



**CITY OF VINCENT**

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*"Enhancing and celebrating our diverse community"*

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# MINUTES

**10 SEPTEMBER 2013**

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and computer disk*

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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 10 September 2013, commencing at 6.00pm.

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

The Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting open at 6.00pm 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:**

Mike Rootsey – Director Corporate Services on annual Leave.

**(c) Present:**

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Warren McGrath ( <i>Deputy Mayor</i> )	South Ward
Cr Matt Buckels	North Ward
Cr John Carey	South Ward
Cr Roslyn Harley	North Ward
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Community Services
Rick Lotznicker	Director Technical Services
Petar Mrdja	A/Director Planning Services
Bee Choo Tan	A/Director Corporate Services
Jerilee Highfield	Executive Assistant (Minutes Secretary until approximately 9.00pm)

Employee of the Month Recipient

Nil

Media

Sara Fitzpatrick	Journalist – <i>"The Guardian Express"</i> (until approximately 9.00pm)
David Bell	Journalist – <i>"The Perth Voice"</i> (from 6.03pm until approximately 9.00pm)

Approximately 17 Members of the Public.

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

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

1. Ian Kerr of 92 Vincent Street, Mount Lawley – Item 10.2 Stated the following:
  - Thank you, Mayor and Councillors.
  - I wish to speak in support of Item 10.2, the Notice of Motion from the Mayor for the holding of a plebiscite on local government amalgamations.
  - I am a proud Vincent resident and have been since the day Vincent was established in 1994.
  - One of the great things about Vincent is its diversity – something celebrated on the front page of every Council Agenda and Minutes.
  - And the best way of acknowledging and working with diversity is to be inclusive – not dictatorial.
  - Personally, I want to remain a Vincent resident. But this is not about what particular future any of us sees for Vincent – it's about those of us who live here or have businesses here having a say in that future.
  - Colin Barnett proposes to remove our current right to reject proposed changes if we don't see them as being in our interests. I understand that a Bill to do this will be introduced into the Legislative Assembly this Thursday.
  - He cannot, however, prevent our expressing our view through a plebiscite, as proposed in this Notice of Motion. The result might not be binding – but it will send a very clear message to the Premier and the Minister for Local Government.
  - A number of other local governments, including at least three in Colin Barnett's own electorate, are doing the same thing. Collectively, we have a great opportunity to assert our right to be consulted about how we are governed.
  - At the level of local and State government, that is called democracy. Colin Barnett proposes to remove a key element of local government democracy.
  - Please support this motion and allow us to tell the Premier what we think of his proposal, which is the worst possible way of achieving his objective of larger local governments.
  - And, whatever difficulties the Electoral Commission might put in the way, please retain all three parts of the proposed question, so that those of us who support Vincent remaining as it is, as well as those who support going to the City of Perth, can be heard.
  
2. Lynette Hail of 1A Burt Street, Mount Lawley – Item 9.1.4 Stated the following:
  - At the Ordinary Meeting of Council held on 27 August 2013, Mr Peter Webb on behalf of the owners sought and was granted a deferral in the matter in order to consult with surrounding residents to clarify the confusion arising from the proposed number of consulting rooms.
  - Ms Hail objected to the proposed change of use from residential to medical consulting rooms on the following grounds:
    - The proposed development is a non conforming use within a residential zone and as such would require Councillors to show significant and unacceptable concessions in exercising discretion should Councillors choose to support the proposed change of use.
    - Ms Hail did not believe that the proposed use could be supported or justified on either of these grounds. Furthermore in accordance with the Council's Policy the use of the building for the sole purpose of consulting rooms is not permitted where located in a residential zone.
  - Ms Hail believed that the proposed development and the change of use that it required failed to meet with the key acceptable development standards of location and use and coupled with its failure to meet the requirements of other important planning elements should not be supported and Councillors to strongly consider the amenity of the local residents and enforce without discretion Council's own applicable policies in the interest of these same residents.

3. Peter Webb of Unit two, 19 York Street, Subiaco Planning Consultant – Item 9.1.4 Stated the following:
- Mr Webb is the Planning Consultant who spoke on behalf of the owner.
  - There are some outdated information and comments included in the Officer's report which attributed to the applicant.
  - The report recommended refusal of a particularly appropriate and rather benign land use in this locality for a range of reasons which are largely irrelevant and are exceeded by the significant benefits of retaining the historical structure.
  - Regarding the carparking issues, they were fully compliant with the requirements of the Planning Scheme and that all of the required carparking bays are able to be located on this site and screened largely from view by retaining the existing garden walls of the property.
  - Requested if the Council could overturn the Officer's Recommendation and approve the proposed use subject to reasonable conditions.

*The Presiding Member Mayor Hon. Alannah MacTiernan advised Mr Webb that his three (3) minutes for public speaking time had finished.*

4. Emma Cole of 83 Anzac Road, Mount Hawthorn Stated the following:
- Ms Cole spoke in relation to the petition she submitted before the Council Meeting.
  - The petition related to the development at 359 Oxford Street, Mount Hawthorn. The development received planning approval at the Development Assessment Panel (DAP) Meeting on Thursday 15 August 2013. Many of the residents including her are supportive of the development on the Right of Way (ROW) and the improvements this would make to the streetscape on the laneway.
  - The issue was not related to the development in the area but the way in which the community had been consulted and how the impact on the local residential amenity is managed.
  - Ms Cole stated that the feeling of the local residents is that should have lead to a broader community consultation.
5. Carmel Angello of 28 Bondi Street, Mount Hawthorn Stated the following:
- She presented a petition to abandon the trial three (3) month half road closure of the northern end of Meridian Street, formerly Tyler Street. The petition included sixty six (66) signatures of Bondi Street residents.
  - She stated that the closure of yet another street within the area failed to address the problem of "rat race" in Bondi and Matlock Street, Mount Hawthorn.
6. Phil Smith of U7/159 West Coast Highway, Scarborough – Item 14.1 Stated the following:
- Mr Smith stated that they were asking for an amendment to their plans. They wanted to have privacy screens removed two (2) balconies on the property. The history of the development is that they put plans to the Council in 2006, which were rejected and then went to the State Administrative Tribunal (SAT) and they advised the Council to approve the plans.
  - The plans were then subsequently approved by a unanimous vote by the Council. The development had now been completed and is a \$6,000,000 development.
7. Anne Naiko of 238 Surry Road, Kewdale – Item 9.1.3 Stated the following:
- She spoke on behalf of her mother who resides at 58 Hobart Street, Mount Hawthorn. She stated that she understood that the plans did not meet all the Council's design criteria, but this could be modified so that they do.
  - She stated the reason that they wanted the subdivision is so that she and her mother could live next to each other.

8. Debbie Saunders of 150 Oxford Street, Leederville Stated the following:
- Ms Saunders asked two (2) questions;
    - The first question was in regard the Mayor Hon. Alannah MacTiernan's resignation letter that stated the 18 October 2013, as the date she would resign. She asked the Chief Executive Officer that in the Local Government Act it states that Member of the Parliament are disqualified and this once the Election has been declared and not once they start their term, is that pertain in this case or this something different?
    - The second question was in regard to the Motion regarding the plebiscite. She disagreed with the entire motion but specifically why is an option included to keep the City of Vincent as it is when clearly this is not an option in anyone's mind.

*The Presiding Member Mayor Hon. Alannah MacTiernan advised Ms Saunders that she will resign prior, and that will be when the Poll has been declared.*

There being no further speakers, Public Question Time closed at approx. 6.27pm.

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

Nil.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

- 4.1 Cr Topelberg requested leave of absence from 24 September 2013 to 28 September 2013 (inclusive), due to work commitments.
- 4.2 Cr McGrath requested leave of absence from 14 September 2013 to 5 October 2013 (inclusive) due to personal commitments.
- 4.3 Mayor Hon. Alannah MacTiernan requested leave of absence from 13 September 2013 to 20 September 2013 (inclusive) due to personal commitments.

**Moved Cr Pintabona, Seconded Cr Wilcox**

**That Mayor Hon. Alannah MacTiernan's, Cr McGrath's and Cr Topelberg's request for leave of absence be approved.**

**CARRIED UNANIMOUSLY (9-0)**

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

- 5.1 Petition received from Emma Cole of 83 Anzac Road, Mount Hawthorn along with eighteen (18) signatures requesting the Council provide a comprehensive report in consultation with the local resident on the upgrade of the ROW. At the rear of 359 Oxford Street, Mount Hawthorn.
- 5.2 Petition received from Carmel Angello of 28 Bondi Street Mount Hawthorn along with sixty six (66) signatures regarding the trial at the corner of Meridian and Green Street.

The Chief Executive Officer recommended that both petitions be received and referred to the Director Technical Services for investigation and report.

**Moved Cr Pintabona, Seconded Cr Harley**

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

**CARRIED UNANIMOUSLY (9-0)**

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

6.1 Minutes of the Ordinary Meeting of Council held on 27 August 2013

**Moved Cr Maier, Seconded Cr McGrath**

**That the Minutes of the Ordinary Meeting of Council held 27 August 2013 be confirmed as a true and correct record.**

**CARRIED UNANIMOUSLY (9-0)**

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

The Presiding Member Mayor Hon. Alannah MacTiernan read the following;

**7.1 Elections held on Saturday 7 September 2013**

I did contest an Election held on Saturday 7 September 2013 and it appears I may have won, the final results are not in and it is anticipated that this will probably be another two (2) weeks before the poll is declared and I will be placing my resignation for the Council as my position as Mayor prior to the declaration of that poll.

This will become more evident next week as to when this will precisely be, but there is a Motion to appoint an acting Mayor for the period from my resignation until the return of the Deputy Mayor from his leave of absence.

**7.2 Vincent achieves Waterwise council status**

I am pleased to announce that the City has recently achieved Milestone 3 and has now attained Waterwise Council Status, joining 21 other Waterwise Councils in WA, with the adoption of its Local Action Plan.

The City's Officers were awarded the certification last Friday at a Water Efficiency forum held at the Water Corporation.

The Department of Water and the Water Corporation, with support from the International Council for Local Environmental Initiatives (ICLEI) developed a *Waterwise Council* program.

The aim of this program is to build a co-operative working relationship with local governments to improve water use efficiency by local governments and their communities.

Achievements that have contributed to the City attaining Waterwise status include:

- The Hyde Park Lakes restoration project, which has resulted in a 20% water saving at that site;
- Auditing and upgrading the City's irrigation systems;
- The metering and monitoring of the City's irrigation bores;
- Undertaking a comprehensive hydrozoning and ecozoning programme in the City's reserves, which is expected to save 39million litres of water per annum;
- The auditing and ongoing replacement of fittings and appliances in council owned facilities with water-saving alternatives, including waterless urinals, sensor taps and low flow showers.

**Received with Acclamation!**

7.3 **Town Planning Scheme (TPS) 2**

I just wanted to inform you that we received advised yesterday that finally the City's TPS 2 which was submitted in December 2011 waiting consent to advertise, so nineteen (19) months later we have got the consent to advertise.

It has not been an entirely happy process, some months ago we did go and make a deputation to the Statutory Planning Committee of the Planning Commission. Some where of considerable concern to us we have managed to mitigate some of those, there are three conditions that will cause some problems.

One is the batching plants are being rezoned from Commercial/residential to special use batching plants, which would seem to be a temporary use is now being entrenched, even more of concern is the prohibition of residential in the lot surrounding the batching plants. This is notwithstanding the fact that we have actually approved five (5) residential developments within that zone and that they are now going to be non conforming uses, some of them even before they have been completed.

They have taken out of the Town Planning Scheme the provisions relating to the Design Advisory Committee (DAC), we can still have the Policy relating to the DAC but in my view this is dumbing down our Town Planning Scheme.

The one positive outcome that I can say is that they were going to remove the requirement that demolition receive planning approval, but we argued very strongly that would be empathically to our Heritage protection in this area and would cause a very considerable backlash from the City.

7.4 **Urgent Business and Late Items**

I have approved of the following Urgent Business and Late Items on tonight's Agenda:

Item 13.1

Appointment of Acting Mayor - *As both myself and the Deputy Mayor will be on a Leave of Absence.*

Item 13.2

Approval to Travel to Eastern States - *To attend the National Disability Award and the Banksia Sustainability Award Ceremonies - as the City is a finalist in both.*

Item 9.4.3

Percent for Art outside No. 1 Albert Street, North Perth - *This item was deferred at the last Council Meeting and it is important that the Council approve of the matter so that it can be progressed as part of the building approval.*

Item 14.2

Confidential Item - Request to Consider an Ex-Gratia Payment concerning upgrade of a Right-of-Way - *This matter follows a recent request to the City and myself. It is confidential as it relates to the personal affairs of a person.*

*The Chief Executive Officer asked permission of the Council for the Deputy Mayor and himself to make some comments.*

7.5 **Deputy Mayor Cr Warren McGrath - Thank you Mayor Hon. Alannah MacTiernan – from the Council Members**

I would like to take the opportunity on behalf of my fellow Council Members to congratulate the Mayor on winning the Seat of Perth in the Federal Election over the weekend and also this maybe your last Council Meeting as our Mayor to take the opportunity to on behalf of the Council to sincerely thank you for the service you have performed to our municipality as our Mayor over the last two (2) years you have worked tirelessly and with passion and you have always had the communities interest at heart and the City's benefit as a result.

I would like to thank you on behalf of the Council for your leadership and your consideration of all points of view as our chair.

We wish you all the best and look forward to continue to represent Vincent as the broader electorate as the Federal Member of Perth.

Cr Harley presented the Mayor with flowers on behalf of the Councillors

**Received with Acclamation!**

7.6 **Congratulations to the Mayor Hon. Alannah MacTiernan – from the Chief Executive Officer**

On behalf of the Council and the City of Vincent Administration, I wish to congratulate the Mayor on her successful campaign and winning the Federal Seat of Perth at last weekend's Federal Elections.

As a result of this win, the Mayor will now become a member of the House of Representatives, once the polls have been declared and writs issued.

As this will most probably be the Mayor's last attendance at an Ordinary Council Meeting as Mayor of our City, it is appropriate that I acknowledge her contribution to the City of Vincent.

We acknowledge your contribution to the City in the short time that Vincent has been going some nineteen (19) years and the last two (2) years that you have come in Cr Warren McGrath.

As you are aware, Alannah was elected Mayor in October 2011 and during her time on the Council has been successful in raising the profile of the City and also achieving a number of significant projects. These include:

- The completion of the Beatty Park Leisure Centre redevelopment;
- The signing of the 50 year lease of nib Stadium to the State Government;
- Hyde Park Lakes Restoration Program;
- Hyde Park Lakes Water Playground;
- Numerous arts projects; and
- Numerous festivals and events.

Alannah will now be entering a new phase of her political career, albeit at the Federal scene and all I can say is "look out Canberra"!

Alannah, we thank you for your contribution to our City and wish you every success as the new Federal Member for Perth. We look forward to working with you in the future.

The Chief Executive Officer presented the Mayor with flowers on behalf of the City's Administration.

**Received with Acclamation!**

**8. DECLARATIONS OF INTERESTS**

- 8.1 Cr McGrath declared an Impartiality interest in Item 9.5.3 – Information Bulletin, particularly IB07 - Tamala Park Regional Council Ordinary Meeting of Council Minutes, Meeting held on 22 August 2013. The extent of his interest being that it relates to his work that he does for the Tamala Park Regional Council. Cr McGrath stated that as a consequence, there may be a perception that his impartiality on the matter may be affected. He declared that he would consider the matter on its merits and vote accordingly.
- 8.2 Chief Executive Officer Mr. John Giorgi declared an Impartiality interest in the petition relating to Bondi Street, Mt Hawthorn. The extent of his interest being that one of his daughters owns a property and is a resident of Bondi Street, Mount Hawthorn.

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

Nil.

**10. REPORTS**

The Presiding Member, Mayor Hon. Alannah MacTiernan, requested that the Chief Executive Officer advise the meeting of:

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

Items 9.1.3, 9.1.4, 10.2 & 14.1

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

Items 9.4.1, 9.4.2, 9.5.2 and 10.2

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

Nil.

Presiding Member, Mayor Hon. Alannah MacTiernan, requested Council Members to indicate:

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

<b>COUNCIL MEMBER</b>	<b>ITEMS TO BE DISCUSSED</b>
Mayor Hon. MacTiernan	Nil.
Cr Buckels	Nil.
Cr Carey	9.1.2
Cr Harley	Nil.
Cr Maier	9.3.1
Cr McGrath	Nil.
Cr Pintabona	Nil.
Cr Topelberg	9.1.1 & 9.4.3
Cr Wilcox	Nil.

The Presiding Member, Mayor Hon. Alannah MacTiernan, requested that the Chief Executive Officer to advise the meeting of:

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

Items 9.2.1, 9.2.2, 9.5.1 and 9.5.3

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

Items 14.1 and 14.2

**New Order of Business:**

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

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

Items 9.2.1, 9.2.2, 9.5.1 and 9.5.3

**(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, 10.2 & 14.1

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

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

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

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

**ITEMS APPROVED “*EN BLOC*”:**

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

**Moved Cr Topelberg, Seconded Cr Maier**

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

**Items 9.2.1, 9.2.2, 9.5.1 and 9.5.3**

**CARRIED UNANIMOUSLY (9-0)**

**9.2.1 FURTHER REPORT - Proposed Wider Street Treatment/Traffic Management – Summers Street, East Perth**

<b>Ward:</b>	South	<b>Date:</b>	30 August 2013
<b>Precinct:</b>	Banks (15)	<b>File Ref:</b>	TES0234 & TES0247
<b>Attachments:</b>	<a href="#">001</a> – Proposed Summers Street Treatment Plan		
<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 **APPROVES** the implementation of the wider street treatment/traffic management proposal for Summers Street, East Perth estimated to cost \$32,000 as shown on attached Plan No. 2756-CP-01B;

**COUNCIL DECISION ITEM 9.2.1**

**Moved Cr Topelberg, Seconded Cr Maier**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of the results of the recent community consultation regarding the Summers Street proposed wider road treatment.

**BACKGROUND:**

This matter was reported to the Council at its Ordinary meeting held on 23 July 2013 where the following decision was made:

*“That the Council;*

- 1. APPROVES IN PRINCIPLE the Wider Street Treatment/Traffic Management proposal for Summers Street, East Perth as shown on attached Plan No. 2756-CP-01B;*
- 2. CONSULTS with residents in Summers Street regarding the proposal; and*
- 3. FURTHER considers the matter at the conclusion the Community Consultation.”*

Funds have been allocated in the 2013/2014 budget to undertake traffic management/safety improvement in Summers Street, East Perth.

**DETAILS:**

In accordance with the Council's decision, on the 2 August 2013 a total of seventy one (71) consultation packs were distributed to all properties along Summers Street, East Perth.

At the close of consultation five (5) responses were received.

Related Comments *In Favour* of the Proposal: Three (3)

- ..as we do get some hooning on the street, and buses and taxis driving relatively fast, which is always unnerving as we, and many others, have small children, and the street parking makes for obstructed visibility and the need to interact with the road quite frequently..
- ...This proposal of street widening proposes a tree to be planted where we intend to have our driveway. In principal we agree except we do not approve of a tree in front of our house...
- I think it would be great to plant citrus fruit trees instead of the proposed trees. Lemons, mandarins and oranges grow easily here and need very little maintenance. What a blessing to the people who live in the City of Vincent if every 5<sup>th</sup> tree planted was some kind of fruit tree, available for anyone to pick fruit from!

Related Comments *Against* the Proposal: Two (2)

- 1 against the proposal with no further comment.
- I like the new trees in the drawing but the speed on Summers St has not been an issue in the 2 years I have lived on the street. The parking on both sides of the street slows down traffic sufficiently to make the speed hump an unnecessary nuisance for local residents. Perhaps another idea is to resurface Summers Street from Claisebrook Rd through to the Lord St intersection as the surface is in bad repair.

Related *Other* Comments:

- Nil

*Officers Comments:*

Only one speed hump is being proposed mainly to delineate the residential nature of the Street east of Claisebrook Road. Due the use of the street by busses, the speed hump will be low profile.

The predominant tree species is tipuana tipu so due to the few trees to be planted, this is what is recommended (as shown on the plan).

An alternative location will be looked at re the tree. There is \$51,000 on budget. There may be sufficient funds in this budget to resurface the entire road (and not just the parking bays) as suggested.

**CONSULTATION/ADVERTISING:**

Consultation was undertaken in accordance with the City's Community Consultation Policy.

**LEGAL/POLICY:**

Summers Street is classified as an Access Road in accordance with the Functional Road Hierarchy and is under the Care, Control and Management of the City.

**RISK MANAGEMENT IMPLICATIONS:**

**Medium:** Opportunity to improve amenity for residents and users of the street.

**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.

**COMMENTS:**

Safety issues have previously been raised by residents of Summers Street and visitors to the East Perth Train Station. This is an opportunity to improve the amenity of the area and opportunity to plant additional trees and planted nibs.

**9.2.2 Leederville Town Centre Enhancement Project – Newcastle Street and Carr Place Intersection Proposed Modifications – Approval and Progress Report No. 5**

<b>Ward:</b>	South	<b>Date:</b>	30 August 2013
<b>Precinct:</b>	Oxford Centre (4)	<b>File Ref:</b>	ADM0106
<b>Attachments:</b>	<a href="#">001</a> – Plan No. 3064-CP-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 **APPROVES** the;

1. the implementation of the proposal as shown on attached plan No 3064-CP-01 estimated to cost \$105,000 subject to funding being received from the Commonwealth Government; and
2. funding shortfall of \$28,563 to be funded from the Leederville Town Centre – Streetscape and Park Enhancement Budget allocation (of which this project forms part of).

**COUNCIL DECISION ITEM 9.2.2**

**Moved Cr Topelberg, Seconded Cr Maier**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to seek the Council’s approval to implement the proposed modifications to the Newcastle Street and Carr Place intersection in Leederville.

**BACKGROUND:**

Previous reports have been presented to the Council in relation to the progress of the Leederville Town Centre Enhancement project as follows;

**Ordinary Meeting held on – 26 March 2013:**

The Council approved in principle the City’s Leederville Town Centre Enhancement Working Group (LTCEWG) preferred option for the proposed improvements to Oxford Street Reserve.

**Ordinary Meeting held on – 23 April 2013:**

A further report was presented to the Council following the public consultation period where the Council considered the submissions received in relation to the Oxford Street Reserve and authorised the Chief Executive Officer to instruct the landscape architect to prepare construction/working drawings and specifications and call for tenders.

Progress to date:

- Construction/working drawings and specifications prepared.
- Tenders called.
- Tenders closed ~~14 December~~ Tuesday 3 September 2012.

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

**Ordinary Meeting held on – 11 June 2013:**

The Council authorised the Chief Executive Officer to prepare and Expression of Interest (EOI) inviting suitably qualified landscape architects and playground designers to submit a 'Playground Design' for Oxford Street Reserve and approved the planting of five (5) Eucalyptus maculata – Spotted Gums in the median strip in Oxford and Newcastle Streets.

Progress to date:

- Additional trees planted in the Oxford Street median strip.

In addition the Council approved the installation of three (3) x ¼ parking bays in Newcastle Street to operate between 8.00am and 6.00pm Monday to Sunday (reverting to a Taxi Zone between the hours 6.00pm to 8.00pm ~~am~~, Monday to Sunday).

Progress to date:

- New parking regime implemented.

**Ordinary Meeting held on – 9 July 2013:**

The Council received the report concerning the Federal Government Regional Development Australia Fund (RDAF) Round Five (5) 2013-2014 and approved the Newcastle/Carr Street Intersection Project Option two (2) to be submitted for the 2013/14 RDAF Round five funding.

Progress to date:

- Proposal was discussed at the LTCEWG meeting held on 22 August 2013.  
- Community Consulted in August 2013 (results the subject of this report).

**Ordinary Meeting held on – 27 August 2013:**

The Council approved five (5) designers be invited to submit playground designs. These will be considered by the Working Group in September 2013.

Progress to date:

- Shortlisted designers invited to submit designs.

**DETAILS:**

**Leederville Town Centre Enhancement Project – Newcastle Street and Carr Place Intersection Proposed Modifications:**

Consultation:

Following the LTCEWG meeting of 27 May 2013, seven hundred and seventy one (771) consultation packs and attached plans were distributed around the Leederville precinct in accordance with the City's Community Consultation Policy No. 4.1.5.

At the close of the consultation period thirty four (34) responses were received, a response rate of 2.3%.

Related Comments *In Favour* of the Proposal: Twenty Eight (28)

- 20 x in favour with no further comment.
- Love the new trees in Oxford St and looking forward to the Newcastle/Carr changes and the Oxford Reserve makeover.
- Currently it is impossible for someone with a pram or in a wheelchair to get from Duende cafe to the Leederville Hotel without having to travel along the road. It looks as if this problem will be fixed with the proposal.
- I believe it will provide a much needed refresh to the street and will help activate the space into a more pedestrian user-friendly area.
- Great to see improvements being carried out. Perhaps you can schedule improving access to rail terminal. There are many elderly residents who would benefit from less waling to get to rail station. Escalators like Glendalough or lift would be a great – or even a shuttle from their homes to Glendalough.
- I'm not sure why the entrance is needed (marked A), would anyone go down here given it is one way (widen footpath instead of parking), why not increase the island as drawn.
- I suggest "closing" or at least traffic calming vehicle through traffic that section of Oxford Street between Carr St and Vincent St, similar to that done to Bay View Terrace, Claremont.....
- I am very happy with the plans for Leederville. I think it would be nice to have fountain/statue on the Newcastle/Carr roundabout where people could sit and enjoy their take away coffees. Thanks for all your hard work.
- Support the proposed 'BUT' has anybody heard of a 'Pedestrian Crossing' on a street. Why is there none in the precinct especially in Oxford St or Newcastle St crossing. The reason why there are more pedestrian deaths in WA v other states pro rata population is we put cars before pedestrians or metal before skin (see diagram)...

Related Comments *Against* the Proposal: Four (4)

- 1 x against the proposal with no further comment.
- Not in favour, cannot understand the diagram clearly, it is ok as it is and too much public art already.
- Comments received were regarding Oxford St Reserve parking reduction and trees.
- 1. The map is showing a bird's eye view which does not show the bulk and scale that you would see at street level. Creating open space should do just that not congest the space – whether its tress or skyscrapers blocking the skyline and crating a closed-in feeling is not creating public open space.
- 2. That is not a high traffic area. What collection method was used to gather that information? It is a no through road. The only people who use it are residents, on those people going to somewhere (e.g. yoga class) with a specific reason.
- 3. The map is unclear and there is no possible way the traffic flow could occur as indicated...Taxis coming around and out onto Newcastle Street through the same narrow lane as cars going into Carr Place?
- 4. Provide real drawings or at least plans that are understandable to people...
- 5. Creating a place for undesirables to gather is stupid. It will lead to more antisocial behaviour and problems for the area.....
- 6. Taxis and people DO NOT belong on the same space. It is dangerous to create shared spaces. Just take Claremont it has commercially killed that area not to mention people have been hit by cars already in the shaved areas.

Related Other Comments:

- Nil

Comments from Water Corporation:

*“..with respect to the proposed Upgrade above the Water Corporation raises no objections..”*

Public Meeting:

In addition as part of the process a public meeting was held in Leederville on the morning of 6 September 2013.

Attendees at the meeting indicated they were in favour of the proposal.

Officer's Comments

The majority of the comments received were positive. While a pedestrian crossing has merits they are no longer encouraged by MRWA who are the approval authority.

The negative comments received are noted. Persons who could not understand the plans had the opportunity to either attend the public meeting or contact the City (contact details provided in the consultation pack).

**LEGAL/POLICY:**

Newcastle Street and Carr Place are under the care control and management of the City of Vincent.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** This proposal will improve the level of service and the amenity of the intersection.

**STRATEGIC IMPLICATIONS:**

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

*"Natural and Built Environment*

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

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

**SUSTAINABILITY IMPLICATIONS:**

This proposal provides for the creation of additional green space in accordance with City's Sustainable Environment Strategy 2011-2016.

**FINANCIAL/BUDGET IMPLICATIONS:**

**RDAF Round:**

A total of \$76,437 has been allocated in the 2013/2014 to be funded from the RDAF Round Five funding. The Total estimated cost of the project would be in the order of \$105,000.

The City made the submission in July 2013 however as the Commonwealth Government is now in 'caretaker mode' any funding agreement cannot be finalised until after the Federal Election scheduled for 7 September 2013.

The shortfall in funding could be sourced from the Leederville Town Centre – Streetscape and Park Enhancement Budget (\$1,450,000).

**COMMENTS:**

The existing extensive area of road reservation at the above intersection lends itself to undertaking modifications which will not only improve traffic flow in and out of Carr Place, but will also enable a green space to be created. It is proposed that future art work will be installed in the created green space.

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

<b>Ward:</b>	-	<b>Date:</b>	30 August 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 August 2013.

**COUNCIL DECISION ITEM 9.5.1**

**Moved Cr Topelberg, Seconded Cr Maier**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (9-0)**

**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>
26/08/2013	Memorandum of Understanding	2	City of Vincent and Water Corporation, 629 Newcastle Street, Leederville 6007 re: Maintenance of the Hyde Park Lakes/Compensating Basins and the Hyde Park Branch Drain

### 9.5.3 Information Bulletin

<b>Ward:</b>	-	<b>Date:</b>	30 August 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 30 August 2013, as distributed with the Agenda.

#### COUNCIL DECISION ITEM 9.5.3

Moved Cr Topelberg, Seconded Cr Maier

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

#### DETAILS:

The items included in the Information Bulletin dated 16 August 2013 are as follows:

ITEM	DESCRIPTION
IB01	Letter dated 7 August 2013 from The Hon. Jason Clare MP; Minister for Home Affairs; Minister for Justice regarding National Crime Prevention Fund and City's successful Grant Application
IB02	Letter dated 8 August 2013 from Disability Services Commission regarding the submission of the City's Disability Access and Inclusion Plan (DAIP) Progress Report for 2013-2013
IB03	Letter dated 22 September 2013 from Azzurri Bocce Club thank you letter for the donation received for the Annual Interclub Tournament held on 21 July 2013
IB04	City of Vincent Pop up Shop Scheme – Progress Report No. 2
IB05	Unconfirmed Minutes from the Arts Advisory Group Meeting held on 22 July 2013
IB06	WALGA Minutes for the Annual General Meeting held on 7 August 2013
IB07	Tamala Park Regional Council Ordinary Meeting of Council Minutes, Meeting held on 22 August 2013
IB08	Unconfirmed Minutes from the Leederville Town Centre Enhancement Working Group of 22 August 2013.
IB09	Letter dated 23 August 2013 from Hon. Peter Collier MLC, Minister for Education; Aboriginal Affairs; Electoral Affairs granting consent for the use of the Land (section 18) in relation to the Walters Brook works.
IB10	Circular No. 06-2013 received from the Hon. Tony Simpson MLA Minister for Local Government; Community Services; Seniors and Volunteering, Youth regarding Imposition of Rates
IB11	Register of Petitions – Progress Report – September 2013
IB12	Register of Notices of Motion – Progress Report – September 2013

<b>ITEM</b>	<b>DESCRIPTION</b>
IB13	Register of Reports to be Actioned – Progress Report – August 2013
IB14	Register of Legal Action ( <b>Confidential – Council Members Only</b> ) – Monthly Report (September 2013)
IB15	Register of State Administrative Tribunal Appeals – Progress Report – August 2013
IB16	Register of Applications Referred to the Design Advisory Committee – September 2013
IB17	Register of Applications Referred to the MetroWest Development Assessment Panel – 24 January 2013 - Current
IB18	Forum Notes – 20 August 2013
IB19	Notice of Forum – 17 September 2013
IB20	Resignation of Mayor Hon. Alannah MacTiernan

**9.1.3 FURTHER REPORT: No. 58 (Lot 6; D/P 3798) Hobart Street, Mount Hawthorn (Proposed Demolition of Existing Single House and Construction of One (1) Two-Storey and One (1) Single-Storey Grouped Dwellings)**

<b>Ward:</b>	North	<b>Date:</b>	30 August 2013
<b>Precinct:</b>	Mount Hawthorn; P1	<b>File Ref:</b>	PRO6022; 5.2013.136.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans <a href="#">002</a> – Additional Information from Applicant dated 10 July 2013 003 - Confidential – Letter from City's Solicitors (Council Members Only)		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Dyson, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	P Mrdja, Acting Director Planning Services		

**FURTHER OFFICER RECOMMENDATION:**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by T Quach on behalf of T Quach & S Quach for the Demolition of Existing Single House and Construction of a One (1) Two-Storey and One (1) Single-Storey Dwelling at No. 58 (Lot 6; D/P 3798) Hobart Street, Mount Hawthorn as shown on amended plans stamp dated 13 May 2013 for the following reasons:

1. The proposed development does not comply with the following objectives of the City of Vincent Town Planning Scheme No. 1:
  - 1.1 to protect and enhance the health, safety and physical welfare of the City's inhabitants and the social, physical and cultural environment; and
  - 1.2 to ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework which –
    - 1.2.1 recognises the individual character and need of localities within the Scheme zone area; and
    - 1.2.2 ~~can respond readily to change;~~
2. Non-compliance with the Acceptable Development and Performance Criteria provisions of the Residential Design Codes 2013 and the City's Policy No. 3.2.1 in relation to Residential Design Elements, with regard to the following Clauses:
  - 2.1 The Minimum site area requirements of the R20 coding of minimum 350 square metres and average 450 square metres according to Table 1 of the Residential Design Codes 2013;
  - 2.2 The Street Setback requirements according to Clause SADC 5 Street Setbacks of the City's Policy No. 3.2.1 in relation to Residential Design Elements; and
  - 2.3 The Side setback requirements according to Clause SADC 10 Dual Frontages and Corner Sites of the City's Policy No. 3.2.1 in relation to Residential Design Elements; and
3. The proposed grouped dwellings would create an undesirable precedent for the development of surrounding lots, which is not in the interests of orderly and proper planning for the locality.

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

**COUNCIL DECISION ITEM 9.1.3**

**Moved Cr Topelberg, Seconded Cr Maier**

**That the recommendation be adopted.**

**Debate ensued.**

**PROCEDURAL MOTION**

**Moved Cr Harley, Seconded Cr Pintabona**

**That the item be DEFERRED to get further clarification on what is actually proposed in Town Planning Scheme 2 for this particular Lot and whether or not the Council has the capacity under their discretion to vary minimum lot sizes and subsequently report the matter to the Ordinary Meeting of Council to be held on 24 September 2013.**

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)**

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**FURTHER REPORT:**

The application was previously considered at the Ordinary Meetings of Council on the 9 July 2013 and 27 August 2013 whereby the Council resolved the following *“That the item be DEFERRED for further clarification”* and *“That the item be DEFERRED for further consideration and to obtain legal advice as to what zoning should be applied.”*

The City has received legal advice from the City’s Solicitors on 30 August 2013, in relation to the applicable zoning is to be used as a basis for the assessment of the Planning Application and is attached as a confidential item.

In summary, the legal advice states that the Council must apply provisions of the Scheme as they stand at the time of the Council determination. (The density coding to be applied at this time is R20).

Based on the legal advice dated 30 August 2013, the previous Officer Recommendation at the Ordinary Meeting of Council on 27 August 2013 remains the same, which is for the refusal of the proposed development.

The Minutes of Item 9.1.3 from the Ordinary Meetings of Council held on 9 July 2013 and Item 9.1.4 of 27 August 2013, relating to this Report is available on the City’s website at the following link: [http://www.vincent.wa.gov.au/Your\\_Council/Agenda\\_Minutes](http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes)

**9.1.4 FURTHER REPORT: No. 6 (Lot 181; D/P 2355) Burt Street, Corner of Monmouth Street, Mount Lawley – Proposed Change of Use from Residential and Shop to Consulting Rooms (Medical)**

<b>Ward:</b>	South	<b>Date:</b>	2 September 2013
<b>Precinct:</b>	Norfolk; P10	<b>File Ref:</b>	PRO4099; 5.2013.74.2
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans <a href="#">002</a> – Site photos <a href="#">003</a> – Additional Information received 8 February 2013 <a href="#">004</a> – Applicants Justification dated 24 June 2013 <a href="#">005</a> – Applicants Response to submissions dated 24 June 2013 <a href="#">006</a> – Applicants Letter to Residents dated 30 July 2013 <a href="#">007</a> – Additional Information dated 12 August 2013 <a href="#">008</a> – Location Map of Surrounding Consulting Rooms		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	S Radosevich, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	P Mrdja, Acting Director Planning Services		

**FURTHER OFFICER RECOMMENDATION:**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by L Spiccia on behalf of the owner, Estate of Late A Cardaci & F Cardaci for Proposed Change of Use from Residential to Consulting Rooms (Medical) at No. 6 (Lot 181; D/P 2355) Burt Street, Corner of Monmouth Street, Mount Lawley, and as shown on plans stamp dated 24 June 2013, for the following reasons:

1. The development does not comply with the following objectives of the City of Vincent Town Planning Scheme No. 1:
  - 1.1 To protect and enhance the health, safety and physical welfare of the City's inhabitants and the social, physical and cultural environment;
  - 1.2 To ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework which-
    - 1.2.1 Recognises the individual character and needs of localities within the Scheme zone area; and
  - 1.3 To promote the development of a sense of local community and recognise the right of the community to participate in the evolution of localities;
2. Non-compliance with the City's Policy No. 3.5.12 relating to Development Guidelines for Commercial and Mixed use Developments with regard to the use of a residential property for a non-residential use, where the subject site is not a buffer site;
3. Non-compliance with the City's Policy No. 3.5.22 relating to Consulting Rooms with regard to the following objective:
  - 3.1 To limit the activities associated with the consulting rooms so that there is no undue impact on the surrounding area;

4. **Non-compliance with the City of Vincent Economic Development Strategy 2011-2016 with regard to Action No. 3.8 relating to protecting residential areas from 'commercialisation'; and**
5. **The proposed consulting rooms (medical) would create an undesirable precedent for development on surrounding lots, which is not in the interests of orderly and proper planning for the locality.**

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**COUNCIL DECISION ITEM 9.1.4**

**Moved Cr Topelberg, Seconded Cr Buckels**

**That the recommendation be adopted.**

**Debate ensued.**

**MOTION PUT AND CARRIED (5-4)**

**For:** Cr Buckels, Cr Carey, Cr Maier, Cr Pintabona and Cr Wilcox  
**Against:** Mayor Hon. MacTiernan, Cr Harley, Cr McGrath and Cr Topelberg

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**FURTHER INFORMATION:**

This Item was considered at the Ordinary Meeting of Council held on 27 August 2013 and was deferred at the request of the applicant.

The applicant has requested that the matter be listed in the Agenda for the Ordinary Meeting of Council to be held on 10 September 2013.

The Officer Recommendation remains unchanged for a refusal.

**ADDITIONAL INFORMATION:**

Below is the addresses and location of each of the consulting rooms within 1km of No. 6 Burt Street, Mount Lawley:

Dental clinics:

- The Denture Clinic – 26 Fitzgerald Street, North Perth;
- North Perth Dental Surgery – 366 Fitzgerald Street, North Perth;
- Alma Dental Surgery – 6/400 Fitzgerald Street, North Perth;
- TN Dental North Perth – 477 Fitzgerald Street, North Perth;
- Mt Lawley Dental Clinic – 21 Vincent Street, Mt Lawley;
- Mount Lawley Orthodontics – 695 Beaufort Street, Mt Lawley;
- Barbara Fox Dental Studio – 21 Hyde Street, Mt Lawley.

Doctor's surgeries:

- Fitzgerald Medical Practice – 435 Fitzgerald Street, North Perth;
- CentrePod Podiatry – 773-777 Beaufort Street, Mt Lawley;
- GP on Beaufort – 691 Beaufort Street, Mt Lawley;
- Lindisfarne Medical Group – 697 Beaufort Street, Mt Lawley;
- Dallimore Kevin – 196 Walcott Street, Mt Lawley;
- Panizza G G – 499 Fitzgerald Street, North Perth.

The addresses and location of each of the consulting rooms within 1km of No. 6 Burt Street, Mount Lawley, are shown in Attachment 008 and previously reported in the Agenda of Council Ordinary Meeting held on 27 August 2013. The blue squares on the map indicate the location of the doctor's surgeries and the red circles indicate the location of the dental clinics.

#### **FURTHER REPORT:**

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

The proposed change of use from residential to consulting rooms (medical) was presented to Council at its Ordinary Meeting held on 9 July 2013, whereby Council resolved:

*"That the item be DEFERRED at the request of the Applicant."*

The Minutes of Item 9.1.1 from the Ordinary Meeting of Council held on 9 July 2013 relating to this report is available on the City's website at the following link:

<http://www.vincent.wa.gov.au/files/183cdc74-fbee-4d1a-abe-b-a1f00081f447/20130709.pdf>.

The proposed change of use from residential to consulting rooms (medical) was presented to Council at its Ordinary Meeting held on 27 August 2013, whereby Council resolved:

*"That the item be DEFERRED at the request of the Applicant."*

The Minutes of Item 9.1.2 from the Ordinary Meeting of Council held on 27 August 2013 relating to this report is available on the City's website at the following link:

<http://www.vincent.wa.gov.au/files/481b8284-914e-4894-8abe-a22101106971/20130827.pdf>

#### **DETAILS:**

<b>Landowner:</b>	Estate of Late A Cardaci & F Cardaci
<b>Applicant:</b>	L Spiccia
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R40
<b>Existing Land Use:</b>	Single House and Office
<b>Use Class:</b>	Consulting Rooms
<b>Use Classification:</b>	"SA"
<b>Lot Area:</b>	1,034 square metres
<b>Right of Way:</b>	Not applicable

Following the Council's deferral, the applicant met with the City's Officers to discuss the proposal. An option comprising a cafe component within the building was discussed along with obtaining community support for any changes that were to be proposed.

Additional information was received on 5 August 2013, which comprises forty-eight (48) letters of support, along with the information provided to residents within the locality (Attachment 006). It is noted that no additional information, relating to amended plans or the proposal complying with the relevant City policies has been submitted.

On 12 August 2013, additional information was submitted which states:

*"Messrs Cardaci has given further consideration to the number of consulting rooms proposed as part of this Application, which consideration follows further proactive advice provided by the City's Mayor regarding the City's Officer's possible concern over the proposed number of consulting rooms. It has been suggested that the Officers may be more inclined to support the proposal should a lesser number than five (5) consulting rooms be proposed."*

*Accordingly, on behalf of Mr Carl Cardaci, we write to confirm the owners' agreement to reducing the number of Consulting Rooms from five (5) to three (3).*

*We trust that the substantial community support provided for this proposal and the revised proposal for three (3) consulting rooms (rather than five (5)) now provides the City's Officers with the necessary means to present a positive recommendation to Council at its Ordinary Meeting scheduled to be held on Tuesday, August 27."*

Following the Council's deferral on 27 August 2013, the applicant advised "that the applicant's proposal to substantially upgrade the old (1913) shop and residence for this alternative commercial use' is to be considered when determining this application.

The City Officers consider there are many other opportunities other than the proposed medical consulting rooms for this site which could result in the existing building being retained and restored if the owner wishes to do so.

The City Officer's assessment and recommendation remain the same as reported in the Agenda Report to the Ordinary Council Meeting held on 27 August 2013.

**ASSESSMENT:**

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

Issue/Design Element:	Non-Residential Development Interface
Requirement:	<p><b>Development Guidelines for Commercial and Mixed Use Developments Policy No. 3.5.12</b></p> <p>The City will only consider a full commercial land use on a buffer site, where the existing building is to be retained.</p>
Applicants Proposal:	Non-residential development on a site with a residential zoning which is not a buffer site.
Performance Criteria:	Not applicable.
Applicant justification summary:	<p><i>"The proposed Medical Consulting Rooms are ideally and appropriately located on this site as it will assist in meeting with the increased demand for medical services in the area. This increasing demand is partly attributed to a lack of available medical services in the immediate area. The nearest Medical Consulting Rooms are provided by Dr. G Panizza at a residential property located at 499 Fitzgerald Street, North Perth, which is a considerable distance (approx. 840 metres) from the subject land. Other factors which are placing a considerable demand for these services in this location include an increase in the general population which can be attributed to an increase in the residential density in this area coupled with the predominantly ageing demographic. Locally available medical services are extremely important for the aged in our community, who are less mobile and in need of constant medical assistance. This location in an established residential area will provide this service for the elderly, which site is also conveniently located within walking distance from a high frequency bus stop located on Walcott Street.</i></p> <p><i>The Medical Consulting Rooms are proposed to operate within normal business hours and therefore will have minimal (if any) impact on the surrounding residents. Further, the number of proposed consulting rooms for this Practice has been reduced from five (5) to four (4) and the proposed parking layout for the Consulting Rooms has now been amended to ensure all of the required (11) car bays are provided on-site, which will result in the parking associated with the use being entirely contained on the property with no adverse impact on the locality.</i></p>

Issue/Design Element:	Non-Residential Development Interface
	<p><i>This site is further considered appropriate for this location as the building is sited on a prominent corner lot, which site is visually and physically separated from the surrounding residential uses by its position on the land and the surrounding local road system. Further, the established built form on this site of a traditional corner shop which is built on the property boundary at the intersection of Burt and Monmouth Streets is considered to already present to the surrounding locality as a use that is not primarily used for residential purposes. Therefore, the establishment of these Consulting Rooms within the existing built form is considered appropriate for this location as it will not alter or detract from the existing residential amenity of this area. In fact, it is considered that the residential amenity will be improved as the heritage values of the building are proposed to be restored with the original door at the corner of the building and façade windows being reinstated. The restoration of this building to its former character will improve its visual appeal within the streetscape and provide an interactive street frontage to this prominent corner.</i></p> <p><i>The Local Centre which is situated in relatively close proximity (approximately 91 metres) to the subject site comprises a strip of local shops, including a restaurant, retail clothing stores, a Laundrette, an Accountancy firm and an Art Studio. A number of tenancies within this Local Centre are currently vacant, including the three traditional shops located on the south eastern corner of Burt and Walcott Streets, which tenancies are currently the subject of a Small Bar Application before the City. The uses within this Centre will not be compromised by the establishment of Consulting Rooms as proposed in this Application. In fact, the positioning of this use nearby this Local Centre on Walcott Street will complement the existing uses and may attract new uses (such as a local pharmacy) to the currently vacant tenancies within this Centre. Further, this location for the Consulting Rooms is ideal as it is within walking distance from a high frequency bus stop located on Walcott Street in the vicinity of the Local Centre.</i></p> <p><i>In summary, the proposed Consulting Rooms will have no impact on the established residential amenity of this area, as the proposed Consulting Rooms are to operate from within the existing traditional corner shop building on the site. It is considered that the local economy and residential amenity of this area will benefit from this use as it will not only provide a much needed essential service for the area, but the owners are proposing to reinstate the original corner entry to the building and façade windows and in doing so, will enhance the streetscape and heritage value of this corner site.</i></p>

Issue/Design Element:	Non-Residential Development Interface
	<p><i>In accordance with Clause 40 - Determination of Non-Complying Applications of TPS 1, we seek the City's support to approve a variation to allow the disabled bay to be located within the street setback to Burt Street. The disabled bay (and the entire parking area associated with the proposed use) is proposed to be located behind the existing (1350mm) high brick fence which is constructed along the lot boundary of this property. The car parking associated with the proposed Consulting Rooms will therefore not be visible from the street and as such will not have an adverse impact on the visual amenity of the streetscape.</i></p> <p><i>At Clause 7 of the City's Policy 3.4.3, it is stated that on-site parking which is located within the street setback is to be set back 1.5 metres by a landscaped buffer. The purpose of this particular Policy requirement is to ensure that any on-site parking associated with non-residential uses does not negatively impact upon the adjacent residential uses. In the case of this Application, the City seeks to ensure that the parking for the proposed Consulting Rooms does not become a dominant visual element within the streetscape which may detract from the general amenity of the locality. We concur with that objective, however similar to the provision of a 1.5 metre wide landscape buffer, the existing brick fence constructed along the property boundary to Burt Street provides the necessary buffer to ensure that the parking associated with this proposed use does not negatively impact on the surrounding amenities. It is on this basis that we seek the City's support for this particular variation as the visual benefits of the existing fence are considered to meet the principles and intent of this particular Policy requirement."</i></p>
Officer technical comment:	<p>In accordance with the City's Policy No. 3.5.12 relating Development Guidelines for Commercial and Mixed use Developments a buffer site is:</p> <p><i>"A property that is zoned Residential that is sharing a side boundary with another property that is zoned Residential/Commercial, Commercial, Local Centre, District Centre or Special Use – Car Park or sharing a boundary with a City of Vincent public car park. A ROW located between the two properties excludes the property from being considered a buffer site."</i></p> <p>As the abutting properties are zoned residential, the subject site is not separating different zones from one another, and therefore cannot be considered a buffer site.</p> <p>The proposal is considered to interrupt the residential amenity as it is not in keeping with the residential nature with regards to passive surveillance, noise and visual amenity.</p>

Issue/Design Element:	Non-Residential Development Interface
	<p>An occupied residential property provides a sense of security through the reciprocal passive surveillance offered by the residential dwelling, which consulting rooms cannot provide.</p> <p>Noise associated with a residential property is generally characterised by low levels of activity and noise with occasional peaks. The proposed consulting rooms would have no noise outside of the hours of operation, as the premise would be unoccupied, which is not considered to be residential in nature and will adversely affect the residential amenity of the location.</p> <p>Further to the above, the applicant states that they will operate within normal business hours; however it is noted that normal business hours for a consulting room vary, with Clause 4 'Hours of Operation' of the City's Policy No. 3.5.22 relating to Consulting Rooms providing for the following:</p> <p><i>"The hours of operation for a Consulting Room shall be limited to the following:</i></p> <ul style="list-style-type: none"> <li>• 8:00am – 9:00pm, Monday – Friday</li> <li>• 8:00am – 5:00pm, Saturday</li> <li>• 11:00am – 5:00pm, Sunday and Public Holidays</li> <li>• CLOSED Christmas Day, Good Friday and Anzac Day."</li> </ul> <p>The abovementioned hours have the potential to have a significant impact on the residential amenity with regards to noise and increased traffic.</p> <p>In the instance the doctor's appointments are at twenty (20) minute intervals, this provides for three appointments an hour per doctor. With three (3) consulting rooms this increases to nine (9) appointments an hour, which is considered to increase the traffic to and from the site significantly, which adversely affects the residential amenity.</p> <p>It is also noted that the visual amenity would not be residential in nature, as there the continuity of property use throughout the day. The visual amenity associated with the consulting rooms would change as there would be differed clients visiting the site each day, which is not considered to be residential in nature.</p> <p>Further to the above, there are suitable sites within the Local Centre zone, which is approximately 91 metres from the subject site for the proposed consulting rooms.</p> <p>It is noted there are a number of medical consulting rooms located within a close proximity to the subject site. Within 1 kilometre of the subject site, along Fitzgerald Street, Walcott Street and Beaufort Street, there are approximately six (6) dental clinics and seven (7) doctors' surgeries, which provide a service to the local community.</p>

Issue/Design Element:	Non-Residential Development Interface
	<p>The dental clinics include:</p> <ul style="list-style-type: none"> <li>• The Denture Clinic;</li> <li>• North Perth Dental Surgery;</li> <li>• Alma Dental Surgery;</li> <li>• TN Dental North Perth;</li> <li>• Mt Lawley Dental Clinic;</li> <li>• Mount Lawley Orthodontics; and</li> <li>• Barbara Fox Dental Studio.</li> </ul> <p>The doctor's surgeries include:</p> <ul style="list-style-type: none"> <li>• Fitzgerald Medical Practice;</li> <li>• CentrePod Podiatry;</li> <li>• GP on Beaufort;</li> <li>• Lindisfarne Medical Group;</li> <li>• Dallimore Kevin; and</li> <li>• Panizza G G.</li> </ul> <p>In light of the above, it is considered that the demand for medical consulting rooms within the locality has been satisfied.</p>

Car Parking	
<p>Car parking requirement (nearest whole number):</p> <ul style="list-style-type: none"> <li>• Consulting Rooms 3 spaces per consulting room 3 consulting rooms = 9 car bays</li> </ul> <p>Total car bays required = 9 car bays</p>	= 9 car bays
<p>Apply the adjustment factors.</p> <ul style="list-style-type: none"> <li>• 0.85 (within 400 metres of a bus stop)</li> </ul>	(0.85) = 7.65 car bays
Minus the car parking provided on-site	11 car bays
Minus the most recently approved on-site car parking shortfall	Nil
Resultant surplus	3.35 car bays

**COMMENTS:**

Following Council's deferral of the application, the City's officers had a meeting with the applicant and discussed the need for further consideration of the proposed land use. The applicant submitted additional information on 5 August 2013, which comprises forty-eight (48) letters of support, along with the information provided to residents within the locality. Further information was provided to the City on 12 August 2013, which outlined that the applicant will reduce the number of consulting room five (5) rooms to three (3) rooms; however it is noted that the plans submitted with the application indicate four (4) consulting rooms being proposed not five (5) rooms, therefore reducing the proposal by one (1) consulting room.

Further to the above, it is noted that no additional information, relating to amended plans or the proposal complying with the relevant City policies has been submitted.

The applicant justification that the proposal will substantially upgrade and restore the existing building is noted, however, it is the Officers view that there can be other appropriate alternative uses for the site other than the consulting rooms which will assist in maintaining and restoring the existing building.

The proposed change of use from residential and shop to consulting rooms (medical) results in a significant departure of the City's Policies No. 3.5.12 relating to Development Guidelines for Commercial and Mixed Use Developments, as the subject site is zoned residential and cannot be assessed as a buffer site.

There is currently a delineation of commercial and residential precincts which is clearly defined by effective buffer sites acting as transitional filters. As the abutting properties are zoned residential, the subject site is not separating different zones from one another, and therefore cannot be considered a buffer site. The proposed consulting rooms will also contribute to the commercialisation of the residential zone, which will adversely affect the amenity for local residents.

It is noted that there is a Local Centre zoning approximately 91 metres from the subject site, which is a more appropriate location for this type of activity. Further to this, there are a number of medical consulting rooms located within a close proximity to the subject site. Within 1 kilometre of the subject site, along Fitzgerald Street, Walcott Street and Beaufort Street, there are approximately six (6) dental clinics and seven (7) doctors' surgeries, which provide a service to the local community.

The demand for medical consulting rooms within the locality is considered to be satisfied as the dental clinics within 1 kilometre of the subject site include:

- The Denture Clinic;
- North Perth Dental Surgery;
- Alma Dental Surgery;
- TN Dental North Perth;
- Mt Lawley Dental Clinic;
- Mount Lawley Orthodontics; and
- Barbara Fox Dental Studio.

Further to the above, the doctor's surgeries within 1 kilometre of the subject site include:

- Fitzgerald Medical Practice;
- CentrePod Podiatry;
- GP on Beaufort;
- Lindisfarne Medical Group;
- Dallimore Kevin; and
- Panizza G G.

In light of the above, it is considered that the proposed change of use from residential to consulting rooms (medical) would create an undesirable precedent for development on surrounding lots, which is not in the interests of orderly and proper planning for the locality.

With regards to the heritage value of the subject site, the City's Heritage Officer has advised that the existing building is not listed on the City's Municipal Heritage Inventory. In the instance that the owner proposed to demolish the existing building, the demolition will be subject to a planning approval in accordance with Clause 41 'Determination of an Application for Demolition' of the City's Town Planning Scheme No. 1. It is noted that part of the development application process for the full demolition of a building requires a heritage assessment to be undertaken in accordance with the City's Policy No. 3.6.2 relating to Heritage Management – Assessment prior to a planning approval being issued.

#### **CONCLUSION:**

The concerns regarding the commercialisation of the residential zone have not been addressed; therefore it is considered that the proposal will have an undue impact on the amenity of the locality.

Due to the application's significant departure from the City's Town Planning Scheme No. 1, Economic Development Strategy 2011-2016, City's Policies No. 3.5.12 relating to Development Guidelines for Commercial and Mixed Use Developments and No. 3.5.22 relating to Consulting Rooms, it is recommended that the application be refused for the reasons outlined above.

**10.2 NOTICE OF MOTION: Mayor Hon. Alannah MacTiernan - Request for a Plebiscite concerning the future of the City of Vincent**

That the Council:

1. REQUESTS the Western Australian Electoral Commission (WAEC) to conduct a Plebiscite concurrently with the Local Government Elections 2013 on the options for the future of the City of Vincent as follows;

- 1.1 the Plebiscite to put two questions ~~three options~~ to all persons on the City of Vincent current electoral roll, ~~and asks the electors to indicate their preference for each of the~~ as following;

Question One

If the City of Vincent is to be abolished; what is your preferred option?

- All of the City of Vincent merges with the City of Perth; or
- City of Vincent is divided between the City of Perth and the City of Stirling, as per map overleaf;

Question Two

Do you agree that the City of Vincent should be abolished?

- ~~(a) Option 1: "To split the City of Vincent between the City of Stirling and the City of Perth as proposed by the State Government (see attached plan [attachment 001](#))";~~
- ~~(b) Option 2: "To merge the whole of the City of Vincent with the City of Perth"; and~~
- ~~(c) Option 3: "To retain the City of Vincent in its current form";~~

~~with the voting to be preferential;~~

2. REQUESTS the Chief Executive Officer and the Mayor to prepare a brief summary of the background and the case for the "FOR" and the "AGAINST", for each ~~Option~~ Question;
3. APPROVES BY AN ABSOLUTE MAJORITY to reallocate an estimated amount of ~~\$5,000~~ 6,000\* to conduct the Plebiscite, and requests the Chief Executive Officer to determine a funding source at the mid-year Budget Review; and
4. REQUESTS that the results of the plebiscite be reported to the Council as soon as practicable after the Plebiscite is conducted.

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

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Moved Cr McGrath, Seconded Cr Carey

That the motion be adopted.

Debate ensued.

Cr McGrath departed the Chamber at 7.18pm.

Debate ensued.

Cr McGrath returned to the Chamber at 7.21pm.

Debate ensued.

**REVISED MOTION PUT AND CARRIED UNANIMOUSLY (9-0)**

**COUNCIL DECISION ITEM 10.2**

That the Council:

1. **REQUESTS the Western Australian Electoral Commission (WAEC) to conduct a Plebiscite concurrently with the Local Government Elections 2013 on the options for the future of the City of Vincent as follows;**

- 1.1 **the Plebiscite to put two questions to all persons on the City of Vincent current electoral roll, as following;**

**Question One**

**If the City of Vincent is to be abolished; what is your preferred option?**

- **All of the City of Vincent merges with the City of Perth; or**
- **City of Vincent is divided between the City of Perth and the City of Stirling, as per map overleaf;**

**Question Two**

**Do you agree that the City of Vincent should be abolished?**

2. **REQUESTS the Chief Executive Officer and the Mayor to prepare a brief summary of the background and the case for the "FOR" and the "AGAINST", for each Question;**
  3. **APPROVES BY AN ABSOLUTE MAJORITY to reallocate an estimated amount of 6,000\* to conduct the Plebiscite, and requests the Chief Executive Officer to determine a funding source at the mid-year Budget Review; and**
  4. **REQUESTS that the results of the plebiscite be reported to the Council as soon as practicable after the Plebiscite is conducted.**
-

**9.1.1 FURTHER REPORT – Amendment No. 112 to Planning and Building Policies – Draft Amended Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations**

<b>Ward:</b>	Both Wards	<b>Date:</b>	30 August 2013
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0244
<b>Attachments:</b>	<a href="#">001</a> – Policy No. 3.5.11 – Exercise of Discretion for Development Variations		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	T Elliott, Planning Officer (Strategic)		
<b>Responsible Officer:</b>	P Mrdja, Acting Director Planning Services		

**FURTHER OFFICER RECOMMENDATION:**

That the Council;

1. **ADOPTS** the final amended version of Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations as shown in Appendix 9.1.1; and
2. **AUTHORISES** the Chief Executive Officer to advertise the final amended version of Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations in accordance with Clause 47(6) of the City's Town Planning Scheme No. 1.

Moved Cr Topelberg, Seconded Cr Maier

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

- “1. **ADOPTS** the final amended version of Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations as shown in Appendix 9.1.1 subject to the following; and

1.1 Clauses AR1.5 and AR2.5 of tables 1 and 2 be amended as follows:

“the proposed development provides affordable housing either through a not for profit housing association or pursuant to a State or Federal Affordable Housing programme.”

Debate ensued.

**AMENDMENT 1**

Moved Cr Maier, Seconded Cr Buckels

“That a new Clause 1.2 be inserted to read as follows:

1.2 A new Table 2 be added to the policy as follows and the remaining tables be re-numbered:

*“Table 2: Prescribed Height Limit – 3 Storeys – Variation for 2 Additional Storeys*

Prescribed Height Limit	Variation	Essential Criteria	Additional Requirements
3 storeys	2 additional storeys  (which is not to exceed a height of 7 metres)	Refer to <b>EC 1.1 and 1.2</b> (above); and  <b>EC 1.3</b> the site adjoins a road prescribed on the Main Roads WA Perth Metropolitan Functional Road Hierarchy map as a Primary Distributor or District Distributor; or  <b>EC 1.4</b> the site has a land size of 1000 square metres or greater.	Refer to <b>AR 1.1 – AR 1.5</b> (above).”

Debate ensued.

**AMENDMENT 1 PUT AND LOST (1-8)**

**For:** Cr Buckels

**Against:** Mayor Hon. MacTiernan Cr Carey, Cr Harley, Cr Maier, Cr McGrath, Cr Pintabona, Cr Topelberg and Cr Wilcox

**AMENDMENT 2**

**Moved Cr Maier, Seconded Cr Buckels**

“That a new Clause 1.2 be inserted to read as follows:

**1.2 A new Table 2 be added to the policy as follows and the remaining tables be re-numbered:**

*“Table 2: Prescribed Height Limit – 3 Storeys – Variation for 2 Additional Storeys*

Prescribed Height Limit	Variation	Essential Criteria	Additional Requirements
3 storeys	2 additional storeys  (which is not to exceed a height of 7 metres)	Refer to <b>EC 1.1 and 1.2</b> (above); and  <b>EC 1.3</b> the site adjoins a road prescribed on the Main Roads WA Perth Metropolitan Functional Road Hierarchy map as a Primary Distributor or District Distributor; and <del>or</del>  <b>EC 1.4</b> the site has a land size of 1000 square metres or greater.	Refer to <b>AR 1.1 – AR 1.5</b> (above).”

Debate ensued.

**AMENDMENT 2 PUT AND CARRIED (7-2)**

**For:** Mayor Hon. MacTiernan Cr Buckels, Cr Carey, Cr Maier, Cr McGrath, Cr Topelberg and Cr Wilcox

**Against:** Cr Harley and Cr Pintabona

**AMENDMENT 3**

**Moved Cr Maier, Seconded Cr Buckels**

“That a new Clause 1.1 be inserted to read as follows:

**1.1 Reference to ‘Approval by Absolute Majority’ be deleted from clauses 2.1, 3.1 and included at the end of Clause 4.1, “therefore requires an Absolute Majority:”**

Debate ensued.

**AMENDMENT 3 PUT AND CARRIED UNANIMOUSLY (9-0)**

Cr Pintabona departed the Chamber at 7.58pm.

Debate ensued.

Cr Pintabona returned to the Chamber at 8.00pm.

**AMENDMENT 4**

**Moved Cr Buckels, Seconded Cr Buckels**

“That a new clause 1.3 be inserted to read as follows:

**1.3 the additional requirements 1.3 becomes essential criteria 1.3 and additional requirements becomes essential criteria 2.2, which is that the proposed development incorporates exemplary design excellence and has the positive recommendation of the City’s Design Advisory Committee, become an essential criteria for any height variation”**

**AMENDMENT 4 PUT AND CARRIED UNANIMOUSLY (9-0)**

**MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (9-0)**

**COUNCIL DECISION ITEM 9.1.1**

That the Council;

1. **ADOPTS** the final amended version of Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations as shown in Appendix 9.1.1; and
  - 1.1 Reference to ‘Approval by Absolute Majority’ be deleted from clauses 2.1, 3.1 and included at the end of Clause 4.1 - “therefore requires an Absolute Majority;
  - 1.2 A new Table 2 be added to the policy as follows and the remaining tables be re-numbered:

*“Table 2: Prescribed Height Limit – 3 Storeys – Variation for 2 Additional Storeys*

Prescribed Height Limit	Variation	Essential Criteria	Additional Requirements
3 storeys	2 additional storeys  (which is not to exceed a height of 7 metres)	Refer to <b>EC 1.1 and 1.2</b> (above); and <b>EC 1.3</b> the site adjoins a road prescribed on the Main Roads WA Perth Metropolitan Functional Road Hierarchy map as a Primary Distributor or District Distributor; and <b>EC 1.4</b> the site has a land size of 1000 square metres or greater.	Refer to <b>AR 1.1 – AR 1.5</b> (above).”

- 1.3 **the additional requirements 1.3 becomes essential criteria 1.3 and additional requirements becomes essential criteria 2.2, which is that the proposed development incorporates exemplary design excellence and has the positive recommendation of the City’s Design Advisory Committee, become an essential criteria for any height variation; and**
2. **AUTHORISES** the Chief Executive Officer to advertise the final amended version of Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations in accordance with Clause 47(6) of the City’s Town Planning Scheme No. 1.

**REASONS FOR CHANGING OFFICER RECOMMENDATION:**

It Is To Ensure Design Excellence Is At The Heart Of Any Variation.

**FURTHER REPORT:**

The Council at its Ordinary Meeting held 13 August 2013, considered Policy Amendment No. 112 – Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations and resolved as follows:

*'The Item has been DEFERRED so that the wording can be further considered and be more specific, in relation to housing providers.'*

Following the decision of Council, the City's Officers further investigated appropriate wording for Clause AR 1.5 in Policy No. 3.5.11. The Department of Housing work in partnership with both the private and not-for-profit sectors to finance and develop affordable housing as such Clause AR 1.5 has been amended as follows:

Clause Amendments	Comments
<p><b>AR 1.5</b> the proposed development provides affordable housing, demonstrated through partnership agreements with an <del>recognised or</del> approved housing provider <u>recognised by the Department of Housing</u>.</p>	<p>The inclusion of <i>recognised by the Department of Housing</i> is to ensure appropriate organisations are utilised to provide affordable housing.</p>

**CONCLUSION:**

The City's Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations provides additional requirements and criteria to vary the number of storeys of a development. To attain additional height applicants must meet criteria pertaining to building adaption and retention; design excellence; and sustainable design. The introduction of clause AR 1.5 will allow applicants for sites where there is a height limit of 2 – 3 storeys the opportunity of an additional storey if affordable housing is provided. Providing applicants with an incentive for meeting additional requirements is a positive outcome for the City.

The proposed amendment is also consistent with the City's Affordable Housing Strategy which promotes incentives through the planning process to encourage affordable housing options in the City.

In light of the above it is requested that the Council adopts the final amended version of Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations as the changes prescribed will facilitate the provision of housing diversity within the City.

The Minutes of the Ordinary Meeting of Council held on 13 August 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).

**9.1.2 FURTHER REPORT – Way Finding Strategy Implementation – Progress Report No. 2 (Pedestrian Way Finding Totem Signs)**

<b>Ward:</b>	All	<b>Date:</b>	30 August 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 the eight (8) Pedestrian Way Finding Totem Signs, as shown in Appendix 001;**
  - 1.2 **Proposed Places of Interest for the Pedestrian Way Finding Totem Signs as shown in Appendix 002; and**
  - 1.3 **Design of the Pedestrian Way Finding Signs being consistent in design to the City of Perth signs; and**
2. **NOTES** that graphic designs will be presented to a Council Member Forum prior to the final design being approved.

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**COUNCIL DECISION ITEM 9.1.2**

**Moved Cr Maier, Seconded Cr Carey**

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

- “3. **AUTHORISES** the Chief Executive Officer to liaise with Officers at the City of Perth to discuss how the project can achieve mutually beneficial outcomes for both Local Authorities.”

**PROCEDURAL MOTION**

**Moved Cr Topelberg, Seconded Cr Carey**

That the item be DEFERRED to a Council Forum.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)**

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**FURTHER REPORT:**

The Council at their Ordinary Meeting of Council held on 23 July 2013, considered the City's Way Finding Strategy Implementation Plan (Pedestrian Way Finding Totem Signs) and resolved in part as follows:

*‘That the item be DEFERRED to enable Council Members to submit their comments.’*

Following the decision of Council, the City's Officers invited the Council to provide feedback in relation to the design and location of the Pedestrian Way Finding Totem Signs. The comments raised by the Council are presented below.

## Design

It was suggested that due to the recent decision in relation to boundary changes, the signs should be identical to the City of Perth, with the omission of the local government logo, which could be added at a later stage.

This is considered appropriate given the recent amalgamation decision that the City of Vincent signs should be consistent to those in the City of Perth. Using the same design and manufacture company will ensure consistency with existing City of Perth signage and should lead to cost savings as the design has already been established.

## Location

The locations that were proposed in the report considered at the Ordinary Meeting of 23 July 2013 were chosen in response to recommendations proposed by the consultants in the Way Finding Signage Strategy. These locations were chosen as they are considered to be the most widely accessible and functional pedestrian locations within each town centre.

It was suggested by the Council that the proposed location of the signage detailed in the report presented at the Ordinary Meeting held on 23 July 2013 were more suitable for local foot traffic, rather than being carefully and strategically geared towards visitors to the City. A number of alternative locations/suggestion have been proposed by the Council as outlined below.

### Suggestions for Leederville

- Sign 1. Oxford Street between the train station and Kailis as previously proposed; and
- Sign 2. Oxford and Vincent Street (south east corner); or  
Oxford and Richmond Street (TAFE side);

Further consideration was given to the previously proposed location of the corner of Oxford and Vincent Streets, however it was considered that with a sign proposed very close by near Kailis (sign 1), that a further sign near the TAFE may be better placed to direct visitors to nearby landmarks. Two signs proposed for Leederville as follows:

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

### Suggestions for Mount Hawthorn

It was suggested in comments received by the Council than the current locations are not workable as they are local zones, not tourist walk trails. Alternative options suggested are for either one or two signs in the following locations:

- Sign 1: Corner of Scarborough Beach Road and Brady Street (outside Patrick Amour Interiors) to capture train station walkers coming into Vincent; and/or
- Sign 2. Corner of Scarborough Beach Road and Oxford Street (south west corner); or  
Corner Scarborough Beach Road and Fairfield Street (outside the Paddington Alehouse).

The sign previously proposed for the north west corner of Scarborough Beach Road and Fairfield Street is to be moved to the south west side near the Paddington Hotel. The sign previously proposed for the corner of Scarborough Beach Road and Coogee Street is no longer considered appropriate as it is too close to the proposed sign at the corner of Scarborough Beach Road and Fairfield Street and caters more for locals who are familiar with landmark locations than to visitors to the town centre.

The suggested location at the corner of Scarborough Beach Road and Brady Street was considered, however it was thought that there was not sufficient foot traffic coming from the Glendalough train station and that the intersection is very much dominated by cars.

Rather than a second sign so close to the one proposed in the town centre location, the option of a further sign on the corner of Scarborough Beach Road and Egina Street is considered an appropriate location to capture visitors into the area and is an extension of the Mount Hawthorn town centre strip along Scarborough Beach Road. Two signs proposed for Mount Hawthorn as follows:

- Sign 1. Corner of Scarborough Beach Road and Egina Street; and
- Sign 2: Corner Scarborough Beach Road and Fairfield Street (outside the Paddington Alehouse), with the option of a further sign.

#### Suggestions for North Perth

It was suggested that one sign was appropriate in the North Perth town centre with the option of a second outside the town centre if considered appropriate by the Council:

- Sign 1. Corner of Angove and Fitzgerald Street (outside the Rosemount); or  
Corner of Fitzgerald and View Street (outside the Post Office); and/or
- Sign 2. Corner of Scarborough Beach Road and Charles Street.

Further consideration was given to the locations proposed at the Ordinary Meeting of 23 July 2013 and those suggested by the Council, and it was agreed that the original locations were possibly more appropriate for local foot traffic rather than visitors to the centre.

The corner location at Angove and Fitzgerald Street is considered more of an entry point into the centre and will be better placed to direct pedestrians to landmarks along both Angove and Fitzgerald Streets. Unlike the other town centres, North Perth town centre is more concentrated near the corners of Fitzgerald and Angove Streets rather than running a longer distance along one street as is the case for some of the other town centres. One sign is proposed for North Perth as follows:

- Sign 1. Corner of Angove and Fitzgerald Street (outside the Rosemount) with the option of a further sign.

Due to budget constraints for additional signs at this time, rather than a second sign in North Perth, the option of a further sign in Mount Lawley/Highgate is proposed to replace the second one previously proposed for North Perth.

#### Suggestions for Mount Lawley/Highgate

- Sign 1. South Beaufort –  
Corner of Beaufort and Bulwer Streets; or  
Corner of Beaufort Street and Newcastle Street; or  
Corner of Beaufort and Brisbane Streets; or  
Corner of Beaufort Street and St Albans Avenue (near St Albans Church); and
- Sign 2. North Beaufort  
Corner of Beaufort and Vincent Streets; or  
Corner of Beaufort and Grosvenor Streets; or  
Beaufort Street opposite Grosvenor Street (outside Planet ATM's).

Two signs are proposed for Mount Lawley/Highgate. The previous report proposed only one sign, however on further consideration it is thought that a second sign to the south of Beaufort Street is warranted due to the nature of Beaufort Street being a 'strip'. A second sign in Mount Lawley will replace the second sign that was previously proposed for North Perth.

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

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

#### Suggestions for Perth

The corner of William and Brisbane Street has been suggested as a possible 'decision making point' for visitors entering into this part of William Street who may not be familiar with the area and would be an appropriate location for a sign.

- Sign 1. Corner of William and Brisbane Street.

As the City of Perth already have one located near the corner of William and Newcastle Street it is considered more appropriate for a sign to be located at the corner of William and Brisbane Street as suggested by the Council rather than one previously proposed for William Street. One sign proposed for Perth as follows:

- Sign 1. Corner of William and Brisbane Street (south west corner)

#### Other suggestions

It was suggested that consideration could be given to other strategic locations of high foot traffic such as Claisebrook near the train station exit and outside the NIB Stadium.

The suggestion of Claisebrook train station and the NIB Stadium have merit; however at this time there are insufficient funds in the Car Parking Strategy account to consider further signs. These alternative locations outside the town centres can be considered at another time should budget allocation be provided in the future for additional signs.

#### **Places of Interest**

A number of additional places of interest have been suggested by the Council which have been added to the list of places of interest as shown in Appendix 002. Reference to the distances in Appendix 002 has been removed at this time; however these will be confirmed once the locations of the signs have been endorsed by the Council. Note that the majority of the places of interest will not appear on the panels showing distances, but rather will be incorporated into the map for each sign.

It has also been suggested that given the recent decision in relation to amalgamations, the City should be liaising with the City of Perth to include relevant 'non Vincent' information (i.e. art gallery, Swan River, Perth City Centre attractions) and that the City of Perth be asked to consider including Vincent landmarks on their existing signs.

The City's Officers have also looked into the possibility and cost implications of changing/adding information to the signs at a later date once they have been installed (i.e. changing panels and maps). This would allow additional information relating to places of interest including landmark businesses, City of Perth information, amended maps etc to be added at a later time if required.

A quote has been obtained from Kingman Visual (the manufacturer of recent City of Perth pedestrian totem signs) for amending the signs as follows:

1 x replacement aluminium panel -	\$1,207 (inc GST)
4 x replacement aluminium panels -	\$3,315 (inc GST)
2 x new maps per module -	\$258 (inc GST)

The above quote includes supply and installation of replacement panels and maps on site.

The Officers agree with the suggestion that the City liaise with the City of Perth in relation to the Pedestrian Way Finding signs.

### **Heritage Panels**

As the City has a number of documented heritage walks, it was suggested that consideration could be given to including a waterproof plastic display rack fixed to the totem signs that could be supplied with printed guides etc. which could be stocked by Ranger Services as required.

The City's Officers agree with this suggestion and will include this as an option in the design brief.

### **CONCLUSION:**

The proposed locations for the eight (8) pedestrian totem signs presented at the Ordinary Meeting of Council on 23 July 2013 where further considered following comments and suggestions received by the Council.

In light of this, 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 in light of the recent amalgamation decisions, that the Council endorse the design of the pedestrian way finding signs being identical to those located within the City of Perth; and that the Council authorise the City to liaise with the City of Perth to discuss how the project can achieve a mutually beneficial outcome for both Local Authorities.

The Minutes of the Ordinary Meeting of Council held on 23 July 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).

**9.3.1 Provisional Financial Statements as at 30 June 2013**

<b>Ward:</b>	Both	<b>Date:</b>	30 August 2013
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0026
<b>Attachments:</b>	<a href="#">001</a> – Financial Reports		
<b>Tabled Items:</b>	<a href="#">002</a> – Significant Accounting Policies		
<b>Reporting Officers:</b>	B C Tan, Manager Financial Services; N Makwana, Accounting Officer		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

That the Council **RECEIVES** the Provisional Financial Statements for the month ended 30 June 2013 as shown in Appendix 9.3.1.

Moved Cr Maier, Seconded Cr Carey

That the recommendation be adopted.

Debate ensued.

**AMENDMENT**

Moved Cr Maier, Seconded Cr Harley

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

- 2. RECEIVES 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.”**

**AMENDMENT PUT AND CARRIED UNANIMOUSLY (9-0)**

**MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (9-0)**

**COUNCIL DECISION ITEM 9.3.1**

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.

**PURPOSE OF REPORT:**

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

**BACKGROUND:**

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

As stated above the financial reports as presented are provisional copies to provide an estimate of the year end position. There are still a number of year end transactions, and adjustments that need to be prepared before the year end accounts can be finalised.

It is anticipated that the final accounts will be available at the second council meeting in October.

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

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

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

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

**DETAILS:**

The following documents represent the Statement of Financial Activity for the period ending 30 June 2013:

Note	Description	Page
1.	Summary of Income and Expenditure by Service Areas	1-29
2.	Statement of Financial Activity by Programme Report	30
3.	Statement of Financial Activity by Nature or Type Report	31
4.	Statement of Financial Position	32
5.	Statement of Changes in Equity	33
6.	Capital Works Schedule	34-40
7.	Restricted Cash Reserves	41
8.	Sundry Debtors Report	42
9.	Rate Debtors Report	43
10.	Beatty Park Leisure Centre Report – Financial Position	44
11.	Major Variance Report	45-55
12.	Monthly Financial Positions Graph	56-58

**1. SIGNIFICANT ACCOUNTING POLICIES AND NOTES**

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

Comments on the financial performance are set out below:

**2. As per Appendix 9.3.1.**

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

**Operating Revenue excluding Rates**

YTD Actual	\$20,351,535
YTD Revised Budget	\$20,198,425
YTD Variance	\$153,110
Full Year Budget	\$20,198,425

**Summary Comments:**

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

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

General Purpose Funding – 1% over budget;  
 Governance – 75% under budget;  
 Law, Order, Public Safety – 51% over budget;  
 Health – 7% over budget;  
 Education and Welfare – 2% under budget;  
 Community Amenities – 46% over budget;  
 Recreation and Culture – 13% under budget;  
 Transport – 7% over budget;  
 Economic Services – 25% under budget;  
 Other Property and Services – 5 over budget; and  
 General Administration (Allocated) – 7% under budget.

**Operating Expenditure**

YTD Actual	\$45,844,737
YTD Revised Budget	\$45,143,870
YTD Variance	\$700,867
Full Year Budget	\$45,143,870

**Summary Comments:**

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

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

General Purpose Funding – 5% under budget;  
 Law and Order – 1% over budget;  
 Health – 8% under budget;  
 Education and Welfare – 4% under budget;  
 Community Amenities – 3% under budget;  
 Transport – 6% over budget;  
 Economic Services – 14% under budget;  
 Other Property & Services – 950% over budget; and  
 General Administration (Allocated) – 108% under budget.

**Net Operating and Capital Excluding Rates**

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

YTD Actual	\$23,595,695
YTD Revised Budget	\$26,455,505
Variance	\$(2,859,810)
Full Year Budget	\$26,434,292

**4. Statement of Financial Activity by Nature and Type Report**

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

**5. Statement of Financial Position and**

**6. Statement of Changes in Equity**

The statement shows the current assets of \$12,899,914 and non-current assets of \$204,465,340 for total assets of \$217,365,254.

The current liabilities amount to \$8,809,720 and non-current liabilities of \$19,400,907 for the total liabilities of \$28,210,627.

The net asset of the City or Equity is \$189,154,627.

**7. Net Current Funding Position**

	<b>30 June 2013 YTD Actual \$</b>
<b>Current Assets</b>	
Cash at Bank	(270,003)
Cash Restricted	7,764,638
Receivables – Rates and Waste	(28,465)
Receivables – Others	3,346,810
Inventories	153,588
	<b>10,966,568</b>
<b>Less: Current Liabilities</b>	
Trade and Other Payables	(3,338,442)
Provisions	(2,638,511)
	<b>(5,976,953)</b>
<b>Less: Restricted Cash Reserves</b>	(7,764,638)
Net Current Funding Position	<b>(2,775,023)</b>

## 8. Capital Expenditure Summary

The Capital Expenditure summary details projects included in the 2012/2013 budget and reports the original budget and compares actual expenditure to date against these.

	<b>Budget</b>	<b>Year to date Revised Budget</b>	<b>Actual to Date</b>	<b>%</b>
Furniture & Equipment	\$310,640	\$310,640	\$168,481	54%
Plant & Equipment	\$1,757,000	\$1,787,000	\$1,144,014	64%
Land & Building	\$11,289,000	\$11,328,513	\$9,745,808	86%
Infrastructure	\$13,916,365	\$14,249,414	\$6,320,065	44%
<b>Total</b>	<b>\$27,273,005</b>	<b>\$27,675,567</b>	<b>\$17,378,368</b>	<b>63%</b>

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

Note: Detailed analyses are included on page 34 – 40 of Appendix 9.3.1.

## 9. Restricted Cash Reserves

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

The balance as at 30 June 2013 is \$7.7m. The balance as at 30 June 2012 was \$17.2m.

## 10. Sundry Debtors

Other Sundry Debtors are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts. Sundry Debtors of \$1,207,688 is outstanding at the end of June 2013.

Out of the total debt, \$319,157 (26.4%) relates to debts outstanding for over 60 days, which is related to Cash in Lieu Parking. The Cash in Lieu Parking debtors have special payment arrangement for more than one year.

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

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

**11. Rate Debtors**

The notices for rates and charges levied for 2012/13 were issued on the 23 July 2012.

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

First Instalment	27 August 2012
Second Instalment	29 October 2012
Third Instalment	3 January 2013
Fourth Instalment	7 March 2013

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

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

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

Rates outstanding as at 30 June 2013 including deferred rates was \$139,491 which represents 0.57% of the outstanding collectable income compared to 1.00% at the same time last year.

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

As at 30 June 2013 the operating deficit for the Centre was \$1,614,392 in comparison to the year to date budgeted deficit of \$960,605.

The cash position showed a current cash deficit of \$1,092,843 in comparison year to date budget estimate of a cash deficit of \$433,295. The cash position is calculated by adding back depreciation to the operating position.

The indoor pool re opened on the 23<sup>rd</sup> July, 2012. The new 50 metre outdoor pool opened on 22 November, 2012 with the other outdoor pools opening in mid December. It should be noted that it was budgeted for the complete redeveloped centre to open in December 2012 which opened in March 2013.

**13. Major Variance Report**

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

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

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

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

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

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2011-2016:

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

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

**SUSTAINABILITY IMPLICATIONS:**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable.

**COMMENT:**

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

**9.4.1 Europay, Mastercard and Visa Compliance (EMV) – Parking Ticket Machines**

<b>Ward:</b>	Both	<b>Date:</b>	30 August 2013
<b>Precinct:</b>	All	<b>File Ref:</b>	LEG0047
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	M Wood, A/Manager Ranger and Community Safety Services		
<b>Responsible Officer:</b>	R Boardman, Director Community Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES BY AN ABSOLUTE MAJORITY** the purchase of twenty five (25) Europay, Mastercard and Visa (EMV) compliant parking ticket machines, to be funded from the City's Parking Facility Reserve fund; and
2. **AUTHORISES** the Chief Executive Officer to advertise a tender for twenty five (25) EMV compliant Parking Ticket Machines.

---

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

Cr Carey departed the Chamber at 8.12pm.

Debate ensued.

Cr Carey returned to the Chamber at 8.13pm.

Debate ensued.

**AMENDMENT**

Moved Cr Maier, Seconded Cr Pintabona

"That Clause 1 and 2 be amended to read as follows:

1. **APPROVES BY AN ABSOLUTE MAJORITY** the purchase of up to twenty five (25) Europay, Mastercard and Visa (EMV) compliant parking ticket machines, to be funded from the City's Parking Facility Reserve fund; and
2. **AUTHORISES** the Chief Executive Officer to advertise a tender for up to twenty five (25) EMV compliant Parking Ticket Machines.

Debate ensued.

**AMENDMENT PUT AND CARRIED UNANIMOUSLY (9-0)**

**MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY  
BY AN ABSOLUTE MAJORITY (9-0)**

**COUNCIL DECISION ITEM 9.4.1**

That the Council;

1. **APPROVES BY AN ABSOLUTE MAJORITY** the purchase of up to twenty five (25) Europay, Mastercard and Visa (EMV) compliant parking ticket machines, to be funded from the City's Parking Facility Reserve fund; and
2. **AUTHORISES** the Chief Executive Officer to advertise a tender for up to twenty five (25) EMV compliant Parking Ticket Machines.

**PURPOSE OF REPORT:**

To obtain the Council's approval for the purchase and call for tender of twenty five (25) EMV compliant parking ticket machines.

**BACKGROUND:**

EMV is a global interoperability standard that was first developed by Europay, MasterCard and VISA in 1999. The standard defines how credit cards embedded with a chip interact with point-of-sale terminals and ATMs (including parking ticket machines) for authenticating credit and debit card transactions. Banks in Australia are now aligning with global standards in an effort to minimise the risk of card fraud and are requiring EMV compliance in all card readers from 1 January 2014. Local Governments nationwide have been working towards EMV compliance since advice was received from Banks (approximately 12 months ago) with financial provisions being made in preparation for this in the City's Reserve budget.

**DETAILS:**

EMV compliance is a mandatory requirement for all credit card accepting parking ticket machines. Parking ticket machines that do not accept credit cards are not affected.

Currently, the City has one hundred and thirty seven (137) ticket machines that are accepting credit cards and that will need to be upgraded to bring to EMV required standard. The City's Officers have been preparing for this and have arranged for lease options of one hundred and twelve (112) EMV readers kits. These will be installed on existing newer style APARC parking ticket machines, which will come out of operating expense costs for the next 5 years. Option to buy these EMV kits will be considered after this time. The lease option, as detailed in the table below is the only viable means to fund the significant cost of EMV upgrades with the cost borne over 5 years from the operating budget.

Type of machine	No. of machines	Options	Funding source	Cost per year	Over 5 years	Interest component over 5 years
APARC	112	Lease of EMV kit	Operating cost	\$89,988 per annum + GST	\$449,940	\$63,540

For the remainder twenty five (25) credit card parking ticket older style Cale machines, current up to date costings have been obtained for the options of either upgrading the machines or replacement outright.

Indicative costings are included below;

Option	Type of machine	No of machines	Options	Funding source	Cost per machine	Total Cost
1	APARC	25	Purchase of new machine to replace older Cale machine	Parking Facility Reserve fund	\$7,000 outright	\$175,000
2	Cale	25	Purchase of EMV kit to upgrade older Cale machines	Parking Facility Reserve fund	Refurbished terminal upgrades; \$4,020 + GST; Or new upgrade kit \$5,923 + GST	\$100,500+ GST \$148,075+ GST

In consideration of the above option, Option 1 is recommended on the basis that the City will be able to purchase new machines at a price that will enable purchase outright of new EMV parking ticket machines offering far better value for money and longevity given the average lifespan of parking ticket machines is 8-10 years in service. The older Cale machines that would then be replaced would be reused and deployed elsewhere in the City for non-fee paying car parks and used where tickets still need to be displayed. Option 2 is considered less advantageous in that it uses existing older style Cale machines already installed, that are either refurbished with terminal upgrades or new terminal upgrades proposed. The purchase of new machines over \$100,000 will be subject to tender and it is hoped could achieve further savings on indicative costings as listed above.

**CONSULTATION/ADVERTISING:**

The tender will be advertised in accordance Policy No. 1.2.2 Code of Tendering.

**LEGAL/POLICY:**

City of Vincent *Parking and Parking Facilities Local Law 2007*.

**RISK MANAGEMENT IMPLICATIONS:**

**High:** If mandatory requirements for EMV are not implemented, the City of Vincent will be faced with inoperable card readers for its ticket parking machines and also having machines that do not meet current global standard card reader requirements.

**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 proposed and recommended options for EMV compliance have taken into consideration financial sustainability and best value for the City. Any costs minimised will allow savings elsewhere including environmental and social programs for the City of Vincent.

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost incurred for leasing the one hundred and twelve (112) parking ticket machines will be sourced from the annual operating budget, whilst the proposed purchase of the remainder twenty five (25) parking ticket machines will be funded from the Parking Facility Reserve fund (established at the Special Meeting of Council held on 2 July 2012), which was developed for the purchase, maintenance and operation of parking ticket machines. The balance in the Parking Facility Reserve fund as at 31 July 2013 was \$342,523.

**COMMENTS:**

The purchase of twenty five (25) EMV compliant parking ticket machines from the City's Parking Facility Reserve fund and calling for tender for twenty five (25) EMV compliant parking ticket machines is believed to offer the City the greatest benefit in minimising costs to achieve mandatory EMV requirements. This report is therefore recommended for approval.

**9.4.2 “Games” Sculpture by Chen Wenling – Approval of Location and Funding for Installation**

<b>Ward:</b>	South	<b>Date:</b>	2 September 2013
<b>Precinct:</b>	Hyde Park; P12	<b>File Ref:</b>	PRO0098
<b>Attachments:</b>	<a href="#">001</a> - Proposed Locations <a href="#">002</a> – ‘Games’ Sculpture		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J. Anthony, Manager Community Development		
<b>Responsible Officer:</b>	R. Boardman, Director Community Services		

**REVISED OFFICER RECOMMENDATION:**

“That the Council APPROVES;

1. the recommendation of the Art Advisory Group to locate “Games” by artist Chen Wenling in Royal Park, on the south-eastern corner of Vincent and ~~Bulwer~~ Charles Streets, as shown on Appendix 9.4.2A (labelled ‘Preferred location identified by Sculptures by the Sea – David Hanley’); and
2. BY AN ABSOLUTE MAJORITY to allocate estimated funding of up to \$6,000 towards the installation of “Games” and lighting for added security, from a source to be identified by the Chief Executive Officer.

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

---

Moved Cr Carey, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

**AMENDMENT**

Moved Cr Pintabona, Seconded Cr McGrath

“That clause 1 be amended to read as follows:

1. the location of “Games” by artist Chen Wenling, on the small park (unnamed) at the corner of Vincent and Bulwer-Streets; and

Debate ensued

**PROCEDURAL MOTION**

Moved Cr Buckels, Seconded Cr Topelberg

That Clause 1 be DEFERRED to allow Councillors to inspect the proposed location(s) and subsequently a report be submitted to the Ordinary Meeting of Council to be held on 24 September 2013.

**PROCEDURAL MOTION PUT AND CARRIED (6-3)**

**For:** Mayor Hon. MacTiernan, Cr Buckels, Cr Maier, Cr McGrath, Cr Topelberg and Cr Wilcox

**Against:** Cr Carey, Cr Harley and Cr Pintabona

**Moved Cr Buckels, Seconded Cr Wilcox**

2. **BY AN ABSOLUTE MAJORITY to allocate estimated funding of up to \$6,000 towards the installation of "Games" and lighting for added security, from a source to be identified by the Chief Executive Officer.**

**MOTION PUT AND CARRIED (8-1)**

**For:** Mayor Hon. MacTiernan, Cr Buckels, Cr Carey, Cr Harley, Cr McGrath, Cr Pintabona, Cr Topelberg and Cr Wilcox  
**Against:** Cr Maier

**COUNCIL DECISION ITEM 9.4.2**

1. **That the Council;**
1. **DEFERS Clause 1 to allow Councillors to inspect the proposed location(s) and subsequently a report be submitted to the Ordinary Meeting of Council to be held on 24 September 2013.**
2. **APPROVES BY AN ABSOLUTE MAJORITY to allocate estimated funding of up to \$6,000 towards the installation of "Games" and lighting for added security, from a source to be identified by the Chief Executive Officer.**

---

**ADDITIONAL INFORMATION:**

This matter was further considered by the City's Arts Advisory Group at the meeting held on 9 September 2013. There was considerable debate on the two (2) locations identified in Appendix 9.4.2A along Vincent Street, with an additional suggested location across the road on the parkland on the south eastern corner of Vincent and Bulwer Streets.

The majority of the members agreed to support the recommendation to locate 'Games' on the south-eastern corner of Vincent and Charles Streets, which is known as Royal Park. This location was recommended by Sculptures by the Sea as indicated in Appendix 9.4.2A.

**PURPOSE OF REPORT:**

The purpose of this report is to seek the Council's approval for a location to install of Chen Wenling's work "Games" and additional funding for installation costs.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 26 March 2013, the following was resolved;

*"That the Council;*

1. *RECEIVES the report concerning discontinuing the commissioning of artwork "Togetherness" by artist Mathew McVeigh and purchase of new artwork "Games" by artist Chen Wen Ling; and*
2. *APPROVES BY AN ABSOLUTE MAJORITY to:*
  - 2.1 *TERMINATE the Cash in Lieu project originally contracted to Matthew McVeigh, for the development at No. 313 Bulwer Street, North Perth shown in Appendix 14.3A;*
  - 2.2 *PURCHASE a new piece of artwork "Games" as a replacement by sculptor, Chen Wen Ling as shown in Appendix 14.3B, for a total of \$59,800; and*
  - 2.3 *ALLOCATE the remaining cash-in-lieu funding of \$25,000 towards the purchase of artwork called "Games", with the remaining cost of \$34,800 from a source to be identified by the Chief Executive Officer."*

The sculpture - Games, 2010 Edition 6 of 8 – was purchased as a result of members of the Arts Advisory Group visiting the exhibition held by 'Sculptures by the Sea' at Cottesloe earlier in the year. The piece is made of bronze and is painted with red automotive paint. It measures 201 centimetres high by 50 centimetres wide by 60 centimetres in depth. The weight is approximately 100 kilograms. The base dimensions are 80 centimetres in length by 70 centimetres wide by 45 centimetres high and is made of stainless steel, painted black.

**DETAILS:**

*Sculptures by the Sea* in liaison with the Artist has advised that the ideal placement for 'Games' is a green park setting. The piece is a delicate sculpture and it is recommended that it is placed in a high traffic area with lighting and possibly CCTV.

At the Arts Advisory Group Meeting held on 22 July 2013, the location on Fitzgerald Street by the bus stop adjacent to the Robertson Park Tennis Courts was discussed as the preferred location. This was also Mayor Hon. Alannah MacTiernan's preferred site. It was requested that the site be referred back to the Artist via 'Sculpture by the Sea' to seek their professional opinion on placement.

The City's Officer met with David Hanley (Founding Director of *Sculptures by the Sea*) to review the various locations suggested by the members of the Art Advisory Group. Mr. Hanley advised that the location in Fitzgerald Street was not a suitable location, and suggested the location near the corner of Charles and Vincent Streets as indicated on the map in Appendix 9.4.2A.

At the Arts Advisory Group Meeting held on 26 August 2013, the location on the corner of Bulwer and Vincent Streets was discussed as the preferred site by some of the members, as indicated on Appendix 9.4.2A. Since this meeting, a member has written to the Group indicating that she and another member of the Group would prefer the location identified by Mr. Hanley as more suitable.

The sculpture has been transported to Gomboc Gallery in Middle Swan to fix a scratch on the base by *Sculptures by the Sea*. The City's Officer has been in discussions with Ron Gomboc on installing the sculpture and he will be able to provide a quote once a location has been determined.

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

An absolute majority decision of the Council is required to approve of funds for the installation of this artwork.

**RISK MANAGEMENT IMPLICATIONS:**

**Moderate/High:** One of Chen Wen Ling's works was stolen from Cottesloe Beach last year. His works are well known and there is a risk that "Games" may be targeted similarly.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the following Objectives of the City's Strategic Plan – Plan for the Future 2011-2016:

"3.1.1 (b) *Encourage and promote cultural and artistic expression throughout the City.*"

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The Chen Wenling piece 'Games' was purchased at a discounted price of \$59,800 (original price was \$65,000).

The installer is Ron Gomboc who is based at Middle Swan and is highly recommended by 'Sculptures by the Sea'. Mr Gomboc has advised that the exact costs of installation is not readily determined until the site is chosen in order for the installer to conduct a site assessment and provide a quote accordingly.

**COMMENTS:**

The Chen Wenling work is a striking and beautiful piece and is a significant coup for the City of Vincent's Public Art collection. It is important for that the sculpture is located in a highly visible and secure location, as well as taking into consideration the Artist's view that the piece is a reflective one which is well served to be located in a parkland setting.

**9.4.3 LATE REPORT: Percent for Art – No. 1 Albert Street, North Perth  
(corner of Angove Street) – Progress Report No. 2**

<b>Ward:</b>	North	<b>Date:</b>	10 September 2013
<b>Precinct:</b>	North Perth Centre (P9)	<b>File Ref:</b>	PRO3901
<b>Attachments:</b>	<a href="#">001</a> – Proposed Artwork Designs – Designs A, B and C <a href="#">002</a> – Proposed Location of Artwork		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	J Anthony, Manager Community Development		
<b>Responsible Officer:</b>	R Boardman, Director Community Services		

**OFFICER RECOMMENDATION:**

That the Council:

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

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**COUNCIL DECISION ITEM 9.4.3**

**Moved Cr Topelberg, Seconded Cr Carey**

That the recommendation be adopted.

Debate ensued.

Cr Buckels departed the Chamber at 8.35pm.

Debate ensued.

Cr Buckels returned to the Chamber at 8.36pm.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY (9-0)**

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**PURPOSE OF REPORT:**

To provide Progress Report No. 2 relating to the design and placement of the Percent for Artwork for the property development of Beersheba Investments Pty Ltd outside the proposed development at No. 1 Albert Street, North Perth (corner of Angove Street) for Council approval.

**BACKGROUND:**

The Council at its Ordinary Meeting held on 14 February 2012, approved an application for the proposed demolition of an existing single house and construction of a four-storey plus basement mixed use development, consisting of offices and eleven multiple dwellings, subject to several conditions, including the following:

“3. *Public Art*

*The owner(s), or the applicant on behalf of the owner(s), shall comply with the City's Policy No. 3.5.13 relating to Percent for Public Art and the Percent for Public Art Guidelines for Developers, including:*

3.1 *within twenty – eight (28) days of the issue date of this ‘Approval to Commence Development’, elect to either obtain approval from the City for an Artist to undertake a Public Art Project (Option 1) or pay the Cash-in-Lieu Percent for Public Art Contribution, of \$50,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$5,000,000); and*

3.2 *in conjunction with the above chosen option;*

3.2.1 *Option 1 –*

*prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and*

*prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work; OR*

3.2.2 *Option 2 –*

*prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the City for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;”*

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

“That the Council;

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

On 15 May 2013, the City's Officers met with Greg Brennan, Director of Beersheba Investments Pty Ltd and Robin Yakinthou, artist to discuss the proposed artwork to be located at the front of the property on Council land. Although Mr. Brennan chose to take Option One in the Percent for Art Scheme, whereby the applicant selects and manages the artist and artwork process, Mr. Brennan has requested to place the artwork on Council land. The proposed building has full glass frontage and has no capacity on the exterior building or in the foyer to showcase a public artwork.

The development site is located next door to the North Perth Primary School and was formerly the "Old Teachers' Quarters". The proposed artwork is a stainless steel reading lamp measuring 2.8 metres in height, two (2) metres in width, 1.5 metres depth, and is currently titled 'The Guiding Light' due to its association with education. It will be erected on public land directly in front of the boundary shared by the school and the development site. The sculpture hopes to capture the imagination of School children and residents alike. It will be a contemporary and original art piece ideally located close to the footpath making it accessible and interactive to the public.

A further report was considered at the Ordinary Meeting of Council held on 27 August 2013 (Item 9.4.4) with the recommended scale drawings for Design C. The Council adopted the following Procedural Motion: "*That the item be DEFERRED and referred to the Arts Advisory Group for consideration*".

#### **DETAILS:**

##### **Arts Advisory Group Meeting – 9 September 2013**

At the meeting held on 9 September 2013, the Arts Advisory Group considered the artwork designs as submitted to the Ordinary Meeting of Council held on 23 July 2013. After considerable debate, the members were not in favour of Design C. Their preference is Design A, where the form and structure were viewed as more contemporary to suit the intent of the project. The proposed Design A artwork is a contemporary reading lamp measuring 3.3 metres in height, 1.5 metres in width, 2.5 metres depth, and is also titled 'The Guiding Light' due to its association with education.

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

The proposed artwork location has been discussed with the City's Asset and Design Services and is deemed to have no safety issues regarding interference to traffic or injury to pedestrians.

As per clause 2.7 of Policy No. 3.5.13 – Percent for Public Art, the work will be advertised for a period of twenty-one (21) days.

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

The artwork has been commissioned in accordance with the City of Vincent Percent for Public Art Policy No. 3.5.13.

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

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

#### **STRATEGIC IMPLICATIONS:**

This is in keeping with the following Objectives of the City's *Strategic Plan – Plan for the Future 2011-2016*, where the following Objective states:

*"3.1.1 (b) Encourage and promote cultural and artistic expression throughout the City."*

**SUSTAINABILITY IMPLICATIONS:**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

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

**COMMENTS:**

The artist Robin Yakinthou, is an acclaimed sculptor who has exhibited annually at 'Sculpture by the Sea' in Cottesloe. Mr. Yakinthou is local and predominantly produces commissioned work.

The proposed sculpture is to be produced by an acclaimed artist, and aims to capture the imagination of school children and residents alike. It will be a contemporary and original art piece ideally located close to the footpath making it accessible and interactive to the public. The recommended location provides an appropriate setting for the sculpture offering excellent public access not only to pedestrians but also from those viewing the work from the road.

**9.5.2 City of Vincent Plan Strategic Community Plan 2011 – 2021 and Corporate Business Plan 2011 – 2016 - Review**

<b>Ward:</b>	Both Wards	<b>Date:</b>	30 August 2013
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0116
<b>Attachments:</b>	<a href="#">001</a> – Revised Strategic Community Plan and Corporate Business Plan 2011-2016		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council;

1. **NOTES** that in accordance with the Local Government (Administration) Regulations 1996 a Statutory review is required to be carried out of its Strategic Community Plan,;
2. **APPROVES BY AN ABSOLUTE MAJORITY** to adopt the amended City of Vincent Strategic Community Plan 2013 – 2023 and Corporate Business Plan 2013 – 2017, as shown in Appendix 9.5.2;
3. **ACKNOWLEDGES** that the implementation of the City’s Plan for the Future maybe significantly impacted by the State Government’s proposal for amalgamations of Metropolitan Local Governments and the splitting of the City of Vincent; and
4. **REQUESTS** the Chief Executive Officer to write to the Department of Local Government and Communities seeking clarification as to the need to conduct the statutory comprehensive four (4) yearly review of the Plan for the Future, as required by the Local Government (Administration) Regulations 1996, due to the State Government’s proposal for amalgamations.

**COUNCIL DECISION ITEM 9.5.2**

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

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND CARRIED**  
**BY AN ABSOLUTE MAJORITY (7-2)**

**For:** Mayor Hon. MacTiernan, Cr Buckels, Cr Carey, Cr Harley, Cr McGrath, Cr Pintabona and Cr Wilcox  
**Against:** Cr Maier and Cr Topelberg

**PURPOSE OF REPORT:**

The purpose of the report is for the Council to consider the statutory two yearly review of the City of Vincent Strategic Community Plan 2011 – 2021 and Corporate Business Plan 2011 – 2016 and to adopt the amended Plans.

**BACKGROUND:**

The Council at its Ordinary Meeting held on 14 June 2011 considered a report relating to the adoption of the City of Vincent Strategic Community Plan 2011 - 2021 and Corporate Business Plan 2011 – 2016.

**Recommended Changes**

In order to ensure a timely approach to the implementation of the various projects, a number of minor changes are recommended. Changes are shown by strike-through and underline. Several Key Result Areas (KRA) need to be reworded. The main changes are as follows;

**1.1.3 – Take action to reduce the City’s environmental impacts and provide leadership on environmental matters.**

(f)	Finalise the review of the City’s Waste Management Strategy, encourage the reduction of waste in the City and promote recycling.	2013- <del>2017</del>	Operating Budget	DTS MADS
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Chief Executive Officer’s Comment:

The Council has approved of the engagement of the Consultants to review the City’s Waste Management Strategy – this is expected to be completed by late 2013. Implementation of recommendations will occur 2014 – 2017.

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

(d)	<del>Pursue options and funding for undergrounding of power throughout the City. Prepare a strategy for undergrounding of power for the City and pursue funding options.</del>	2013-2014	Operating Budget	DTS MADS EMSP
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Chief Executive Officer’s Comment:

The Council has resolved that a strategy should be prepared for the undergrounding of power. (OMC 27 August 2013).

(e)	Investigate the Stage 2 redevelopment of the Beatty Park Leisure Centre and investigate funding options.	2014-2017	Operating Budget	DCorpS MBPLC EMSP
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Chief Executive Officer’s Comment:

The stage 2 redevelopment for the upgrade of Beatty Park involves the upper grand stand and remaining portions of the original building.

(g)	Implement the refurbishment of 34 Cheriton Street property East Perth for use as a community facility.	2013-2015	Operating Budget	DComS EMSP
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Chief Executive Officer’s Comment:

The refurbishment of this facility is a requirement of the Order between the State Government and the City.

(h)	Implement the redevelopment of 81 Angove Street (former North Perth Police Station).	2013-2015	Operating Budget	DComS EMSP
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Chief Executive Officer’s Comment:

The redevelopment of the former North Perth Police Station should be pursued in accordance with the consultant’s recommendations.

(j) <u>Finalise the enhancement and upgrade of Beaufort Street.</u>	<u>2013-2015</u>	<u>Operating Budget</u>	<u>DTS</u> <u>MADS</u> <u>MPPS</u> <u>MCD</u>
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Chief Executive Officer's Comment:

The enhancement and upgrade of Beaufort Street has been ongoing and the finalisation of this matter should be included in the Strategic Plan.

(k) <u>Finalise the enhancement and upgrade of the Leederville Town Centre.</u>	<u>2013-2015</u>	<u>Operating Budget</u>	<u>DTS</u> <u>MADS</u> <u>MPPS</u> <u>MCD</u>
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Chief Executive Officer's Comment:

The enhancement and upgrade of the Leederville Town Centre has been ongoing and the finalisation of this matter should be included in the Strategic Plan.

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

(e) Work with State Government to improve public transport within the City, including the Scarborough Beach Road Activity Corridor Project and the Central Northern Corridor <u>Light Rail Project (MAX)</u> along Fitzgerald Street.	2013-2017	Operating Budget	DTS MADS MSPSHS
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Chief Executive Officer's Comment:

The Light Rail Project has been progressing and the City is significantly involved with this project, as three stations will be located within the City.

**1.1.6 – Enhance and Maintain the City's Parks, landscaping and the natural environment.**

(e) <u>Finalise the implementation of the Hyde Park restoration project and investigate provision of a food facility within the park.</u>	2013-2017	Operating Budget	DTS DCorpS MPPS EMSP
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Chief Executive Officer's Comment:

The Hyde Park restoration project has almost been completed. The Council has resolved that a food facility should be investigated for inclusion in the Park.

(f) <u>Implement the redevelopment of the Oxford Street Reserve.</u>	<u>2013-2014</u>	<u>Operating Budget</u>	<u>DTS</u> <u>MPPS</u>
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Chief Executive Officer's Comment:

The Council has approved of the redevelopment of the Oxford Street Reserve and currently tenders have been called.

**2.1.4 – Implement the Leederville and North Perth Master plans and West Perth Regeneration Project**

(b) Implement the North Perth Masterplan	2013-2017	Operating Budget	DPS MSPSHS
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Chief Executive Officer's Comment:

The Council has adopted the North Perth Masterplan. Implementation should be progressed. The West Perth Regeneration project was previously deferred by the Council.

**3.1.1 – Celebrate, acknowledge and promote the City's cultural and social diversity.**

(a) Implement the City's Arts Plan Strategies.	2013-2017	Operating Budget	MCD
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Chief Executive Officer's Comment:

The Council has adopted an Arts Plan and has resolved to place emphasis on arts, festivals and events. Implementation of the strategies should be progressed.

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

(c) <del>Review and update the City's Emergency Management Plan</del> Implement the City's CCTV Strategy	2013-2017	Operating Budget/Grant	DCommS MRCSS EMSP
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Chief Executive Officer's Comment:

The Council has adopted a CCTV Strategy and recently received a \$200,000 Grant from the Federal Government to implement the strategy.

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

(a) Develop and Implement a <u>Public Health Plan</u> <del>healthy lifestyle</del> to promote the health and wellbeing of City of Vincent residents.	2013-2017	Operating Budget	MHCS
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Chief Executive Officer's Comment:

It is a legal requirement to prepare a Public Health Plan, Development of the plan has commenced. A presentation was made to the Forum held in August.

(b) <del>Review and update the Seniors Strategy. Develop and Implement programmes to assist with addressing the social isolation of seniors.</del>	2013-2017	Operating Budget	MCD
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Chief Executive Officer's Comment:

This action is in accordance with the senior's strategy.

(c) <del>Implement the outcomes of the Youth Needs Study.</del> <u>Develop and implement a diverse range of programmes for young people</u>	2013-2017	Operating Budget	MCD
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Chief Executive Officer's Comment:

This action is in accordance with the Youth strategy.

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

(e) Continue to implement the City's Asset Management Plans.	2013-2017	In-house/ External consultant	DTS DCorpS MADS
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Chief Executive Officer's Comment:

It is a legal requirement for every Local Government to have Asset Management Plans. Implementation of the various recommendations should be progressed.

**4.1.3 – Provide Excellence in Customer Service.**

(a) <del>Review the City's Customer Service Charter</del> <u>Implement strategies to ensure excellent Customer Service is provided.</u>	2013-2017	In-house	CEO MHR
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Chief Executive Officer's Comment:

The implementation of strategies to ensure a high level of Customer Service is provided to the community is in accordance with the Council's views.

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

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

It is a legal requirement for each local government to have a Plan for the Future.

The Council has previously resolved that the Strategic Community Plan will consist of the Strategic Plan and Associated Plans, Strategic Policies and other documents as outlined in this report. No change to this is recommended (other than updating – where required).

The Local Government Act and regulations do not prescribe the format for the required Plan. The City's Plan will continue to be a combination of various plans, such as Strategic Plan, long term financial plans etc.

1. The Local Government Act (section 5.56) states as follows:

“Local Government Act 1995

5.56 Planning for the future

- (1) A local government is to plan for the future of the district.
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

The regulations require each local government to make a plan for the future of its district in respect of the period specified in the plan (the Community Strategic Plan must span a period of at least ten (10) years) and state that:

A plan for the future of a district is to set out the broad objectives of the local government for the period specified in the plan.”

It requires each local authority to prepare a Plan for the Future in respect of each financial year after the financial year ending 30 June 2006. The Corporate Business Plan must cover a minimum period of at least four (4) years.

As required by the regulations, a review of the Plan is required to be carried out every two (2) years ie by mid 2013.

**RISK MANAGEMENT IMPLICATIONS:**

**High:** Failure to comply with legislative requirements will be a breach of the Local Government Act 1995.

**STRATEGIC IMPLICATIONS:**

This is in keeping with Key result Area 4.1 – “Provide good strategic decision making, governance, leadership and professional management”.

Progress reports on the Strategic Plan are reported to Council for each quarter as follows:

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

The quarterly progress reports will continue to be provided and will also include quarterly reports on the Annual Plan (previously the Capital Works Program). The Strategic Plan provides the elected Council and administration with its aims, goals and objectives (key result areas) for the next five (5) years.

**SUSTAINABILITY IMPLICATIONS:**

The Council's Plan for the Future is probably one of the most important documents for the City. It details the future direction of the City of Vincent and details how and when matters will be carried.

The new Plan will include Key Focus Areas that support sustainability including:

- Preservation of the Natural and Built Environment;
- Sustainable Urban Development;
- Economic Development and Prosperity;
- Community Development and Wellbeing;
- Good Leadership, Governance and Management;
- Financial Sustainability; and
- Long Term Planning.

**FINANCIAL/BUDGET IMPLICATIONS:**

Funding for Implementation of the Strategic Community Plan is considered in the City's Capital and Operating Budget.

**COMMENTS:**

The City's Plan for the Future and Strategic Community Plan meet the current legislative requirements.

The City of Vincent has a key leadership role to play in contributing to a high quality of life for the community through the provision of infrastructure, facilities, services and opportunities to be involved in the identification of local priorities.

The Council's Plan provides direction for the Elected Council and the City's administration for the future. It also provides information to the electors and ratepayers on the broad direction the City is taking for the future.

The proposed amalgamations of the City throws into some doubt the implementation of the Plan beyond 2015. Nevertheless, all Local Governments are required to have Plan, irrespective of the forthcoming amalgamations.

It is also a legislative requirement that a comprehensive review of the Strategic Community Plan be carried out every four (4) years. This would involve workshops with the Elected Council and administration, together with workshops with the community. Comprehensive engagement with the community is also required. To comply with the legislative requirements, a comprehensive review will be required to carry out in 2014. However, it should be noted that the State Government's proposed amalgamation of the Metropolitan Local Governments and the splitting of the City of Vincent will impact on the implementation of the plans. Accordingly it is appropriate that the Council seek clarification from the Department of Local Government and Communities, once further details are known on the future of the City of Vincent.

The Chief Executive Officer therefore recommends the Council approve of the revised plans.

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

**10.1 NOTICE OF MOTION: Cr Dudley Maier Request to Investigate Remuneration Levels for Members of the City of Vincent Design Advisory Committee**

That the Council REQUESTS the Chief Executive Officer to provide a report with recommendations on remuneration levels for members of the City of Vincent Design Advisory Committee to the Ordinary Meeting of Council to be held on 24 September 2013.

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**COUNCIL DECISION ITEM 10.1**

**Moved Cr Maier, Seconded Cr Carey**

That the motion be adopted.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY (9-0)**

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

Nil.

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

Nil.

**13. URGENT BUSINESS**

**13.1 URGENT BUSINESS: Appointment of Acting Mayor**

That the Council, pursuant to Section 5.35 (1) of the Local Government Act 1995, **APPOINTS** an Acting Mayor for the period dating from 15 September 2013 to 20 September 2013 and from the date of the resignation of the Mayor Hon. Alannah MacTiernan (upon becoming a Member of the House of Representatives) (if sooner) until 5 October 2013 (inclusive).

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

Moved Cr Harley, Seconded Cr Topelberg

That the motion be adopted.

Debate ensued.

The Presiding Member Mayor Hon. Alannah MacTiernan called for Nominations and the following Nominations were received:

Cr John Carey; and  
Cr John Pintabona

The Presiding Member Mayor Hon. Alannah MacTiernan requested the Chief Executive Officer to conduct a secret ballot.

A secret ballot was conducted by the Chief Executive Officer with the assistance of the Director Technical Services, Mr Rick Lotznicker.

The results were provided to the Presiding Member, who stated the results as:

Cr John Carey: 8 votes;  
Cr John Pintabona: 1 vote.

**MOTION (WITH CR CAREY INCLUDED)**  
**PUT AND CARRIED UNANIMOUSLY (9-0)**

**COUNCIL DECISION ITEM 13.1**

That the Council, pursuant to Section 5.35 (1) of the Local Government Act 1995, **APPOINTS** Cr John Carey as Acting Mayor for the period dating from 15 September 2013 to 20 September 2013 and from the date of the resignation of the Mayor Hon. Alannah MacTiernan (upon becoming a Member of the House of Representatives) (if sooner) until 5 October 2013 (inclusive).

**13.2 URGENT BUSINESS: Approval to Travel to Eastern States**

<b>Ward:</b>	Both	<b>Date:</b>	10 September 2013
<b>Precinct:</b>	All	<b>File Ref:</b>	ADM0031
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

**That the Council APPROVES:**

1. **the Acting Mayor (if available) and Chief Executive Officer to travel to Melbourne, Victoria on 9 October 2013 to attend the 2013 Banksia Sustainability Awards, as the City is a Finalist in the "Energy Efficiency and Carbon Management" Award, at an estimated cost of \$950 each; and**
2. **Ms Bev Christmass, Beatty Park Leisure Centre Swim School Co-ordinator, to travel to Canberra on 26 November 2013 and the Chief Executive Officer to travel from Sydney to Canberra (subject to a ticket becoming available), to attend the 2013 National Disability Awards, as the City is a Finalist in the "Excellence in Accessible Communities" Award, at a total estimated cost of \$200 for Ms Christmass and \$400 for the Chief Executive Officer.**

**COUNCIL DECISION ITEM 13.2**

**Moved Cr Pintabona, Seconded Cr Harley**

**That the motion be adopted.**

**Debate ensued.**

**MOTION PUT AND CARRIED UNANIMOUSLY (9-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to inform the Council that the City is a Finalist in two National Awards and to seek approval to attend the Award Functions.

**DETAILS:**

**2013 Banksia Sustainability Awards**

It is advised that the City's Beatty Park Leisure Centre is a finalist in the 2013 Banksia Sustainability Awards in the category of "Energy Efficiency and Carbon Management".

The Banksia Sustainability Awards are recognised as Australia's pre-imminent environmental Awards. The Awards acknowledge excellence, dedication and leadership in various areas that contribute to the environment and a sustainable future.

The City has been requested to attend the Award Ceremony to be held in Melbourne on 9 October 2013, where the winners will be announced. The Manager Beatty Park Leisure Centre is unavailable to attend, due to family commitments. It is appropriate that the Acting Mayor and Chief Executive Officer therefore attend.

**2013 National Disability Awards**

It is advised that the City's Beatty Park Leisure Centre is a finalist in the 2013 National Disability Awards in the category of "*Excellence in Accessible Communities*" for its Angelfish Program.

The Angelfish Program has been developed by Ms Bev Christmass as part of the Beatty Park Leisure Centre Swim School and is centred on the philosophy of inclusivity and offers individuals with a disability the opportunity to develop a lifelong skill.

The Award Ceremony is being held in Canberra on Tuesday 26 November 2013, where the winners will be announced.

The City has been provided with one (1) free airfare to attend the Award Ceremony and the Chief Executive Officer considers it appropriate that the Program Co-ordinator, Ms Bev Christmass, be offered the opportunity to attend in recognition of her valuable work. The City will be required to pay for accommodation costs.

The Chief Executive Officer will be in Sydney during this period, attending the Australian Public Sector Anti-Corruption (APSAC) Conference and is available to fly from Sydney to Canberra for the evening of the Award Ceremony on Tuesday 26 November 2013. The City is currently awaiting information as to whether a ticket is available for the Chief Executive Officer.

**FINANCIAL IMPLICATIONS:****2013 Banksia Sustainability Awards**

	<b>Costs</b>
Award Ceremony - 9 October 2013	\$200
Accommodation (1 night)	<i>Approx.</i> \$200
Airfare Return - Perth-Melbourne (economy class)	<i>Approx.</i> \$550
	<hr/>
	\$950
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**2013 National Disability Awards**

	<b>Costs</b>
Award Ceremony - 26 November 2013	Nil
Accommodation (1 night)	<i>Approx.</i> \$200
Airfare Return (Chief Executive Officer) - Sydney- Canberra (economy class)	<i>Approx.</i> \$200
	<hr/>
	\$400
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**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

Approval at inter-state Award Ceremonies is not prescribed in the City's Conference Policy. The Council's approval is therefore requested.

**RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

Keeping in line with the City's *Strategic Plan 2011-2016 (Plan for the Future)*, Objective 4.1 states:

*'Provide good strategic decision-making, governance, leadership and professional management.'*

**SUSTAINABILITY IMPLICATIONS:**

The Awards allows the City to be recognised by other local governments, State and Federal Government departments and the private sector.

**COMMENTS:**

Attendance at these prestigious Awards is recommended. Council approval is therefore requested, in order to make the necessary travel arrangements at the most cost effective price.

**PROCEDURAL MOTION**

**At 9.00pm**      **Moved Cr Pintabona, Seconded Cr Wilcox**

**That the Council proceed “behind closed doors” to consider confidential item 14.1, as this matter contains information concerning legal advice obtained, or which may be obtained, by the local government and confidential item 14.2 relating to the request to consider an Ex-Gratia Payment Concerning Upgrade of Right-of-Way, as this matter relates to the personal affairs of a person and which relates to a matter to be discussed at the meeting.**

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)**

**There were no members of the public present.**

**Executive Assistant (Minutes Secretary) – Jerilee Highfield departed the meeting.**

**Journalists Sara Fitzpatrick and David Bell departed the meeting.**

**Cr Harley departed the Chamber at 9.01pm.**

**PRESENT:**

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Warren McGrath ( <i>Deputy Mayor</i> )	South Ward
Cr Matt Buckels	North Ward
Cr John Carey	South Ward
Cr Roslyn Harley	North Ward
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Community Services
Rick Lotznicker	Director Technical Services
Petar Mrdja	A/Director Planning Services
Bee Choo Tan	A/Director Corporate Services

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

**14.1 CONFIDENTIAL ITEM: Nos. 16-18 (Lot: 36 D/P: 3660) Knutsford Street, Corner Nova Lane, North Perth – State Administrative Tribunal Request to Reconsider Conditions of Planning Approval DR 283 of 2013**

<b>Ward:</b>	North	<b>Date:</b>	2 September 2013
<b>Precinct:</b>	North Perth, P8	<b>File Ref:</b>	PRO3193; 5.2013.95.2
<b>Attachments:</b>	Confidential – Property Information Report & Development Assessment Plans Confidential Plans Previously Refused by Council 5 December 2006 Confidential – SAT Decision Matter No. DR/29 of 2007 (Pigliardo & Ors v Town of Vincent) [2007] WASAT 104		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	S De Piazzi, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	P Mrdja, Acting Director Development Services		

**OFFICER RECOMMENDATION:**

That the Council;

- ADVISES the State Administrative Tribunal that the Council supports Alterations and Additions to Existing Grouped Dwellings (Alterations to Balconies and Carport Additions) at Nos. 16-18 (Lot: 36 D/P: 3660) Knutsford Street, Corner Nova Lane, North Perth – Reconsideration of Condition 2.1 of Planning Approval Serial 5.2013.95.2 and recommends that the condition of Planning Approval 2.1 approved under delegated authority 25 July 2013 be amended to read as follows, and the remaining previous conditions and Advice Notes imposed in serial 5.2013.95.2 remain the same:**

“2.1 The upper floor balcony to unit 8 is to be screened to the requirements of the Residential Design Codes 2013 on the east side with fixed obscure material to a minimum height of 1.6 metres from the finished floor level”; and

- At the conclusion of the matter, writes to the neighbours in the south clearly explaining the planning matters to the decision.**

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**Moved Cr Maier, Seconded Cr McGrath**

That the recommendation be adopted.

Debate ensued.

Cr Harley returned to the Chamber at 9.04pm.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY (9-0)**

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**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

**LEGAL:**

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

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

*"2.14 Confidential business*

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

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

In accordance with the legislation, the report is to be kept confidential until determined by the Council to be released for public information.

At the conclusion of these matters, the Council may wish to make some details available to the public.

**14.2 CONFIDENTIAL REPORT - URGENT BUSINESS: Request to Consider Ex-Gratia Payment Concerning Upgrade of Right-of-Way**

<b>Ward:</b>	North	<b>Date:</b>	10 September 2013
<b>Precinct:</b>	Norfolk	<b>File Ref:</b>	ADM0031
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council:

1. **CONSIDERS** the request from (\*\*\*\*\*), owner of No. \*\*\*\*\* Street, North Perth; and
2. **APPROVES BY AN ABSOLUTE MAJORITY** to make an ex-gratia payment of \$1,000 to (\*\*\*\*\*) for the upgrade of the right-of-way at No. \*\*\*\*\* Street, North Perth, subject to a Confidentiality Agreement being entered into.

**COUNCIL DECISION ITEM 14.2**

**Moved Cr McGrath, Seconded Cr Harley**

That the recommendation be adopted.

**MOTION PUT AND CARRIED UNANIMOUSLY  
BY AN ABSOLUTE MAJORITY (8-1)**

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

**Against:** Cr Maier

**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning the personal affairs of a person and which relates to a matter to be discussed at the meeting.

**LEGAL:**

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

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

*"2.14 Confidential business*

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

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

In accordance with the legislation, the report is to be kept confidential until determined by the Council to be released for public information.

At the conclusion of these matters, the Council may wish to make some details available to the public.

**PROCEDURAL MOTION**

At 9.10pm **Moved Cr McGrath, Seconded Cr Pintabona**

**That the Council resume an “open meeting”.**

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)**

**15. CLOSURE**

**There being no further business, the Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting closed at 9.10pm with the following persons present:**

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Warren McGrath ( <i>Deputy Mayor</i> )	South Ward
Cr Matt Buckels	North Ward
Cr John Carey	South Ward
Cr Roslyn Harley	North Ward
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Community Services
Rick Lotznicker	Director Technical Services
Petar Mrdja	A/Director Planning Services
Bee Choo Tan	A/Director Corporate Services

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 24 September 2013.

Signed: .....Presiding Member  
Mayor Hon. Alannah MacTiernan

Dated this ..... day of ..... 2013