Hour Parking Restrictions**

<b>Ward:</b>	South	<b>Date:</b>	25 October 2013
<b>Precinct:</b>	Forrest (14)	<b>File Ref:</b>	TES0166
<b>Attachments:</b>	<a href="#">001</a> – Plan No. 3088-SP-01		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	R Lotznicker, Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES** the introduction of a 1P restriction, 8.00am to 5.30pm Monday to Friday, and 8.00am to 12.00noon on Saturday, on the south side of Lincoln Street, Perth as shown on Plan No. 3088-CP-01; and
2. **PLACES** a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs.

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**COUNCIL DECISION ITEM 9.2.2**

**Moved Cr Harley, Seconded Cr Buckels**

**That the recommendation be adopted.**

**Debate ensued.**

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

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**PURPOSE OF REPORT:**

The purpose of this report is to inform the Council of the outcome of the consultation undertaken with the residents of Lincoln Street, Perth in response to a request for parking the installation of parking restrictions.

**BACKGROUND:**

The City has recently received a number of complaints from the residents of Lincoln Street, Perth expressing concerns about the problems associated with the number of vehicles, other than their own, parking in the street resulting in resident parking issues.

On the 14 February 2012 the Council at its Ordinary Meeting approved the introduction of 2P parking restrictions 8am and 5.30pm Monday to Friday, in Lincoln Street, Highgate between Smith and Beaufort Streets.

This small section of Lincoln Street is the last remaining section of the street without parking restrictions.

**DETAILS:**

**Community Consultation:**

On 4 October 2013 twenty nine (29) letters were distributed to residents of Lincoln Street, Perth. At the close of the consultation on 22 October 2013, two (2) responses were received with one (1) in favour of the proposal and one (1) neither in support nor against. A summary of the comments received are below;

Related Comments *In Favour* of the Proposal:

- Parking is becoming a major issue for residents because it appears people who work in or around the area are parking all day. There are 5 residences within the proposed area that all have vehicles and require parking however if outsiders are using it for all day parking it causes other people/residents living in the street to have parking issued, a domino effect. I am a shift worker and often find it difficult to park especially when the Serbian church has an event as People Park on Lincoln Street since the vacant block at the end of Lincoln on Lord Street is now closed off. Staff from Silver Chain also park within the proposed area.

Related Comments *Against* the Proposal:

- Nil

Related *Other* Comments:

- Parking restrictions are not much use if they are not checked regularly. Parking in Lincoln Street became more difficult in recent times and not only at sporting events at the Perth Oval.

*Officers Comments:*

The majority of residents did not respond, however one respondent was in favour of the restrictions and the other respondent was in favour of restrictions on the basis of regular inspections by Ranger Services. One respondent also requested that existing signage and line markings be improved. It is therefore considered that the restrictions should be implemented.

**CONSULTATION/ADVERTISING:**

Residents will be informed of the Council's decision.

**LEGAL/POLICY:**

There is no legal consequence of the recommendation. Generally the City's Rangers would place a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of new parking restriction signs.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** Mainly related to amenity improvements for residents.

**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:**

Manufacture and installation of signs would be approximately \$350 to be funded from the 2013/2014 Signage budget.

**COMMENTS:**

The amenity of the residents in Lincoln Street has been compromised by the demand on parking, and it is considered that the introduction of additional parking restrictions in the street would result in a freeing up of parking spaces and allow for a greater opportunity for residents, their guests, and visiting trades to find parking space in the street during the working week.

It is therefore recommended that the restriction be approved.

**9.3.1 Adoption of Additional Planning & Building Fees and Charges 2013/2014**

<b>Ward:</b>	Both	<b>Date:</b>	25 October 2013
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0025
<b>Attachments:</b>	<a href="#">001</a> – 2013/2014 Amended Fees and Charges Schedule		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	M Rootsey, Director Corporate Services		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **APPROVES BY ABSOLUTE MAJORITY** to adopt the additional and amended Planning and Building Fees and Charges to be included in the Schedule of Fees and Charges for the 2013/2014 financial year, as shown in Appendix 9.3.1.

**COUNCIL DECISION ITEM 9.3.1**

**Moved Cr Topelberg, Seconded Cr Buckels**

That the recommendation be adopted.

**MOTION PUT AND CARRIED UNANIMOUSLY  
BY AN ABSOLUTE MAJORITY (8-0)**

**PURPOSE OF REPORT:**

To obtain the Council's approval of the additional and amended Planning and Building Fees and Charges that were received after the adoption of the Schedule of Fees for the Financial Year 2013/2014.

**BACKGROUND:**

At the Ordinary Meeting of Council held 25 June 2013 the Council resolved the following:

*"That the Council;*

1. *APPROVES BY ABSOLUTE MAJORITY to adopt the Schedule of Fees and Charges for the 2013/14 financial year, as shown in Appendix 9.3.4 subject to the following being amended as follows;*

- 1.1 *Cash in Lieu Payment for car parking (page 8.28):*

*Cash in lieu payment for car parking for developments valued at \$3 million\* or more (\* denotes that the \$3 million is the current threshold for determination by the Development Assessment Panel); and*

- 1.2. *Library – photocopying (page 8.1):*

*Library Black and White per copy 0.30."*

**DETAILS:**

Subsequent to the adoption of the fees and charges the City was advised of the following additional fees for Planning & Building Services by the Department of Planning.

**Amended fees recommended for 2013/14:**

**Planning Fees:**

		2012/13	2013/14	GST
<b>DEVELOPMENT APPLICATION PANEL (DAP) FEES</b>				
<u>Not less than \$3 million and less than \$7 million (optional)</u>		-	<b><u>\$3,503.00</u></b>	N
<u>Not less than \$7 million and less than \$10 million (mandatory)</u>		-	<b><u>\$5,409.00</u></b>	N
A DAP application where the estimated cost of the development is not less than \$10 million and less than \$12.5 million		\$5,672.00	<b><u>\$5,672.00</u></b> <b><u>\$5,885.00</u></b>	N
A DAP application where the estimated cost of the development is not less than \$12.5 million and less than \$15 million		\$5,834.00	<b><u>\$5,834.00</u></b> <b><u>\$6,053.00</u></b>	N
A DAP application where the estimated cost of the development is not less than \$15 million and less than \$17.5 million		\$5,996.00	<b><u>\$5,996.00</u></b> <b><u>\$6,221.00</u></b>	N
A DAP application where the estimated cost of the development is not less than \$17.5 million and less than \$20 million		\$6,158.00	<b><u>\$6,158.00</u></b> <b><u>\$6,390.00</u></b>	N
A DAP application where the estimated cost of the development is \$20 million or more		\$6,320.00	<b><u>\$6,320.00</u></b> <b><u>\$6,557.00</u></b>	N
An application under regulation 17 for reconsideration of an application		\$150.00	<b><u>\$150.00</u></b>	N

NB: The fees will be collected by Local Government and remitted to the Department of Planning (DoP) Secretariat. This includes a \$50 transaction fee per planning application to be retained by Local Government.

**CONSULTATION/ADVERTISING:**

To be advertised for public comment.

**LEGAL/POLICY:**

In accordance with the *Local Government Act (1995)*, Sections 6.16, 6.17 and 6.18.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** The fees and charges are supported by the City. The risk is that the budgeted level of revenue from the fees and charges may not be attained in any one financial year.

**STRATEGIC IMPLICATIONS:**

The amended fees and charges will be used for the remaining part of the financial year.

**SUSTAINABILITY IMPLICATIONS:**

The fees and charges represent a significant component of the City's revenue and require to be adjusted annually to ensure the City's financial sustainability.

**FINANCIAL/BUDGET IMPLICATIONS:**

The revenue received from the proposed fees and charges will be included in the revenue component of the financial statements for 2013/2014.

**COMMENTS:**

It is recommended that these additional and amended fees and charges are included in the fees and charges for 2013/2014 as the category of fees are required by legislation.

### 9.3.3 Review of the Annual Budget 2013/14

<b>Ward:</b>	Both	<b>Date:</b>	28 October 2013
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0025
<b>Attachments:</b>	<a href="#">001</a> – Budget Review Amendment Listing		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	M Rootsey, Director Corporate Services		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

#### OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES BY AN ABSOLUTE MAJORITY** the adjustments to the 2013/14 Annual Budget, as reported in Appendix 9.3.3; and
2. **NOTES** that a further report will be reported to the Council on the Financial Position as at the 30 June 2013 following the receipt of the audited financial statements, no later than the first meeting of Council in December 2013.

#### COUNCIL DECISION ITEM 9.3.3

Moved Cr Topelberg, Seconded Cr Harley

That the recommendation be adopted.

**MOTION PUT AND CARRIED UNANIMOUSLY  
BY AN ABSOLUTE MAJORITY (8-0)**

#### PURPOSE OF REPORT:

The purpose of this report is to advise the Council on the Financial Position as at the 30 June 2013 and as a result review the progress of the Annual Budget 2013/14 and to recommend adjustments to account for any major variances, funding reallocations, additional requirements or reflect Council decisions and provide amended estimates for the annual budget.

#### BACKGROUND:

At the Ordinary Meeting of Council held 10 September 2013 the Council resolved the following:

*“That the Council RECEIVES;*

1. *the Provisional Financial Statements for the month ended 30 June 2013 as shown in Appendix 9.3.1; and*
2. *a further report on the annual deficit and how it impacts on the 2013/2014 budget and to be reported to the Ordinary Meeting of Council to be held on 5 November 2013.”*

#### DETAILS:

The financial position as at 30 June 2013 is yet to be finalised by the auditors. In addition, the treatment for the disposal of the land at Tamala Park is still to be determined with the auditors.

This will be completed when the audit is signed off, which is currently scheduled for mid-November 2013.

If there is deficit, the following options will be considered to rectify the position.

- Reduce Capital works expenditure;
- Reduce Operating expenditure;
- Reduce Transfer to Reserve Funds; and
- Use of existing Reserve Funds.

A review has been undertaken as at 30 September 2013 to adjust for any major variances, funding reallocation, additional items required and the inclusion of previous decisions of the Council.

The amendments to the Budget are categorised as follows:

1. Items that have already been approved by Council since the adoption of the Budget:

These new items or adjustments have been approved by an Absolute Majority by the Council; these items are listed in Appendix 9.3.3 of the report.

2. Permanent Differences:

Permanent differences occur when there is likely to be a difference between the current budget and the expected outcome to the 30 June next. On occasions, if these variances are certain, the budget may be amended to reflect the change, however this is not a requirement and the difference may remain to the end of the year. These variances will have an impact upon the expected budget surplus or deficit outcome and would be reported in the review if they are material.

3. Timing Differences:

A timing variance occurs when a project or budget allocation is likely to be delayed past the end of the financial year. These postponed projects will likely be re-budgeted in the next year and will require carryover funding

### **BUDGET REVIEW AS AT 30 SEPTEMBER 2013**

The amendments proposed will result in reduced budget expenditure and increased revenue being received, In addition, some items on the Capital Budget have been identified as not proceeding at this point of time and may need further review in the future.

#### **Financial Results for 30 September 2013**

	<b>Budget 2013/14</b>	<b>YTD Budget 2013/14</b>	<b>Actual 2013/14</b>	<b>Variance</b>	<b>%</b>
<b>Operating Revenue</b>	28,176,497	5,878,430	5,932,901	54,471	1%
<b>Rates</b>	25,222,320	25,075,755	24,995,836	(79,919)	0%
<b>Operating Expenditure</b>	(48,927,550)	(11,667,013)	(11,535,463)	131,550	-1%
<b>Capital Expenditure</b>					
<b>Buildings</b>	(1,229,000)	(161,000)	(127,819)	33,181	-21%
<b>Infrastructure</b>	(12,198,585)	(1,416,925)	(718,603)	698,322	-49%
<b>Plant &amp; Equipment</b>	(3,504,166)	(100,000)	(7,030)	92,970	-93%
<b>Furniture</b>	(201,750)	(36,582)	(21,704)	14,878	-41%

The Council has approved a number of changes to the Budget in the period from 1 July 2013 to 30 September 2013.

It was therefore prudent to undertake this review of the Budget at this time.

Detailed comments on the individual budget items are listed below.

**Capital Expenditure**

1. **Reduce Capital Expenditure for Auckland/ Hobart St Reserve install unisex toilet – saving of \$16,000**

Comment:

At the Ordinary Council Meeting held 27 August 2013 Item 9.2.1 the Council resolved not to proceed with this project.

2. **Reduce Capital Expenditure for the Mount Hawthorn Community Centre – Replace roof - saving of \$100,000**

Comment:

This item was carried forward from the last financial year the work however was completed in the previous financial year.

3. **Reduce Capital Expenditure for Lord and Harold Streets Black Spot Works - saving of \$45,100**

Comment:

The amount of \$49,000 was advised to carry forward for this financial year, the work is completed and only \$4,302 has been spent in this financial year.

4. **Reduce Capital Expenditure Budget for Weld Square Stage 3 - saving of \$140,000**

Comment:

The amount of \$248,000 was carried into this financial year. It is estimated that the outstanding work will be \$108,000, of which \$39,847 has been charged as at 30 September and therefore the amount of \$140,000 is available.

5. **Increase the Capital Expenditure Budget for the purchase of 25 EMV compliant ticket parking machines - \$175,000.**

Comment:

At the Ordinary Meeting of Council held 10 September 2013 the Council resolved to purchase up to 25 new EMV compliant ticket parking machines for \$175,000 to be funded from the City's Parking Facility Reserve Fund.



**Operating Expenditure**

**1. Reduce Operating Expenditure for Rubbish Tipping Costs - saving of \$298,000**

Comment:

As a result of the resolution of the dispute between the City of Stirling and the Mindarie Regional Council (MRC) from 1 October 2013, the gate fee for Member Councils has been reduced from \$149 to \$120 per tonne. The impact of this reduction for the remaining part of the year is estimated to be \$298,000.

**2. Reduce Operating Expenditure for Salaries and Superannuation - Other Governance - saving of \$38,530**

Comment:

The Director Special Projects was appointed in mid October 2013, however the Director's position was budgeted from 1 July 2013, as a result there is a budget saving of \$38,530 for the first quarter of the financial year.

**3. Increased Operating Expenditure for City of Vincent Local Government Reform campaign - \$39,750**

Comment:

At the Ordinary Meeting of Council held on 27 August 2013 Item 9.5.1 the Council resolved by an Absolute Majority the expenditure amount of \$29,750 be made available as part of the City's campaign to oppose a part of the City of Vincent being merged with the City of Stirling and for the whole of the City of Vincent to be merged with the City of Perth.

Furthermore it approved up to \$10,000 be made available for future campaign costs.

**4. Increase Operating Expenditure for Elections Account - \$6,000**

Comment:

At the Ordinary Meeting of Council held 10 September 2013 Item 10.2 the Council resolved by an Absolute Majority the amount of \$6,000, to hold a plebiscite to obtain the views of the Vincent Community on the proposed Local Government Reform for City of Vincent.

**5. Increase Operating Expenditure for the Arts Workshop Account - \$10,500.**

Comment:

At the Ordinary Meeting of Council held 24 September 2013 Item 9.4.3 the Council resolved by an Absolute Majority the amount of \$10,500 towards the freight and installation of "Crab Riders" from the Arts Workshop expenditure budget.

**6. Increase Operating Expenditure for the Election Account - \$26,000**

Comment:

At the Ordinary Meeting of Council held 29 October 2013 Item 9.5.3 the Council resolved by an Absolute Majority the amount of \$26,000 to fund an Extraordinary Election to for the South Ward to be held on 28 February 2014. This Election will be held to fill the vacancy that has arisen following the election of Cr John Carey as Mayor.

**Operating Revenue**

**1. Increase Operating Revenue item for Leederville Garden Surplus - \$362,638**

Comment:

The surplus of \$362,638 for the Leederville Gardens financial year ending 2012/13 is yet to be included in the accounts of the City of Vincent.

**2. Increase in Operating Revenue Account for Dog Registration Fees - \$20,000**

Comment:

Effective from 1 November 2013 the State Government has increased the fees for Dog Registration from \$18 to \$42. This is a 133% increase, it is estimated the City will receive additional \$20,000 in revenue as a result of the increase in fees.

**3. Increase in Operating Revenue for Cat Registration Fees - \$15,000**

Comment:

The new Cat Act comes into effect as at the 1 November 2013. The fee for Cats is the same as for Dogs. As this is a new fee it is difficult to assess the amount of revenue that will be generated from this fee. However an initial estimate of \$15,000 has been included.

**Other Comments:**

Capital Works

There are a number of Capital items currently under consideration which may not proceed as budgeted due to funding approvals and priorities.

The Council has yet to make decisions on these and any further reallocations will be reflected in the midyear budget review.

Beatty Park Leisure Centre

It is pleasing to note the improved performance of the Centre in its first full year of operation of the redeveloped centre.

The membership numbers have reached 3,400, which has exceeded predictions. The original financial estimates for the Centre were based on attaining 3,500 at the end of the third year of operation.

As a result, at 30 September 2013 Beatty Park has a \$465,005 favourable variance on the budgeted position.

Annual Budget 2013/14	Budget YTD 2013/14	YTD Actual 2013/14
2,330	(582,800)	(116,995)

It is premature to make any amendments but this is very encouraging, when it is considered that the first three (3) months of the financial year are the winter months when traditionally the Centre's attendances are lower.

**CONSULTATION/ADVERTISING:**

Not Applicable.

**LEGAL/POLICY:**

The Local Government Act 1995 (Amended 2005) requires that a budget review be undertaken each financial year, in the period between January and March of a financial year.

**RISK MANAGEMENT:**

**High:** Failure to undertake a Budget review in the period between January and March in any financial year would be a breach of the Local Government Act (1995).

**STRATEGIC IMPLICATIONS:**

Plan for the Future Strategic Plan 2013-2023 - Key Result Area 4 – Leadership, Governance and Management:

*“4.1 Provide Good Strategic Decision-Making, Governance, Leadership And Professional Management:*

*4.1.2(a) Adopt “best practice” to manage the financial resources and assets of the City are responsibly managed and the quality of services, performance, procedures and processes is improved and enhanced.”*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The recommended adjustments to the Capital Budget have come from adjustments to a number of carried forward items and approved Council decisions.

The recommended changes to the Operating Expenditure Budget have been initiated by a combination of approved Council decision and the reduction the Members Tipping Fees as result of the City of Stirling's decision to remain in the Mindarie Regional Council.

The proposed amendments to the Operating Revenue Budget are as a result of increase to State Government charges for Cats and Dogs and financial surpluses from two external organisations.

**COMMENTS:**

The City is required under the Local Government Act (1995) to conduct a review of its budget between January and March each financial. It is however able to conduct other budget review's if required.

**9.4.1 Shop 1, No. 162 (Lot 4; D/P 62324) Oxford Street, Leederville – Amani Wine Bar, Extended Trading Permit (Ongoing Extension of Hours)**

<b>Ward:</b>	South	<b>Date:</b>	25 October 2013
<b>Precinct:</b>	Oxford Centre; P04	<b>File Ref:</b>	PHI0502; PRO0784; ENS0053
<b>Attachments:</b>	<a href="#">001</a> – Public Interest Assessment <a href="#">002</a> – Map of Licensed Premises		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	C D'Agostino, Environmental Health Officer L Di Nella, Senior Environmental Health Officer		
<b>Responsible Officer:</b>	R Boardman, Director Community Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** the report regarding the Extended Trading Permit (ETP) – ongoing hours for Amani Wine Bar, located at Shop 1, No. 162 (Lot 4; D/P 62324) Oxford Street, Leederville;
2. **DOES NOT OBJECT** to the application for the ETP – ongoing hours for Amani Wine Bar, for the additional hours from 12:00 MIDNIGHT on Friday and Saturday nights until 1:00am the following morning, given the premises' history of compliance and low risk locality; and
3. **AUTHORISES** the Chief Executive Officer to submit a letter advising that the Council has no objection for the ETP – ongoing hours to the Director of Liquor Licensing, Department of Racing, Gaming and Liquor.

**COUNCIL DECISION ITEM 9.4.1**

**Moved Cr Cole, Seconded Cr Buckels**

**That the recommendation be adopted.**

Debate ensued.

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

**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council that Amani Wine Bar located at Shop 1, No. 162 Oxford Street, Leederville has applied to the Department of Racing, Gaming and Liquor (DRGL) for an ETP – ongoing hours for the additional hours from 12:00 MIDNIGHT on Friday and Saturday nights until 1:00am the following morning.

**BACKGROUND:**

The original Planning Approval dated 10 April 2012 permitted the following hours of operation:

- Between 7:00am and 11:00am Monday to Thursday;
- Between 7:00am and 12:00 MIDNIGHT Friday and Saturday; and
- Between 7:00am and 10:00pm Sunday.

These hours were amended at the Ordinary Meeting of Council held on 9 July 2013 to:

- Between 7:00am and 12:00 MIDNIGHT Monday to Saturday; and
- Between 7:00am and 10:00pm on Sunday.

Amani Wine Bar's current trading hours as per Liquor Licensing are as follows:

- Between 12:00pm and 10:30pm on Tuesday, Wednesday and Thursday;
- Between 12:00pm and 12:00 MIDNIGHT on Friday and Saturday; and
- Between 12:00pm and 10:00pm on Sunday.

The application seeks to:

1. Vary current trading conditions on the existing Small Bar Licence to trade until 12:00 MIDNIGHT on Monday to Thursday nights (originally supported by the City but conditioned by DRGL); and
2. Extend the trading hours on Friday and Saturday nights for an hour from Midnight until 1.00am the following morning.

The applicant has sought that the ETP – ongoing hours be approved for the maximum period permissible under the Act of five years.

In support of the applicant's application to DRGL, a Public Interest Assessment is required as shown in Appendix 9.4.1A. Key points contained in this report are:

- The venue is located in the heart of the Leederville commercial area which comprises of a mix of food, beverage and entertainment venues.
- The venue is an up market bar that does not sell cheap or discounted liquor, instead targeting sophisticated and mature patrons.
- The premises are located on Oxford Street where businesses are open seven days a week to late hours most nights.
- As part of the Development Application to the City for the proposed extended trading hours (including the 1:00am closing on Friday and Saturday nights) were advertised, and adjoining land owners were notified. No objections were lodged with Council in respect of these additional hours.
- The type of music played at the venue is background music and live music on occasion. The live music consists of solo artists and acoustic performances.
- The Licensee has a Harm Minimisation Plan in place to manage any potential for increased harm or ill-health.
- 36 patron questionnaires were completed as part of the DRGL application with the question being asked if they would like the venue to remain open to 1:00am on Friday and Saturday nights. 34 answered yes, 1 answered no and 1 unsure.

The premises are located within the Leederville entertainment precinct as shown on the map of licensed premises at Appendix 9.4.2B. The suburb of Leederville contains 33 licensed premises including:

- 7 Sporting Club Licences
- 3 Liquor Store Licences
- 1 Nightclub Licence
- 13 Restaurant Licences
- 4 Small Bar Licences
- 2 Special Facility Licences
- 3 Tavern Licences

Ten (10) of the above licensed premises are located within a 150metre radius of Amani Wine Bar, with many operating past midnight.

**DETAILS:**

**History of Compliance**

A search of the City's records revealed that the City has not received any complaints relating to noise or anti-social behaviour for Amani Wine Bar since it opened in January 2013.

**Noise Impact**

Although Sound Level Measurements have not been taken in relation to this premises, the ambient noise in this location will be higher than the levels assigned in the *Environmental Protection (Noise) Regulations 1997*. The area by nature of its entertainment and hospitality focus generates more noise to a later hour than that of other residential based areas. This venue is enclosed within other commercial premises, thus providing a natural acoustic barrier. The closest noise sensitive premises are located in Vincent Street around 70metres away, behind other commercial premises and therefore, highly unlikely to be affected by noise from this premises.

**Amenity of the Locality**

The immediate vicinity of this venue includes purely commercial activities. The patrons attracted to the venue, in its current mode of operation, are low key in line with the ambience of the fit out and nature of the entertainment provided. As indicated in the PIA, one of the reasons the additional hours are sought is to cater for the demand of patrons leaving Luna Cinema which is located directly opposite Amani Wine Bar. The closing times sought in the ETP would potentially result in a maximum number of people leaving the venue at the proposed later time by 84.

**CONSULTATION/ADVERTISING:**

In accordance with the City's *Community Consultation Policy 4.1.5*, consultation should be undertaken to owners and occupiers of residential properties within 200 metres of the premises. However, the due date to lodge submissions to the Department of Racing, Gaming and Liquor is 4 November 2013 and, as a result, Community Consultation could not be undertaken by the City.

Subsequently, a letter drop to residential properties within 200 metres of the property advising of the ETP – ongoing hours was completed by the City.

Consultation seeking the requested hours was conducted as part of the amended hours application presented at the Ordinary Meeting of Council held on 9 July 2013. The comment period was from the 13 June – 27 June 2013. One comment was received which related to the use of the Venue as a small bar – the Officer noted that the small bar use had been approved at the Ordinary Meeting of Council held on 10 April 2012 and was therefore, not relevant to the application.

**LEGAL/POLICY:**

- Liquor Control Act 1988;
- Health (Public Building) Regulations 1992; and
- Environmental Protection (Noise) Regulations 1997.

**RISK MANAGEMENT IMPLICATIONS:**

The proposed ongoing extension of hours may contribute to noise and antisocial behaviour complaints in the local area. However, given the venue's compliance and targeted demographic, a variation and extension of their existing approval is not expected to have a significant negative impact on the local community.

**STRATEGIC IMPLICATIONS:**

In keeping with the City's *Strategic Plan 2011 –2016*, the following Objectives state:

*“Economic Development*

2.1.3 *Promote business development*

*Community Development and Wellbeing*

3.1.2 *Promote and foster community safety and security.”*

**SUSTAINABILITY IMPLICATIONS:**

It is essential within mixed land use areas that the City balances the needs of both residents and businesses.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

Amani Wine Bar has a history of compliance with the City's areas of responsibility and the location of the venue is conducive to late night entertainment in line with many other activities in the area. It is proposed that the 'Officer Recommendation' be supported by the Council.

**9.5.2 Delegations for the Period 1 July 2013 to 30 September 2013**

<b>Ward:</b>	Both	<b>Date:</b>	25 October 2013
<b>Precinct:</b>	All	<b>File Ref:</b>	ADM0018
<b>Attachments:</b>	001 – Delegation Reports		
<b>Tabled Items:</b>	-		
<b>Reporting Officers:</b>	M Wood, A/Manager Ranger and Community Safety Services; P Morrice, Team Leader Ranger Administration		
<b>Responsible Officer:</b>	John Giorgi, JP, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council;

1. **ENDORSES** the delegations for the period 1 July 2013 to 30 September 2013, as shown at Appendix 9.5.2; and
2. **APPROVES BY AN ABSOLUTE MAJORITY** to write-off infringement notices/costs to the value of \$65,995 for the reasons as detailed below:

<u>Description</u>	<u>Amount</u>
Interstate or Overseas Driver	\$21,885
Failure to Display Resident or Visitor Permit	\$14,155
Other (Financial Hardship, Disability, Police On-duty, Etc)	\$13,360
Ranger/Administrative Adjustment	\$7,485
Ticket Purchased but not Displayed (Valid Ticket Produced)	\$6,190
Breakdown/Stolen (Proof Produced)	\$1,465
Pound Fees Modified	\$1,375
Signage Incorrect or Insufficient	\$555
Equipment Faulty (Confirmed by Technicians)	\$550
Details Unknown/Vehicle Mismatched	\$350
<b>TOTAL</b>	<b>\$65,995</b>

**COUNCIL DECISION ITEM 9.5.2**

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

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY**  
**BY AN ABSOLUTE MAJORITY (8-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to provide a quarterly progress report of the delegations exercised by the City's Administration for the period 1 July 2013 to 30 September 2013 and to obtain the City's approval to write-off infringement notices.



**BACKGROUND:**

The Local Government Act 1995, at Section 5.42, allows for a Council to delegate to the Chief Executive Officer its powers and functions.

The purpose of delegating authority to the Chief Executive Officer is to provide for the efficient and orderly administration of the day to day functions of the Local Government. The Chief Executive Officer, Directors and specific Managers exercise the delegated authority in accordance with the Council's policies.

**DETAILS:**

The area which results in the most Infringement Notices being withdrawn for this quarter is "Interstate or Overseas Driver". Where the driver of a vehicle is identified as being from another State or another Country, it is often impossible to pursue the matter. Usually a letter is sent to the address provided. Such letters are put in a holding pattern for up one (1) year, to allow the fine to be paid and if not paid within this time frame, the infringement is withdrawn.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

Section 5.42 of the Local Government Act 1995 gives power to a Council to delegate to the Chief Executive Officer the exercise of its powers and functions; prescribes those functions and powers which cannot be delegated; allows for a Chief Executive Officer to further delegate to an employee of the City; and states that the Chief Executive Officer is to keep a register of delegations. The delegations are to be reviewed at least once each financial year by the Council and the person exercising a delegated power is to keep appropriate records.

It is considered appropriate to report to the Council on a quarterly basis on the delegations utilised by the City's Administration. A copy of these for the quarter is shown at Appendix 9.5.2.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** It is a statutory requirement to report matters approved under Delegation Authority to the Council.

**STRATEGIC IMPLICATIONS:**

The above is in accordance with the City's *Strategic Plan 2011-2016* - Objective 4.1.2 (a) states:

*"4.1.2(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:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

The Council's Auditors recommend that infringement notices be reported to the Council for a decision to write-off the value of the infringement notice. In these cases, it is the opinion of the Co-ordinator Ranger Services and/or the Parking Appeals Review Panel that infringement notices cannot be legally pursued to recover the money or it is uneconomical to take action as this will exceed the value of the infringement notice.

**COMMENTS:**

It is recommended that the delegations be endorsed by the Council and the write-off of the Infringement Notices be approved.

**10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil.

**12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES**

Nil.

**PROCEDURAL MOTION**

**At 8.45pm**      **Moved Cr Buckels, Seconded Cr Cole**

**That the Council proceed “behind closed doors” to consider Confidential item 14.1, as this matter contains information concerning:**

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and**
- (e) a matter that, if disclosed, would reveal;**
- (i) a trade secret; or**
- (ii) information that has a commercial value to a person; or**
- (iii) information about the business, professional, commercial or financial affairs of a person; and**

**Confidential item 14.2, as this matter contains information concerning:**

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and**

**Confidential item 14.3, as this matter contains information concerning:**

- (e) a matter that, if disclosed, would reveal;**
- (i) a trade secret;**
- (ii) information that has a commercial value to a person; or**
- (iii) information about the business, professional, commercial or financial affairs of a person; and**

**Confidential item 14.4, as this matter contains information concerning a matter affecting an employee or employees; and**

**Confidential item 14.5, as this matter contains information concerning:**

- (e) a matter that, if disclosed, would reveal;**
- (i) a trade secret;**
- (ii) information that has a commercial value to a person; or**
- (iii) information about the business, professional, commercial or financial affairs of a person;**

**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 Roslyn Harley	North Ward
Cr Laine McDonald	South Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
John Giorgi, JP	Chief Executive Officer
Jacinta Anthony	A/Director Community Services (until 9.15pm)
Rick Lotznicker	Director Technical Services (until 9.15pm)
Mike Rootsey	Director Corporate Services (until 9.15pm)
Petar Mrdja	A/Director Planning Services (until 9.15pm)

The Directors Mike Rootsey, Rick Lotznicker and A/Directors Jacinta Anthony and Petar Mrdja departed the Meeting at 915pm, prior to consideration of Item 14.4

**14. CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“BEHIND CLOSED DOORS”)**

**14.1 CONFIDENTIAL REPORT: Tender No. 465/13 Disposal of property vacant building space by lease at Beatty Park Leisure Centre**

<b>Ward:</b>	Both	<b>Date:</b>	25 October 2013
<b>Precinct:</b>	All	<b>File Ref:</b>	TEN0475
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	D Morrissy, Manager Beatty Park Leisure Centre M Rootsey, Director Corporate Services		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council;

1. **ACCEPTS** the tender submitted by NBP Holdings as being the most acceptable to the City for the Gymnasium Area lease space at Beatty Park Leisure Centre in accordance with the specifications as detailed in Tender No. 465/13, subject to a reduction in the rate incentive rent free period, to be a maximum of six (6) months;
2. **APPROVES** a lease for that area of Gymnasium to NBP Holdings for a period of five (5) years with a five (5) year option for (\*\*\*\*\*) per annum plus (\*\*\*\*\*) per annum for outgoings, with a fixed annual rent review to be included;
  - 2.1 **SUBJECT** to the satisfactory lease negotiations to be conducted by the Chief Executive Officer; and
  - 2.2 **REQUESTS** the Chief Executive Officer report on the outcome of the negotiations of the lease to the next Council meeting following the conclusion of the lease negotiations; and
3. **DOES NOT ACCEPT** either of the tenders submitted for the Crèche Area lease space at Beatty Park Leisure Centre in accordance with the specifications as detailed in Tender No. 465/13.

(\*\*\*\*\* Information Confidential \*\*\*\*\*)

**COUNCIL DECISION ITEM 14.1**

**Moved Cr Buckels, Seconded Cr Cole**

**That the recommendation be adopted.**

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

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

**Against:** Cr Wilcox

**PURPOSE OF REPORT:**

The purpose of this report is to obtain the Council's approval for awarding of the tender for the Disposal of property vacant building space by lease at Beatty Park Leisure Centre.

**BACKGROUND:**

Tenders for the Disposal of property vacant building space by lease at Beatty Park Leisure Centre were advertised in the West Australian on 19 June 2013.

The tenders closed at 2.00pm on 9 July 2013 after a fourteen day (14) advertising period and six (6) tenders were received. Present at the opening of the tenders were Finance Officer, Mary Hopper, Manager Beatty Park Leisure Centre, Dale Morrissy and Director Corporate Services, Mike Rootsey.

**DETAILS:**

\*\*\*\*INFORMATION CONFIDENTIAL \*\*\*\*

**CONSULTATION/ADVERTISING:**

The tender was advertised in the West Australian Newspaper on the 19 June 2013.

**LEGAL/POLICY:**

The tender was advertised and assessed in accordance with the Local Government Act Tender Regulations and the City's Policy 1.2.2 and Purchasing Policy No. 1.2.3.

**RISK MANAGEMENT IMPLICATIONS:**

**Medium:** There is a risk that following the establishment of the business at Beatty Park Leisure Centre the estimates for the success of the business may not be achieved. The business will be bound by a lease agreement for the period of the lease which will mitigate any risk exposure.

**STRATEGIC IMPLICATIONS:**

The City's *Strategic Plan 2011-2021* states:

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

*(e) Implement the redevelopment of the Beatty Park Leisure Centre."*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The Beatty Park Leisure Centre Budget 2013/14 includes a figure of \$50,000 to be received from rental/lease income for this space.

**COMMENTS:**

It is recommended that the tender submitted by NBP Holdings be accepted as being the most acceptable to the City for the Disposal of property vacant building space by lease at Beatty Park Leisure Centre in accordance with the specifications as detailed in Tender 465/13.

It is also recommended that neither of the tenders for the Creche area be accepted due to the reasons stated in the report.

**14.2 CONFIDENTIAL REPORT: Portion of Grandstand Mezzanine - Beatty Park Leisure Centre – WA Swimming Request for Lease**

<b>Ward:</b>	North	<b>Date:</b>	25 October 2013
<b>Precinct:</b>	North Perth (8)	<b>File Ref:</b>	CMS0014
<b>Attachments:</b>	001 – Map of proposed leased area (COUNCIL MEMBERS ONLY)		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	D Morrissy, Manager Beatty Park Leisure Centre		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

1. That the Council APPROVES a lease from 1 June 2013 to 30 June 2015 for the portion of Grandstand Mezzanine and the Aerobics Room and part of the Administration Offices located in the old portion of the Beatty Park Leisure Centre, being granted to WA Swimming as per Appendix 14.2, as follows:

No:	Item	Terms and Conditions
1.1	Term:	two (2) years;
1.2	Rent:	(*****) per annum plus GST indexed to CPI;
1.3	Outgoings:	to be paid by the Lessee;
1.4	Rates & Taxes:	to be paid by the Lessee;
1.5	Permitted Use:	Recreation.

subject to final satisfactory negotiations being carried out by the Chief Executive Officer.

(\*\*\*\*\* Information Confidential \*\*\*\*\*)

**COUNCIL DECISION ITEM 14.2**

**Moved Cr Buckels, Seconded Cr Harley**

That the recommendation be adopted.

Cr Topelberg departed the Chamber at 8.51pm.

Debate ensued.

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

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

**PURPOSE OF REPORT:**

The purpose of this report is to provide Council with details regarding the WA Swimming lease and their request for a lease to include an additional area which were previously the Aerobics room and part of the Administration Offices.

**BACKGROUND:**

The Western Australian Swimming Association (Inc) has leased a 180 square metre portion of the grandstand mezzanine at Beatty Park Leisure Centre since 18 December 1993 until 17 December 1998 and then renewed the lease from 18 December 1998 to 17 December 2003.

The lease has been renewed monthly since the expiry date due to the Beatty Park Leisure Centre Redevelopment. The Western Australian Swimming Association uses the space as its administrative offices and wishes to continue with leasing its premises.

The Organisation has requested a short term lease to 30 June 2015 for both areas whilst they consider their longer term organisational accommodation requirements.

**DETAILS:**

Following the completion of the Beatty Park Leisure Centre redevelopment the City is now in a position to proceed with Lease arrangements with the Western Australian Swimming Association (Inc).

The WA Swimming Association has requested an increased area to include the area previously used for Aerobics and part of the previous Administration Offices, this is to meet the expanded demands of the organisation (Refer attachment 001).

The WA Swimming Association will bear the costs of the refurbishment of the additional area to be included in the requested lease agreement. It is good to have the governing body of State Swimming in the Centre as it increases and maintains the profile of the Centre.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

City of Vincent Policy 1.2.1 – Policy Statement:

1. Any new lease granted by the Council shall usually be limited to a five (5) year period, and any option to renew shall usually be limited to no more than a ten (10) year period.
2. Council may consider longer periods where the Council is of the opinion that there is benefit or merit for providing a longer lease term.

**RISK MANAGEMENT IMPLICATIONS:**

**Low** The Western Australian Swimming Association (Inc) have been excellent tenants during their lease periods.

**STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2013-2023:

*2.1.3 Develop business strategies that reduce reliance on rates revenue*

*(c) Continue to review leases and commercial contracts to ensure the best return for the City, whilst being cognisant of its community service obligations.*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

\*\*\*\*\* INFORMATION CONFIDENTIAL \*\*\*\*\*

**COMMENTS:**

The Western Australian Swimming Association have been good tenants for the duration of their lease periods and the Administration supports a further short term lease to 30 June 2015 is requested.

**14.3 CONFIDENTIAL REPORT: New Beatty Park Leisure Centre Logo/Brand**

<b>Ward:</b>	Both	<b>Date:</b>	25 October 2013
<b>Precinct:</b>	All	<b>File Ref:</b>	CMS0003
<b>Attachments:</b>	001 – Forum Presentation (COUNCIL MEMBERS ONLY) 002 – Option 1 – (COUNCIL MEMBERS ONLY) 003 – Option 2 – (COUNCIL MEMBERS ONLY)		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	Mike Rootsey, Director Corporate Services; Dale Morrissy, Manager, Beatty Park; S Unicomb, Marketing & Communications Officer.		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** the report on the logo concepts for the new Beatty Park Leisure Centre logo; and
2. **APPROVES** of Option1 – original design concept showing (\*\*\*\*\*)**as Tabled by Mayor Carey, as shown in, Confidential Appendix 14.3);**
3. **AUTHORISES** the Chief Executive Officer to make minor refinements to the final color palette for the approved Option, in conjunction with the City’s Marketing Consultants; and
4. **REQUESTS** that the approved option remain confidential until officially launched by the Mayor at an appropriate ceremony – time and date to be arranged.

(\*\*\*\*\* Information Confidential \*\*\*\*\*)

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**COUNCIL DECISION ITEM 14.3**

**Moved Cr Buckels, Seconded Cr Harley**

**That the recommendation be adopted.**

**MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (5-3)**

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

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**PURPOSE OF REPORT:**

The purpose of this report is to obtain the Council’s approval for one of two logo concepts. The chosen logo will then form the basis of the new Beatty Park brand which will outlined in a formal Style Guide.

**BACKGROUND:**

The current Beatty Park logo was designed over 20 years ago.

Following the recent redevelopment with new additional feature it is now an appropriate time, to develop a new logo and brand for the Centre. It is important from a promotional point of view that the centre is seen as a leisure centre providing a wide range of services and programmes as opposed to historically it was known as a major swimming pool.



In January 2013, following a quotation process Marketforce was engaged to create a new logo for Beatty Park Leisure Centre.

The logo is for use in all forms of visual communication, including but are not limited to:

- business cards;
- letterhead;
- signage;
- posters;
- brochures;
- timetables;
- website;
- facebook; and
- e-newsletters.

Marketforce was chosen due to the high-profile and significant nature of this branding exercise. Their proven experience in creating brands for, and knowledge of, local governments state-wide and their relevant leisure centre branding experience is highly regarded.

Marketforce met with the City's Officers for an open dialogue session to prepare a Creative Brief. The Creative Brief was based on information and marketing research that the City's Officer's had gathered over the past year.

The Creative Brief was then used by the design team to create the logo concepts. The Creative Brief was based on information and marketing research that the

**DETAILS:**

Marketforce's design team worked with the City's Officers to produce three logo concepts.

Each concept included the rationale behind its creation, the logo and also examples of possible brand extensions.

The three concepts were all strong but very different.

The three logo concepts were presented at the Council Forum on the 16 July 2013. The Council Members in attendance had divergent views on the preferred concept.

It was however agreed that two (2) of the options were preferred, (as detailed in this report). The Officers were also requested to provide some alternative colours for Option 1. These are shown as Options 1, No. 1, Option 1, No. 2 and Option 1, No.3. The Marketing Consultants advise that further refinements maybe required to the adopted option and accordingly it is recommend that the Chief Executive Officer be authorised to make minor changes (if necessary).

**OFFICER COMMENTS:**

Both options have been well received by the centre management. It is acknowledged that individual preferences do vary and accordingly a decision from the Council on either option is requested.

**CONSULTATION/ADVERTISING:**

Not Applicable.

**LEGAL/POLICY:**

The logo will be registered once finalised.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** The logo will be promptly registered to ensure the City retains the intellectual property in the logo. The City's Officers will ensure that the logo is consistently applied where it is used.

**STRATEGIC IMPLICATIONS:**

Strategic Community Plan 2011-2021:

Plan for the Future.

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

*g) Implement the redevelopment of the Beatty Park Leisure Centre.*

4.1.5 *Focus on stakeholders needs values, engagement and involvement.*

*a) Ensure stakeholders are effectively engaged on issues that may affect them*

**FINANCIAL/BUDGET IMPLICATIONS:**

Expenditure for this matter was incurred under the budget:

Budget Amount:	\$6,500
Spent to Date:	<u>\$5,840</u>
Balance:	\$660

Note that the above cost includes the finalisation of one (1) logo concept from the existing two concepts.

The quote was (\*\*\*\*\*) however the Creative Brief was amended during the process, and therefore an additional charge of (\*\*\*\*\*) was incurred for the extra time/work involved in developing a brand new logo concept.

Any further changes required to finalise one concept will incur an extra fee.

**COMMENTS:**

The selection of the logo should align to the objectives set out in the Creative Brief, that is how well it communicates the Beatty Park Leisure Centre's current diversity of offering, and how it resonates with its target market (local males and females aged 25-40 years)

It is however recognised that the selection of a logo can be subjective and based on personal preference.

As stated in the report following the Council Members Forum two (2) logo concepts have been put forward for consideration by the Council.

Once an option has been approved by the Council, a launch of the new logo will be arranged.

It is appropriate that the Mayor officiate at the launch to acknowledge the new facility and the new era. Accordingly, it is requested that the Council direct that the logo be kept confidential until the launch has been held.

It is recommended that a suitable time, date and function be approved by the Mayor in liaison with the Chief Executive Officer, for this launch.

**14.4 CONFIDENTIAL REPORT: NOTICE OF MOTION: Mayor John Carey – Request to Investigate Place Manager Roles for the City's Town Centres**

That the Council:

1. REQUESTS the Chief Executive Officer to investigate Place Management Roles for the City's Town Centres, to include a new focus on driving innovative economic, retail and place making strategies for the City's five (5) Town Centres, as detailed in the Confidential Motion;
2. ENDORSES, in principle, the establishment of new Place Manager roles to;
  - 2.1 become champions for the initiatives described in Clause 1;
  - 2.2 develop and co-ordinate the implementation of proposed strategies and programs; and
  - 2.3 act as the point of responsibility and accountability for initiatives, outcomes and objectives in each position's allocated Town Centre; and
3. REQUESTS the Chief Executive Officer to submit a report to the Council, no later than 3 December 2013. The report to include, but not be limited to;
  - 3.1 Place Manager roles, initiatives, outcomes and objectives;
  - 3.2 financial implications, with funding to be primarily drawn from existing resources; and
  - 3.3 any other relevant matters.

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**COUNCIL DECISION ITEM 14.4**

**Moved Cr Topelberg, Seconded Cr Buckels**

That the recommendation be adopted.

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

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**14.5 CONFIDENTIAL REPORT: Leederville Town Centre Enhancement Project – Progress Report No. 6**

<b>Ward:</b>	South	<b>Date:</b>	31 October 2013
<b>Precinct:</b>	Oxford Centre (4)	<b>File Ref:</b>	ADM0106
<b>Attachments:</b>			
<b>Tabled Items:</b>			
<b>Reporting Officers:</b>	R Lotznicker, Director Technical Services J van den Bok, Manager Parks & Property Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. pursuant to section 5.23(2) of the Local Government Act 1995 and clause 2.14 of the City of Vincent Local Law Relating to Standing Orders, proceeds “behind closed doors” at the conclusion of the items, to consider the confidential report, circulated separately to Council Members, relating to a tender for the Leederville Town Centre Enhancement Project, as this matter contains information concerning:
  - (e) a matter that, if disclosed, would reveal;
    - (i) a trade secret;
    - (ii) information that has a commercial value to a person; or
    - (iii) information about the business, professional, commercial or financial affairs of a person; and
2. **AUTHORISES** the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.

**PROCEDURAL MOTION**

**Moved Cr Topelberg, Seconded Cr Pintabona**

That the item be DEFERRED to allow Council Members sufficient time to consider the matter (given that it had been received at 4.40pm prior to the Council Meeting) and subsequently reported to the next Meeting of Council.

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

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

**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning:

- (e) a matter that, if disclosed, would reveal;
  - (i) a trade secret;
  - (ii) information that has a commercial value to a person; or
  - (iii) information about the business, professional, commercial or financial affairs of a person.

**LEGAL:**

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The City of Vincent Local Law Relating to Standing Orders states the following:

“2.14 Confidential business

- (1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.

**PROCEDURAL MOTION**

At 9.36pm **Moved** Cr Topelberg, **Seconded** Cr Harley

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 9.36pm with the following persons present:**

John Carey	Presiding Member
Cr Matt Buckels	North Ward
Cr Emma Cole	North Ward
Cr Roslyn Harley	North Ward
Cr Laine McDonald	South Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 5 November 2013.

Signed: .....Presiding Member John Carey

Dated this ..... day of ..... 2013