



CITY OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

19 NOVEMBER 2013

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Minutes of the Ordinary Meeting of Council of the City of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 19 November 2013, commencing at 6.00pm.

1. (a) DECLARATION OF OPENING

The Presiding Member, Mayor John Carey, declared the meeting open at 6.04pm and read the following Acknowledgement of Country Statement:

(b) ACKNOWLEDGEMENT OF COUNTRY STATEMENT

"Today we meet on the lands of the Nyoongar people and we honour them as the traditional custodians of this land".

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Pintabona arriving late, due to work commitments.

The Chief Executive Officer for later in the Meeting due to family commitments.

(b) Members on Approved Leave of Absence:

Nil.

(c) Present:

Mayor John Carey	Presiding Member
Cr Roslyn Harley (<i>Deputy Mayor</i>)	North Ward
Cr Matt Buckels	North Ward
Cr Emma Cole	North Ward
Cr Laine McDonald	South Ward
Cr John Pintabona	South Ward (from 6.45pm)
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
John Giorgi, JP	Chief Executive Officer (until 9.15pm)
Rob Boardman	Director Community Services (until 10pm)
Rick Lotznicker	Director Technical Services (until 10pm)
Mike Rootsey	Director Corporate Services (until 10pm)
Petar Mrdja	Acting Director Planning Services (until 10pm)
Jerilee Highfield	Executive Assistant (Minutes Secretary until approximately 9pm)

Employee of the Month Recipient

Nil.

Media

Sara Fitzpatrick	Journalist – <i>"The Guardian Express"</i> (until approximately 8.30pm)
David Bell	Journalist – <i>"The Perth Voice"</i> (from 6.05pm until approximately 8.27pm)

Approximately 24 Members of the Public.

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

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

1. Sophie Bevan of 18 Redfern Street, North Perth – Item 9.3.3 Stated the following:
 - She is the President of the local playgroup which is located on Haynes Street. She attended the Meeting tonight just to say “*how much they appreciate the playgroup*”. They have 111 members.
2. Lynette Hail of 1A Burt Street, Mount Lawley – Item 9.1.1 Stated the following:
 - She hoped that the consultation that is carried out is more adequate and satisfactory than of the one that was carried out on the 2 July 2013.
 - At the consultation that was carried out on the 2 July 2013 there were not even a set of plans available for those who attended the meeting.
3. Garry Connell of 165 Walcott Street, Mount Lawley – Item 9.1.1 Stated the following:
 - The consultation that has been carried out to date has been inadequate on this item and would also like to state that he believed that such a development is inappropriate in largely a residential area and will have significant impact on the amenity values of the area.
4. Graham Taylor of 212 Hay Street Road, Subiaco – Item 9.1.4 Stated the following:
 - He is the Director of Taylor Robinson, who is the architects for the development.
 - The design that is being proposed (for hopefully the Council approval) is in accordance with the Masterplan and in accordance with the discussions that have been carried out with the Planning and Heritage Officers.
5. Jay Stanjick of 742 Newcastle Street and 61 Montmouth Street, Mount Lawley – Item 9.1.4 Stated the following:
 - He has been the operator and General Manager of the Leederville Hotel for the last four (4) years.
 - He stated that as a manager and an operator the demographics have considerably changed, they no longer want to deal with the 18-21 year old age group.
6. Fabio of Metrio and Co 36-38 Angove Street, North Perth – Item 9.2.4 Stated the following:
 - First question: “*why are the maximum times allocated for locations four (4) months?*”
 - Second Question: “*when can it be expected that the program gets started?*”.
7. Brett Thompson of 47 Shakespeare Street, Mount Hawthorn – Item 5.1 Stated the following:
 - Mr Thompson spoke in relation to the petition that was presented to the Council.
 - Spoke to the residents both local and indirect being in Shakespeare Street, Hobart Street and some of Dunedin Street.
 - He is not against the development and not against change. They were all okay with the initial application.
 - Some of the main concerns that he had were the number of cars that will be introduced to Shakespeare Street.
 - He thanked the Council and the Planning Services Section for supporting and giving them the opportunity to present this petition to the Council.
8. Tony Reid of 44 Shakespeare Street, Mount Hawthorn – Item 5.1 Stated the following:
 - The issue of numbers of parking bays and general traffic around the area is a concern of all the people that he has spoken to in the area.
 - The proposed development exceeds the acceptable plot ratio, the upper floor setbacks on all units are also non-compliant and there is no landscaping.

9. Paul Aragoni of 13 Dunedin Street, Mount Hawthorn – Item 5.1 Stated the following:
- He had the same concerns as the previous speakers. His property is actually on the corner of Hobart and Dunedin Street and it will be adversely affected.
10. Nicholas Bond of 1106 Oxford Street, 128-130 Oxford Street, 229 Oxford Street, Leederville and 193 Carr Place – Item 9.2.4 Stated the following:
- He is the owner and occupier at 128-130 Oxford Street, Leederville where the current ORC is located and provided some feedback on how it has operated on the last twelve (12) months.
 - There is no doubt that it has had a positive impact on Oxford Street and Leederville Village centre. The feedback from the customers and the people using the ORC, which large parts are his customers admittedly.
 - From an operational point of view during summer they have very vigorously promoted it for everyone to use.
11. Debbie Saunders of 150 Oxford Street, Leederville – Item 9.1.4 & 9.2.4 Stated the following:
- Ms Saunders responded to the previous speakers comments by stating: “*that what a lot of shit at what he just said*”. They don’t set it up for a thing for everyone to use they put their own table numbers out there, they advertise on their own facebook site as our lovely new alfresco area.
 - Stated that the awning is not compliant for the Leederville Hotel and City Officers have remarked that it will be allowed as there is a good transition from the Garden which does not have an awning.
 - The Hotel is already on the Municipal Heritage Inventory of Vincent and changing that have been proposed to it would take away the whole facade.
 - Secondly, the plans stated that there is no patronage floor area change, but later on in the plans it states that the area is 1600sqm.
 - Thirdly, the two structures that are at the back of the Hotel, firstly the temporary store room and the tent, that the City address these two (2) issues before approving anything further.
 - Lastly, the outdoor eating area that was proposed to the Council a few meetings ago that resulted in 8pm finish, she asked for clarification on what the actual design is.
 - Asked the following questions concerning the Leederville Hotel;
 - *Question 1. What are the Gates and where are they positioned?*
 - *Question 2. Why do the plans state an unchanged total patron area of 1,228 square metres, when the Officers have quoted 1,671 square metres?*
 - *Question 3. Why in an outside area is amplified music allowed after 10pm?*

The Presiding Member stated that the Questions will be considered during debate on the Item and a written reply will be sent.

12. Stuart Lofthouse of 123 Oxford Street, Leederville – Item 9.1.4 & 9.2.4 Stated the following:
- This is an opportune time to look the whole concept and that you will find that no one in the street has a problem with public open space, they do have a problem with Council becoming landlords and giving business Financial Benefit.
 - Has total frustration and disappointment that nine (9) Councillors looking after the interests of 30,000 residents in the area, still want to look after certain people.

There being no further speakers, Public Question Time closed at approx. 6.32pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

5.1 Petition received from Mr B Thompson of Shakespeare Street, Mount Hawthorn along with 167 signatures objecting to the proposed development at No. 86 Hobart Street, Mount Hawthorn for the following reasons and requesting that the Council reconsiders this development:

- The position of the driveway and crossover on Shakespeare Street is very close to an already dangerous intersection with Hobart Street;
- The increased volume of vehicle movements will further increase hazards to the residents and to other through traffic;
- Level of density caused by the 18 proposed units is not consistent with the R30 zoning of the land and is non-compliant with the Residential Design Codes; and
- The proposed building does not fit in with the local amenity

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

Moved Cr Cole, Seconded Cr Wilcox

That the petition be received as recommended.

CARRIED UNANIMOUSLY (7-0)

(Cr Pintabona had not yet arrived at the Meeting.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Minutes of the Ordinary Meeting of Council held on 5 November 2013

Moved Cr Buckels, Seconded Cr McDonald

That the Minutes of the Ordinary Meeting of Council held on 5 November 2013 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY (7-0)

(Cr Pintabona had not yet arrived at the Meeting.)

6.2 Minutes of the Special Meeting of Council held on 12 November 2013

Moved Cr Harley, Seconded Cr Buckels

That the Minutes of the Special Meeting of Council held on 12 November 2013 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY (7-0)

(Cr Pintabona had not yet arrived at the Meeting.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

The Presiding Member Mayor John Carey read the following;

7.1 Beaufort Street Festival

The Festival was held on Saturday 16 November 2013 and had an estimated 120,000 people attend the Festival. It is a major coo for the City of Vincent and the feedback received from local businesses. It was for many the best week/month and in fact one licensed venue had their highest sales for ever anywhere in the country as part of their chain.

It is clear that it will need to be reviewed, where it is heading and perhaps look into WA Tourism support as it will need more funding and capacity given the large crowds.

I want to pay tribute to Community Development and Technical Services, both the Directors and their teams who made an incredible effort and a substantial effort and really the City of Vincent carried its weight ensuring that the Festival worked.

I just want to thank both the Directors here and their Team.

8. DECLARATIONS OF INTERESTS

- 8.1 Mayor John Carey declared a Financial interest in Item 9.1.6 – Amendment No. 37 to City of Vincent Town Planning Scheme No. 1 – Rezone from Residential R80 to Residential R50 in the Cleaver and Hyde Park Precincts. The extent of his interest being that his property at 213 Brisbane Street, Perth is affected by the rezoning. He requested that the Council grant him approval to participate in the debate and vote on the item.
- 8.2 Chief Executive Officer John Giorgi, JP declared a Financial interest in Item 14.7- Chief Executive Officer – Contract of Employment – Review of Key Performance Indicators. The extent of his interest being that it relates to his contract of employment.
- 8.3 Chief Executive Officer John Giorgi, JP declared a Financial interest in Item 14.2- Employee Redundancy/Redeployment Policy No: 5.3.5 – Adoption. The extent of his interest being that whilst highly unlikely (as he is employed under a Deed of Contract), it may somehow remotely relate to his conditions of employment.

The Presiding Member Mayor Carey departed the Chamber at 6.37 pm – to allow the Council to consider his request to participate in the debate and vote on Item 9.1.6 and for Deputy Mayor Cr Roslyn Harley assumed the Chair.

PROCEDURAL MOTION:

Moved Cr Wilcox, Seconded Cr Buckels

That Mayor Carey's request to participate in the debate and vote on item 9.1.6, be approved.

CARRIED UNANIMOUSLY (6-0)

(Mayor was out of the Council Chamber and did not vote.)
(Cr Pintabona had not yet arrived at the Meeting.)

Mayor Carey returned to the Chamber at 6.39pm.

The Chief Executive Officer informed Mayor Carey that his request had been unanimously approved by the Council.

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

Nil.

10. REPORTS

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

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

Items 9.1.1, 9.1.4, 9.2.4 & 9.3.3

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

Items 9.2.4, 9.3.4, 9.5.1, 9.5.2, 9.5.4, 9.5.5, 9.5.6, 14.2, 14.3 and 14.4.

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

Items 9.1.6, 14.2 & 14.7

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

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

COUNCIL MEMBER	ITEMS TO BE DISCUSSED
Mayor John Carey	9.1.6
Cr Buckels	Nil
Cr Cole	Nil
Cr Harley (Deputy Mayor)	9.1.3 & 9.5.1
Cr McDonald	Nil
Cr Pintabona	Nil
Cr Topelberg	9.2.1, 9.2.2 & 9.4.2
Cr Wilcox	Nil

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

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

Items 9.1.2, 9.1.5, 9.2.3, 9.3.1, 9.3.2, 9.4.1 & 9.5.3

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

Item 14.1, 14.2, 14.3, 14.4, 14.5, 14.6 and 14.7

New Order of Business:

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

(a) Unopposed items moved *En Bloc*;

Items 9.1.2, 9.1.5, 9.2.3, 9.3.1, 9.3.2, 9.5.3 & 9.5.7

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

Items 9.1.1, 9.1.4, 9.2.4 & 9.3.3

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

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

(d) Confidential Items – to be considered ("Behind Closed Doors").

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

ITEMS APPROVED "*EN BLOC*":

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

Moved Cr Topelberg, Seconded Cr Harley

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

Items 9.1.2, 9.1.5, 9.2.3, 9.3.1, 9.3.2, 9.4.1, 9.5.3 & 9.5.7

CARRIED UNANIMOUSLY (7-0)

(Cr Pintabona had not yet arrived at the Meeting.)

9.1.2 No. 9 (Lot 2) Nova Lane, North Perth - Proposed Two Storey Residential Development Comprising Four (4) Single Bedroom Multiple Dwellings and Associated Car Parking

Ward:	North	Date:	8 November 2013
Precinct:	North Perth, P8	File Ref:	PRO6009; 5.2013.344.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicant Submission		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Acting Senior Planning Officer (Statutory)		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by M Carbone Design on behalf of the owners, MAD Nominees, for Proposed Construction of a Two (2) Storey Residential Development comprising Four (4) Single Bedroom Multiple Dwellings and Associated Car Parking at No. 9 (Lot 2; D/P 65503) Nova Lane, North Perth, and as shown on amended plans stamp-dated 4 November 2013, subject to the following conditions:

1. The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 6A Ruby Street, in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork;
2. PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:

2.1 Section 70 A Notification under the Transfer of Land Act

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

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

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

2.2 Construction Management Plan

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

2.3 Landscaping and Reticulation Plan

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

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

- 2.3.1 A minimum of ten (10) percent of the total site area shall be provided as soft landscaping within the common property area of the development;
- 2.3.2 The location and type of existing and proposed trees and plants;
- 2.3.3 All vegetation including lawns;
- 2.3.4 Areas to be irrigated or reticulated;
- 2.3.5 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 2.3.6 Separate soft and hard landscaping plans (indicating details of plant species and materials to be used).

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

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

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

3.1 Car Parking

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

3.2 Residential Car Bays

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

3.3 Visitor Bays

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

3.4 Bicycle Parking

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

3.5 Clothes Drying Facilities

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

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

ADVICE NOTES:

1. With regard to condition 1, the owners of the subject land should obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
2. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Nova Lane;
3. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning.

COUNCIL DECISION ITEM 9.1.2

Moved Cr Topelberg, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (7-0)

(Cr Pintabona had not yet arrived at the Meeting.)

PURPOSE OF REPORT:

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

BACKGROUND:

Nil.

History:

Nil.

Previous Reports to Council:

Nil.

DETAILS:

Landowner:	MAD Nominees
Applicant:	M Carbone Design
Zoning:	Residential R30/40
Existing Land Use:	Vacant Lot
Use Class:	Multiple Dwelling
Use Classification:	"P"
Lot Area:	400 square metres
Right of Way:	Not Applicable

The proposal is for the construction of a two (2) storey residential development comprising four (4) multiple dwellings. The site is located on the newly created lot, at the rear of 8 Ruby Street, North Perth

ASSESSMENT:

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

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

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

Issue/Design Element:	Roof Forms
Requirement:	Residential Design Elements Policy BDADC 3. Roof Forms 30- 45 degrees
Applicants Proposal:	Flat Roof
Design Principles:	Residential Design Elements Policy BDPC 3 The roof of a building is to be designed so that: <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space.

Issue/Design Element:	Roof Forms
Applicant justification summary:	<i>"The streetscape within Nova Lane is varied with a mixture of roof forms. The only roof form which achieves between 30-45 degrees is the neighbouring garage on the west. The most recent development is across the Lane which incorporated a low pitched skillion roof form. Our proposed contemporary elevation, will not only add to the mix, but create a high standard of development for Nova Lane and has been endorsed by the DAC."</i>
Officer technical comment:	<p>The proposed development is considered to comply with the above performance criteria.</p> <p>The proposed roof form minimises the scale of the two storey design, and given the proposed location of the dwelling abutting a right of way and away from the main street (Ruby Street) the variation is supported.</p>

Issue/Design Element:	Setbacks from Rights of Way
Requirement:	Upper Storey – 1.0 metre behind Ground Floor setback of 2.825 metres (3.825 metres required).
Applicants Proposal:	3.7 metres (minimum)
Design Principles:	<p>SPC 9</p> <p>(i) The setback is to be compatible and consistent with the established pattern of setbacks presenting to the right of way.</p> <p>(ii) The minimum width of a right of way is to be 6 metres, in accordance with the Western Australian Planning Commission's Policy DC 2.6 – 'Residential Road Planning'. However, there are a number of rights of way within the Town that are less than 6 metres wide. Where this is the case, the minimum manoeuvring distance of 6 metres still needs to be met.</p>
Applicant justification summary:	<i>Nil</i>
Officer technical comment:	<p>The proposed development is considered to comply with the above performance criteria due to the following.</p> <p>The proposed balconies are articulated across the right of way frontage with two separate balconies located for apartments 3 and 4. Whilst these balconies slightly overhang the lower floor, it is considered they provide a point of interest along the right of way with no consistent appearance. The balconies provide for surveillance to the right of way and through the use of colour and rendered material provide an attractive appearance on approach. On this basis the variation is supported.</p>

Issue/Design Element:	Lot Boundary Setbacks
Requirement:	<p>Residential Design Codes Clause 6.1.4 (C4.2)</p> <p>Ground Floor Balance (East) – 1.5 metres</p> <p>First Floor Upper East – Balcony – 1.6 metres</p> <p><u>Buildings on the Boundary</u> Average Wall Height – 3.0 metres</p>
Applicants Proposal:	<p>Ground Floor 1.2 metres</p>

Issue/Design Element:	Lot Boundary Setbacks
	<p>First Floor 1.2 metres</p> <p><u>Buildings on the Boundary</u> Average Wall Height – 3.2 metres</p>
Design Principles:	<p>Residential Design Codes Clause 6.1.4 (P4.1) Buildings set back from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> • ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them; • moderate the visual impact of building bulk on a neighbouring property; • ensure access to daylight and direct sun for adjoining properties; and • assist with the protection of privacy between adjoining properties.
Applicant justification summary:	<p><i>“The Building is setback from the boundary and adjacent buildings to ensure adequate daylight, direct sun and ventilation for the buildings and the open space associated with them. The neighbouring building is generally between 2.4m and 2.6m away. Therefore there is minimal impact to the adjoining neighbour. The neighbouring residence only has minor openings and a boundary wall adjacent our proposed building.</i></p> <p><i>“The Building is setback from the boundary and adjacent buildings to ensure adequate daylight, direct sun and ventilation for the buildings and the open space associated with them. The neighbouring building is generally 2.6m away on the ground floor and 6.9m away on the upper floor. The neighbouring residence only has minor openings on the ground floor and upper floor. With the 6.9m setback to the neighbouring upper floor, the visual impact of building bulk is not an issue.”</i></p>
Officer technical comment:	<p>The proposed development is considered to comply with the performance criteria due to the following: The ground and first floor sections of wall are all articulated with a reduction in bulk to the boundaries where possible. Adequate screening and highlight windows are applied to north facing upper balconies, whilst highlight windows are provided for the bedrooms, maintaining privacy. Furthermore the proposed overshadowing is compliant with the overshadowing requirements of the Residential Design Codes.</p> <p>The proposed boundary walls, located on the eastern side of the site, mainly abut a garage boundary wall of the adjoining eastern property and will not provide any detrimental impact to the adjoining property.</p> <p>On this basis the variation is supported.</p>
Issue/Design Element:	Landscaping
Requirement:	<p>Multiple Dwellings Policy 3.4.8 Clause 4.2 A2 10% of Total Site Area Shall be Provided as Soft Landscaping in the Common Property Area – 40m²</p>
Applicants Proposal:	11.75m ² or 3.0%

Issue/Design Element:	Landscaping
Design Principles:	<p>Multiple Dwellings Policy 3.4.8 Clause 4.2 P2</p> <ul style="list-style-type: none"> Assists in contributing to the amenity of the locality; Assists in providing a landscaped setting for the building; Assists in the protection of mature trees; Maintains a sense of open space between buildings; Assists in increasing tree and vegetation coverage.
Applicant justification summary:	<i>Nil</i>
Officer technical comment:	<p>The proposed development is not considered to comply with the above performance criteria.</p> <p>It is considered that whilst the applicant has provided significant amounts of landscaping across the site, with the provision of soft landscaping, together with the turf cell/grasscrete material for vehicular traffic, the site is a vacant property and should provide areas of soft landscaping in the common area to comply with the 40m² requirements in this instance. Therefore on this basis, the variation is not supported.</p>

Residential Car Parking	
Small Multiple Dwelling based on size (< 75 square meters) – 0.75 bay per dwelling (4 multiple dwelling) = 3 car bays	
Visitors = 0.25 per dwelling (4 multiple dwellings proposed) = 1 Car Bay required	
Total car bays required = 4.0 car bays	4.00 car bays required
Total Car Bays provided	5.0 car bays
Surplus	1.0 car bay

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

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Comments Period:	14 October 2013 to 28 October 2013
Comments Received:	One (1) Comment was received objecting to the development

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Height</p> <ul style="list-style-type: none"> Concern with the total height proposed by the building and the uninterrupted view of the City. Concern with the height and placement of balconies in Nova Lane façade, with the potential to overlook the adjoining properties opposite. 	<p>Noted. The proposed building height is compliant with the concealed roof height provisions of the City's Policy 3.2.1 relating to Residential Design Elements, of 7.0 metres.</p> <p>Noted. The proposed location of balconies on site, fronting the right-of-way, are compliant with the privacy requirements of the Residential Design Codes of WA of 7.5 metres (including the right of way).</p>

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Access to Site</p> <ul style="list-style-type: none"> Request that any access to the site does not impact on the egress of vehicles opposite the subject property. 	<p>Noted. Access to the site is located via a 4.0 metre crossover near the western corner of the site and together with the 6.0 metre width of the right-of-way, is considered appropriate for any ingress or egress to the site. It is also noted that vehicle access is compliant with the Australian Standard AS2890.1.</p>
<p>Issue: Placement of Landscaping</p> <ul style="list-style-type: none"> Request that any proposed landscaping does not impact on vehicular movement in and out of the laneway. 	<p>Noted. All proposed landscaping abutting the right of way is to be of a low level and not considered to be of a significant impact to any vehicular movement.</p>

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

Design Advisory Committee:

Referred to Design Advisory Committee (DAC): 15 May 2013

The application was referred to a meeting of the DAC on the 15 May 2013, and below is a summary of comments provided.

Summary of Design Advisory Committee Comments:

Discussion:

Challenging Site to develop- small site

Need overshadowing diagram.

Living Room to Apartment 2 – widen – depending on overshadowing requirements and restrictions.

Redesign entrance, elevation not shown.

Apartments need to be functional.

Possible entry to apartment 1 from Nova Lane to introduce street interaction.

Mandatory:

Ensure Landscape Requirements met for Multiple Dwellings - Check with the City's officers regarding the landscaping.

Ensure all bathrooms have openable windows

Provide window to eastern bedroom

Provide sunshading for west facing apartment 3 (bedroom).

Introduce highlight window on east side Bedroom Apartment No. 4 or re-locate cupboard to improve the bedroom window size.

Provide cross ventilation to lobby.

Provide openable highlight window above Apartment 4 entry door.

Install screening between parking bays and entry path.

Design Considerations:

Redesign (widen) living room to Apartment 2 subject on overshadowing requirements and restrictions.

Re-locate entry gate further south to enable front apartment to have its own entry gate.

Consider possible entry to apartment 1 from Nova Lane to introduce street interaction.

Ensure apartment internal design is functional.

Technical:

Overshadowing plan to be submitted.

Show security gate in elevation and car park inside boundary fences on drawings.”

Further to the meeting of DAC on 15 May 2013, the applicant has amended the following features in the design:

Mandatory

Included an additional entry point to Apartment One.

All bathroom windows have windows.

Window provided to upper eastern bedroom.

Awning and screen provided for western facing Apartment 3 bedroom.

Highlight window incorporated into Bedroom of Apartment 4.

Covered walkway created distinctly to differentiate between path and parking area. Wheel stops also included.

Design Considerations

Two entry gates now provided on right-of-way access.

Apartment design considered functional.

Technical Considerations

Overshadowing Plan submitted by the applicant.

Vehicular Entry gate included on elevation plans.

Given the above mentioned inclusions into the design as required by DAC, the amendments are supported.

LEGAL/POLICY:

The following legislation and policies apply to the proposed construction of two (2) storey building comprising four (4) single bedroom multiple dwellings at No. 9 Nova Lane, North Perth:

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2013;
- City of Vincent Town Planning Scheme No. 1;
- North Perth Precinct Policy No. 3.1.8;
- Residential Design Elements Policy No. 3.2.1; and
- Development Guidelines for Multiple Dwellings in Residential Zones Policy No. 3.4.8.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2017 states:

“Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2017 states:

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

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

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

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

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

CONCLUSION:

It is considered that the development of a two-storey multiple development along this section of Nova Lane is appropriate given the existing developments located in the vicinity, which consist of two-storey grouped dwelling type design and scale. The design of the dwellings as one bedroom apartments, provides for opportunities for housing choice in the area which is in close proximity to the public transport opportunities along Fitzgerald Street. The proposal is considered to be in keeping with the existing and future desired streetscape of the locality. The proposed variations to setbacks, boundary wall building height, setbacks and landscaping do not provide a major impact to the adjoining dwellings or impact their enjoyment as single residential properties. The proposal has also been supported by the DAC.

On the above basis, the proposed construction of the two (2) storey building comprising four (4) single bedroom multiple dwellings, is supportable in this instance. It is recommended that the proposal be approved subject to relevant conditions and advice notes.

9.1.5 Leederville Activity Centre Structure Plan – Approval of Retail Sustainability Assessment and Proposed Scheme Amendment No. 36 to Town Planning Scheme No. 1, relating to the Leederville Activity Centre Structure Plan – Progress Report No. 2

Ward:	South Ward	Date:	8 November 2013
Precinct:	Leederville (P3); Oxford Centre (P4)	File Ref:	PLA0260
Attachments:	001 – Scheme Amendment No. 36 Report		
Tabled Items:	002 – Retail Sustainability Assessment		
Reporting Officer:	R Marie, Planning Officer (Strategic)		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. Pursuant to section 75 of the Planning and Development Act 2005, **RESOLVES** to **INITIATE** Scheme Amendment No. 36 to the City’s Town Planning Scheme No. 1 to;

1.1 Amend Scheme Map 3 ‘Leederville Precinct’ and Scheme Map 4 ‘Oxford Centre Precinct’ to show the extent of Development Area 1 - Leederville Activity Centre Structure Plan, bounded by Richmond Street, Loftus Street, Leederville Parade and the Mitchell Freeway and include the Development Area symbol in the map legend;

1.2 Rezone No. 196 (Lot 510) Oxford Street, Leederville and Part No. 43 (Lot 511) Richmond Street, Leederville zoned ‘Town of Vincent Scheme Reserves – Public Purpose – Technical School’, within the Oxford Centre Precinct (Scheme Map 4), to ‘Metropolitan Region Scheme Reserve – Public Purpose – Technical School’;

1.3 Amend the City of Vincent Town Planning Scheme No. 1 to replace clause 54 (1) ‘There are no special control areas which apply to the Scheme’ with new clause 54 (1) as follows:

‘The following special control areas are shown on the Scheme Map:

(a) Development areas shown on Scheme Map Nos. 3 and 4 as DA number 1 and included in Schedule 6.’

1.4 Amend Schedule 6 of the City of Vincent Town Planning Scheme No. 1 to include the following table:

Ref:	Area	Provisions
DA 1	The area bounded by Richmond Street, Loftus Street, Leederville Parade and Mitchell Freeway, Leederville	Subdivision and development to be in accordance with an Activity Centre Structure Plan adopted in accordance with State Planning Policy 4.2, Activity Centres for Perth and Peel, and the processes and procedures in clause 55 of the Scheme.

2. **APPROVES** the Scheme Amendment No. 36 Report, as shown in Appendix 9.1.5;

3. **FORWARDS the City's decision to the;**
 - 3.1 **Western Australian Planning Commission for their consideration and consent to advertise; and**
 - 3.2 **Environmental Protection Authority for their consideration and approval;**
4. **APPROVES the Leederville Activity Centre Structure Plan – Retail Sustainability Assessment to be incorporated into the Leederville Town Centre Activity Centre Structure Plan and to be used to inform the preparation of the Structure Plan and provide strategic advice on Development Applications within the Structure Plan area, as shown in Tabled Item 9.1.5 (electronic attachment 002); and**
5. **NOTES the revised Indicative Timeline, as detailed in this report.**

COUNCIL DECISION ITEM 9.1.5

Moved Cr Topelberg, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (7-0)

(Cr Pintabona had not yet arrived at the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to initiate Scheme Amendment No. 36 to introduce a 'Development Area' for the land within the Leederville Activity Centre Structure Plan area to enable the City to implement the Leederville Activity Centre Structure Plan once it has been adopted.

The purpose of this report is also for the Council to approve the Leederville Activity Centre Structure Plan – Retail Sustainability Assessment (RSA) as prepared by MacroPlan Dimasi and Planning Solutions.

BACKGROUND:

Leederville has been recognised as a Secondary Centre under State Planning Policy 4.2- Activity Centres for Perth and Peel (SPP 4.2). As a result, the City is required to prepare a Structure Plan for the area which is a detailed planning document that provides information and provisions on how the centre should be developed in the future.

History:

Date	Comment
2007	The City proposed the concept of a Leederville Masterplan to revitalise the Leederville Town Centre.
16 March 2009	The Council at its Special Meeting adopted the Leederville Masterplan Built Form Guidelines which would guide development within the Leederville Town Centre.
31 August 2010	SPP 4.2 was published in the Government Gazette, which set out the requirements for Activity Centre Structure Plans.
27 March 2012	The Council resolved to prepare the Structure Plan in house.
October 2012- March 2013	An RSA was undertaken to form part of the Structure Plan.

Date	Comment
November/December 2012	The City undertook Pre-consultation for the Activity Centre Structure Plan to determine the issues, opportunities and constraints that may exist when preparing the Structure Plan. It was also an opportunity to gain an understanding of how the community wish to see Leederville develop.
18 December 2012	The Council considered Progress Report No. 13 relating to the Leederville Masterplan and established a Management Committee to oversee the implementation of the Leederville Masterplan.
12 February 2013	The Council considered the outcomes of the pre-consultation as well as Progress Report No. 1 of the Leederville Activity Centre Structure Plan.

Previous Reports to Council:

This matter was previously reported to the Council on the following dates 12 February 2013.

The Minutes of Item 9.1.13 from the Ordinary Meeting of Council held on 12 February 2013 relating to this report is available on the City's website at the following link:

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

DETAILS:

For the purpose of this report, an update on the Structure Plan, the RSA and the proposed Scheme Amendment, have been considered separately.

Leederville Activity Centre Structure Plan - Update

The Council Report of 12 February 2013 provided an indicative timeframe for the Structure Plan, as outlined below. An updated timeframe has been shown below via strikethrough and underline.

Key Task	Estimated Completion Date
Pre-Consultation	Nov/Dec 2012
Scheme Amendment No. 36 initiation	November 2013
Scheme Amendment No. 36 advertising (42 days)	February/March 2014
Scheme Amendment No. 36 finalisation (Council approval, Western Australian Planning Commission (WAPC) approval and Minister approval)	March – June 2014
Retail Sustainability Assessment	December 2012 <u>March 2014</u>
Traffic and Transport	March 2013 <u>2014</u>
Sustainable Design Provisions	March 2013 <u>2014</u>
Explanatory Section	March 2013 <u>2014</u>
Statutory Requirements	March 2013 <u>2014</u>
Design Advisory Committee Referral	April 2013 <u>2014</u>
Council approval to advertise	May 2013* <u>2014</u>
Consultation (Statutory 42 days)	May/June/July 2013 <u>2014</u>
Council Approval	August/September 2013 <u>2014</u>
Finalisation by WAPC	2013 <u>December 2014/or early 2015.</u>

*Subject to confirmation of Structure Plan provisions in Scheme Amendment No. 32

Structure Plan Document

The preparation of the Structure Plan document is progressing, however it is taking longer than originally proposed, mainly due to the complexity of the information required. A draft explanatory section has been prepared and the officers are currently working through the statutory provisions.

Traffic Modelling

Additional demographic data was required by the City of Perth to progress the traffic modelling. The City has contracted GHD to collate this data. It is scheduled to be completed by mid November 2013. Following this, it is expected that the traffic modelling shall be completed in early 2014.

Sustainability Requirements

Following the initiation of this Scheme Amendment, the City will investigate preparing a project brief and undertaking a request for quotation to complete this section.

Utility Services

The City will continue to liaise with the service provider agencies to discuss the provision of services in the Leederville Town Centre, however it is envisaged that this will form part of the Implementation section of the Structure Plan which cannot be completed until the draft document has been prepared.

Proposed New Timeframes

The Structure Plan cannot be implemented until Scheme Amendment No. 36 has been completed. Notwithstanding this, the City envisages that a Draft will be ready for advertising by mid 2014.

Proposed Scheme Amendment

The City meets regularly with the DoP to discuss the Structure Plan. This allows the City to clarify any queries with the DoP and to provide an update with where the City is at with the project. At a meeting held on 2 July 2013, it was suggested that the City undertake a Scheme Amendment to include the Structure Plan area within the Town Planning Scheme so that once the Structure Plan is complete, it can be effectively implemented. A Scheme Amendment can take approximately 9 to 12 months to complete and it is anticipated that the City will have completed or be near completion of the Structure Plan within this time. Therefore it is appropriate to begin the process now.

There are a number of proposed amendments to the Scheme which are outlined in the Scheme Amendment No. 36 Report shown in Appendix 9.1.5 and discussed in detail below.

Changes to the Scheme Text

- *Clause 54*

Clause 54 relates to the Operation of Special Control Areas. Structure Plans are considered as Development Areas which are a form of Special Control Areas. As a result clause 54 (1) is proposed to be amended to remove the statement 'There are no special control areas which apply to the Scheme' and a new clause will be inserted as follows:

'The following special control areas are shown on the Scheme Map:

(a) Development areas shown on Scheme Map Nos. 3 and 4 as DA number 1 and included in Schedule 6.'

- *Schedule 6 – Development Areas*

Clause 55 (2) (b) states that 'Schedule 6 describes the Development Areas in detail and sets out the specific purposes and requirements that apply to the Development Area.' As a result, Schedule 6 is proposed to be amended to list the Structure Plan.

As the Structure Plan is still being prepared, there are currently no development provisions in place for the Leederville Structure Plan area. The Leederville Activity Centre Structure Plan is being prepared in accordance with SPP4.2 and the processes in the Town Planning Scheme No. 1. Therefore these are the only provisions at this point in time.

The amendment to the Schedule will allow the City to list the Structure Plan and define the area to which it applies. The proposed new table to be included in Schedule 6 is listed below.

Ref:	Area	Provisions
DA 1	The area bounded by Richmond Street, Loftus Street, Leederville Parade and Mitchell Freeway, Leederville.	Subdivision and development to be in accordance with an Activity Centre Structure Plan adopted in accordance with State Planning Policy 4.2, Activity Centres for Perth and Peel, and the processes and procedures in clause 55 of the Scheme.

Changes to the Scheme Maps

In order to effectively implement the Structure Plan, the Structure Plan area is to be defined on the Scheme Maps. The Leederville Activity Centre Structure Plan is proposed to cover the area bounded by Richmond Street, Loftus Street, Leederville Parade and Mitchell Freeway, Leederville. This area spans over two Scheme Maps, those being Scheme Map 3 – Leederville Precinct and Scheme Map 4 – Oxford Centre Precinct. The area will be designated by a dashed line around the lots with a label 'DA1'. The Structure Plan boundary symbol will also be added to the Scheme Map legend.

One rezoning is proposed for the Leederville TAFE site. The zoning is currently incorrectly shown on the City's Scheme Maps as a Local Public Purpose – Technical School zone, where it should be designated as Public Purpose – Technical School under the Metropolitan Region Scheme.

Retail Sustainability Assessment

It is a requirement of SPP4.2 that an RSA be prepared for Activity Centre. The City's Project Brief was extensive in order to obtain the following:

- Define the centre boundary and the centres relationship to surrounding centres;
- Current population data as well as future projections;
- Determine current and projected employment figures;
- Determine the current and projected floor spaces for all land use types not just retail;
- Obtain existing and projected dwelling counts
- Assess the character of the Town Centre; and
- Review the tenancy mix.

The RSA was completed by MacroPlan Dimasi and Planning Solutions. The findings and recommendations will be incorporated in the final Structure Plan and the RSA will sit as an appendix to the document.

Consultant – Key Recommendations

Some of the key recommendations of the document are listed below and the whole document can be viewed in Table Item 9.1.5 (electronic attachment 002).

- There is a shortage of retail floor space in the category of take-home food and groceries, including packaged liquor.
- Potential need for additional primary and secondary school services in the area.
- With the proposed and planned developments, the number of workers in the Leederville Town Centre is proposed to increase from 4,060 in 2011 to 11,300 in 2031.
- The land use mix and trading profiles amongst Leederville businesses suggests that Leederville needs to focus on supporting the independent retail offering.

- Built form characteristics be appropriately utilised to both preserve and enhance Leederville's 'Main Street' character.
- The current densities are sufficient to accommodate the density targets required under SPP4.2.
- There is an opportunity for short stay accommodation in the City of Vincent and Leederville.

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period: 42 days

Consultation Type: Advert in local paper, letters to affected landowners and relevant government and non-government authorities, website notice and displayed at the City of Vincent Administration and Civic Building and Library and Local History Centre.

The City is required to advertise the Amendment in accordance with the Town Planning Regulations 1967. As per the resolution, consent to advertise will be requested from the Western Australian Planning Commission (WAPC).

LEGAL/POLICY:

- Planning and Development Act 2005;
- Town Planning Regulation 1967;
- Town Planning Scheme No. 1;
- Policy No. 4.1.5 – Community Consultation.

The WAPC and Minister for Planning are the determining authorities for Scheme Amendments.

RISK MANAGEMENT IMPLICATIONS:

A Scheme Amendment can take between 9 and 12 months, sometimes more, from initiation to completion. By beginning the process now, it will enable the City to successfully implement the Structure Plan once it has been completed and endorsed by the WAPC, rather than undertaking a Scheme Amendment at that time. If a Scheme Amendment is not undertaken, the Structure Plan cannot be effectively implemented.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2017 states:

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

'2.1.4 Implement the Leederville Masterplan and North Perth Masterplans.'

SUSTAINABILITY IMPLICATIONS:

The Amendment has no direct sustainability implications, however it will allow for the implementation of the Leederville Activity Centre Structure Plan which gives consideration to sustainability matters.

The following tables outline the applicable sustainability issues for the Scheme Amendment and proposed Structure Plan:

ENVIRONMENTAL
The Structure Plan will investigate the greening of the Town Centre through the planting of trees and the provision of open space in private development and public spaces. The Structure Plan will also investigate options for sustainable design to reduce consumption of energy and water. In addition, the Structure Plan will strongly promote alternative uses of transport such as walking, cycling and public transport in order to reduce emissions.

SOCIAL
Pre-consultation was undertaken to gain an understanding of how the community wish to see Leederville develop. The City will aim to incorporate these recommendations into the Structure Plan where possible to create a Town Centre that is valued by the community. The Structure Plan also investigates areas of public space which can enhance the amenity of the area and create spaces for community interaction. In addition the RSA emphasised the importance of the Town Centre character and ways in which this can be retained and enhanced.

ECONOMIC
The Town Centre will be a vibrant area that provides opportunities for employment. The RSA made recommendations on land uses which could be further developed in the Town Centre, creating more employment opportunities and ensuring diversity of land uses.

FINANCIAL/BUDGET IMPLICATIONS:

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

<i>Budget Amount:</i>	\$73,000
<i>Spent to Date:</i>	<u>\$ 7,562</u>
<i>Balance:</i>	\$65,438

COMMENTS & CONCLUSION:

Initiating Scheme Amendment No. 36 will allow the City to progress with the preparation of the Leederville Activity Centre Structure Plan.

The RSA as prepared by MacroPlan Dimasi and Planning Solutions provides recommendations and advice for the Leederville Town Centre. This information is essential for preparing the Structure Plan. It is also noted that the City has been receiving Development Applications for the Town Centre. By endorsing the RSA, the City can use this information to provide preliminary advice.

In light of the above, it is recommended that the Council adopt the Officer Recommendation to initiate Scheme Amendment No. 36 and endorse the Leederville Activity Centre Structure Plan Retail Sustainability Assessment.

9.2.3 Lane Street, Perth – Proposed Traffic Management - Additional On Road Parking Bays

Ward:	South	Date:	8 November 2013
Precinct:	Hyde Park (12)	File Ref:	PKG0101
Attachments:	001 – Plan A		
Tabled Items:	-		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** the introduction of parking in a portion of the 'No Stopping' zone on the western side of Lane Street, Perth as shown on the attached Plan A; and
2. **UNDERTAKES** a moratorium on issuing parking infringement notices for a period of fourteen (14) days, from the date the signage is erected;

COUNCIL DECISION ITEM 9.2.3

Moved Cr Topelberg, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (7-0)

(Cr Pintabona had not yet arrived at the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the outcome of the public consultation with residents of Lane Street, Perth, regarding the proposal to revert most of the current 'No Stopping' area on the western side of Lane Street, Perth to parking bays.

BACKGROUND:

The City has recently received several complaints from the residents of Lane Street, Perth in regards to a lack of parking in their street.

DETAILS:

Existing scenario:

Currently due to the narrow width of the Lane Street carriageway, the west side of the street has 2P parking 8.00am to 5.30pm Monday to Friday and the east side of the street has no parking allowed. A large portion of the west side of the street north of Brisbane Street currently comprises a No Stopping Zone further reducing the available parking availability in the street.

Following requests to increase the amount of parking in the street it was determined that the existing No Stopping Zone could be reduced to allow additional parking without compromising safety. The residents were subsequently consulted regarding the proposal.

Community Consultation:

In accordance with the Council's Community Consultation Policy on 11 October 2013, twenty three (23) letters were distributed to residents of Lane Street, Perth. At the close of the consultation on 29 October 2013, seven (7) responses were received with six (6) in favour of the proposal and one (1) against the proposal.

Related Comments *In Favour* of the Proposal

- 5 x with no comments submitted.
-driveway very hard to use because cars park over the white line and cannot park in the driveway, can you please look into this case and repair the problem. Also shop assistant park with visitors permit and the street is hard to park. These permits should not be allowed...

Related Comments *Against* the Proposal

- We already have cars from shoppers...that park illegally in these areas. Plus when the police have their booze bus out, they park cars there, breaking their own laws. We think this is a bad idea, and will cause accident from car speeding around the corner. Why don't you lighten up the traffic wardens in and around the park, and that way it would stop people illegally parking. We have had trouble with residents on the street getting funny about parking on the street. Adding more cars would only add to this problem.

Related *Other* Comments

- Nil

Officers Comments

It is considered that the additional on road parking will increase the amenity for lane Street residents. Existing signage and line marking will be reinforced the address some of the comments submitted.

CONSULTATION/ADVERTISING:

All residents will be informed of the Council's decision.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: Mainly related to amenity improvements for residents and visitors.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The cost for lining/signage to implement the proposal is estimated to cost \$300 and will be charged to the 2013/2014 Signs Operating budget.

COMMENTS:

It is therefore recommended that the Council approves the introduction of some additional on road parking on the western side of Lane Street, Perth for the reasons outlined in the report.

9.3.1 Investment Report as at 31 October 2013

Ward:	Both	Date:	8 November 2013
Precinct:	All	File Ref:	FIN0033
Attachments:	001 – Investment Report		
Tabled Items:	Nil		
Reporting Officers:	B Wong, A/Manager Financial Services; N Makwana, Accounting Officer		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

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

COUNCIL DECISION ITEM 9.3.1

Moved Cr Topelberg, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (7-0)

(Cr Pintabona had not yet arrived at the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the level of investment funds available, the distribution of surplus funds in the short term money market and the interest earned to date.

BACKGROUND:

Interest from investments is a significant source of funds for the City, where surplus funds are deposited in the short term money market for various terms. Details are attached in Appendix 9.3.1.

Council’s Investment Portfolio is spread across several Financial Institutions in accordance with Policy Number 1.2.4.

DETAILS:

Total Investments for the period ended 31 October 2013 were \$20,411,000 compared with \$20,411,000 at 30 September 2013. At 31 October 2012, \$26,711,000 was invested.

Investment comparison table:

	2012-2013	2013-2014
July	\$18,211,000	\$9,611,000
August	\$30,511,000	\$21,411,000
September	\$28,511,000	\$20,411,000
October	\$26,711,000	\$20,411,000

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

	Annual Budget	Budget Year to Date	Actual Year to Date	%
Municipal	\$281,340	\$128,251	\$111,471	39.62
Reserve	\$386,610	\$166,747	\$105,195	27.21

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Funds are invested in accordance with the City's Investment Policy 1.2.4.

RISK MANAGEMENT IMPLICATIONS:

High: Section 6.14 of the Local Government Act 1995, section 1, states:

"(1) Subject to the regulations, money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested in accordance with Part III of the Trustees Act 1962."

COMMENT:

As the City performs only a custodial role in respect of monies held in Trust Fund Investments these monies cannot be used for Council purposes. Key deposits, hall deposits, works bonds, planning bonds and unclaimed money were transferred into Trust Bank account as required by Local Government (Financial Management) Regulations 1996, Section 8 (1b).

The decrease in investment fund as compared to previous year is due to loan and contributions received for Beatty Park Redevelopment have been fully spent.

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

The funds invested have remained same as previous period.

The report comprises of:

- Investment Report;
- Investment Fund Summary;
- Investment Earnings Performance;
- Percentage of Funds Invested; and
- Graphs.

9.3.2 Authorisation of Expenditure for the Period 1 – 31 October 2013

Ward:	Both	Date:	8 November 2013
Precinct:	All	File Ref:	FIN0032
Attachments:	001 – Creditors Report		
Tabled Items:	-		
Reporting Officers:	O Wojcik, Accounts Payable Officer; B Wong, Acting Manager Financial Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

1. Schedule of Accounts for the period 1 October – 31 October 2013 and the list of payments;
2. direct lodgement of payroll payments to the personal bank account of employees;
3. direct lodgement of PAYG taxes to the Australian Taxation Office;
4. direct lodgement of Child Support to the Australian Taxation Office;
5. direct lodgement of creditors payments to the individual bank accounts of creditors; and
6. direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;

paid under Delegated Authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 as shown in Appendix 9.3.2.

COUNCIL DECISION ITEM 9.3.2

Moved Cr Topelberg, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (7-0)

(Cr Pintabona had not yet arrived at the Meeting.)

DECLARATION OF INTEREST

Members/Officers	Voucher	Extent of Interest
Nil.		

PURPOSE OF REPORT:

To present to the Council the expenditure and list of accounts approved by the Chief Executive Officer under Delegated Authority for the period 1 October – 31 October 2013.

BACKGROUND:

The Council has delegated to the Chief Executive Officer (Delegation No. 3.1 the exercise of its power to make payments from the City's Municipal and Trust funds. In accordance with Regulation 13 of the Local Government (Financial Management) Regulations 1996 a list of accounts paid by the Chief Executive Officer is to be provided to the Council, where such delegation is made.

The Local Government Act provides for all payments to be approved by the Council. In addition the attached Schedules are submitted in accordance with Regulation 13 of the Local Government (Finance Management) Regulations 1996.

DETAILS:

The Schedule of Accounts to be passed for payment, cover the following:

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Automatic Cheques	74981 - 75228	\$659,960.09
Transfer of Creditors by EFT Batch	1584, 1585, 1587 – 1590, 1592 – 1594, 1597 – 1599	\$3,304,751.46
Transfer of PAYG Tax by EFT	October 2013	\$273,376.25
Transfer of GST by EFT	October 2013	
Transfer of Child Support by EFT	October 2013	\$1,184.84
Transfer of Superannuation by EFT:		
• City of Perth	October 2013	29,911.73
• Local Government	October 2013	107,927.39
Total		\$4,377,111.76
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$12,228.72
Lease Fees		\$101,318.84
Corporate MasterCards		\$11,933.27
Loan Repayment		\$194,101.70
Rejection fees		\$77.50
Total Bank Charges & Other Direct Debits		\$319,660.03
Less GST effect on Advance Account		0.00
Total Payments		\$4,696,771.79

LEGAL POLICY:

The Council has delegated to the Chief Executive Officer (Delegation No. 3.1) the power to make payments from the municipal and trust funds pursuant to the Local Government (Financial Management) Regulations 1996. Therefore, in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 a list of accounts paid by the Chief Executive Officer is prepared each month showing each account paid since the last list was prepared.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 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.

ADVERTISING/CONSULTATION:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

All expenditure from the municipal fund was included in the Annual Budget adopted by the Council.

COMMENT:

All municipal fund expenditure included in the list of payments is in accordance with the Council's adopted Annual Budget or has been authorised in advance by the Council where applicable.

Vouchers, supporting invoices and other relevant documentation are available for inspection at any time following the date of payment.

9.4.1 Use of Birdwood Square and Brisbane Street Road Closure – Western Force Event and Road Closure

Ward:	South	Date:	8 November 2013
Precinct:	Beaufort (13)	File Ref:	CMS0057
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	Y Coyne, Coordinator Arts & Creativity J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council APPROVES;

1. A meeting of Western Force fans at Birdwood Square for a pre-game pep rally on Saturday, 1 March, 2014, subject to the following conditions:
 - 1.1 a bond of \$3,000 shall be retained by the City as security for any damage to or clean-up of the event area;
 - 1.2 a suitable Traffic, Risk Management and Event Site Plan shall be submitted to the City at least two (2) months prior to the event at the expense of the organisers;
 - 1.3 the event being strictly smoke and alcohol free;
 - 1.4 the event organisers shall comply with the conditions of use and fees imposed, including Environmental Health and other conditions;
 - 1.5 the event organisers shall ensure full consultation with businesses and residences within the event parameter and at a minimum of a five hundred (500) metre radius outside of the event parameter to ensure that the event is representative of and attuned to the local businesses;
 - 1.6 acknowledgement of the City of Vincent as a major sponsor of the events on all publications and advertising materials, subject to the conditions listed in the report; and
 - 1.7 full compliance with the City's Policy No. 1.1.5 '*Donations, Sponsorship and Waiving of Fees and Charges*' and Policy No. 3.8.3 '*Concerts and Events*';to the satisfaction of the Chief Executive Officer.
2. To waive the fees for the use of Birdwood Square on Saturday, 1 March, 2014 from 2.00pm to 6.00pm; and
3. A temporary road closure on Brisbane Street for a Group walk from Birdwood Square to nib Stadium.

COUNCIL DECISION ITEM 9.4.1

Moved Cr Topelberg, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (7-0)

(Cr Pintabona had not yet arrived at the Meeting.)

PURPOSE OF REPORT:

To provide details of a proposal from Western Force, and seek approval for the use of Birdwood Square for a gathering of rugby fans as well as the temporary road closure of Brisbane Street to allow fans to walk to nib Stadium together.

BACKGROUND:

On 29 October 2013, marketing representatives from The Western Force rugby team met with the City's Officers. nib Stadium is the home ground of The Western Force, where they play eight (8) Super Rugby home games per year between February and July. The Western Force has over 12,000 members and additionally sell approximately 24,000 tickets to games over the season. The cumulative attendance is approx 100,000 per season.

The game attendees come from all areas of Perth, including electoral area of Joondalup, Cambridge, Cottesloe, Rockingham, Kwinana and Vincent.

DETAILS:

Marketing representatives from Western Force are seeking permission for the use of Birdwood Square on 1 March 2014 for a pre-game meeting where fans will unite, converse and walk together to their first home game. A short road closure of Brisbane Street from Beaufort Street to Lord Street would be required.

The proposed pre-game gathering of fans is aimed to be similar to a pep rally. The Western Force is concentrating on bringing the fans together, igniting the passion and engaging them before as well as during the game. This is a family events, targeted at rugby and Western Force fans, aiming to add to the experience of going to a rugby match by bringing fans together before the game and walking to the ground, arm in arm, shoulder to shoulder – delivering the ball to the ground.

The date is 1 March, 2014 and the gathering in the park would be from 4.30pm to 5.30pm with a Group commencing the walk to nib Stadium, down the temporarily closed Brisbane Street between 5.30pm and 6.00pm.

Due to the pop up nature of the gathering, infrastructure will be minimal – a platform on the back of a truck and a small Public Address (PA) system and microphone is currently proposed.

The gathering will be an opportunity for Vincent to engage with Rugby fans with a Master of Ceremonies (MC) or spruiker firing up the crowd with team songs and chants, the Western Force team mascot and perhaps the Mayor to welcome all fans to the City of Vincent.

The Group will then proceed to walk the length of Brisbane Street from Birdwood Square to nib Stadium. A short road closure will be put in place for patron safety.

Birdwood Square will then be cleared of the truck/stage and any other items and left in good order for the Sunday soccer games held at the reserve.

CONSULTATION/ADVERTISING:

The aim is to bring in new business from the fans that attend the game to stay in the area to shop and eat in Highgate and Mount Lawley. The Western Force marketing team are proposing to engage local businesses with a 'Sea of Blue' starter packs consisting of balloons, bunting and simple ideas to dress up the windows, and offer a prize to the best dressed business. Other ideas are to work with local eateries to create special menus and/or offers for game night.

Resident notification will be made by the event organisers via letterbox drop at least a week before the event advising of any road closures and traffic management. The gathering at Birdwood Square will be well advertised via social media, radio, online news websites and 'The West Australian' newspaper.

LEGAL/POLICY:

- Policy No. 1.1.5 – Donations, Sponsorship and Waiving of Fees and Charges; and
- Policy No. 3.8.3 – Concerts and Events.

RISK MANAGEMENT IMPLICATIONS:

Low: With an approved Road Closure in place, cooperation between the City and the event organisers and being an alcohol free, family event that lasts one (1) hour suggest risk implications would be low.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Plan 2013-2017* where the following Objective states:

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The request to the City from Western Force is to provide in-kind use of Birdwood Square on Saturday, 1 March 2014 from 2.00pm to 6.00pm with the costs of \$255 being waived.

Additional in-kind support from Ranger Services to monitor the area during the event would also be required, as well as the City's approval of the temporary road closure from a Traffic Management company.

COMMENTS:

This event would be a strictly smoke and alcohol free family friendly gathering to unite Western Force fans and add to the experience of attending the game. The on flow effect to local businesses would also be beneficial.

9.5.3 Council Meeting and Forum Dates and Times for 2014 – Approval

Ward:	-	Date:	8 November 2013
Precinct:	-	File Ref:	ADM0016 & ADM0066
Attachments:	001 – Council Meeting and Forum Schedule 2014; 002 – Policy No. 4.2.3 – Council Meetings and Forums – Format, Procedures and Maximum Duration		
Tabled Items:	-		
Reporting Officer:	Jerilee Highfield, Executive Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **APPROVES:**

1. To hold its Council meetings on the second and fourth Tuesday of each month in 2014 (except October, November and December 2014 (first and third Tuesday) and January (no meeting) in accordance with the Council Policy No. 4.2.3 – “*Council Meetings and Forums – Format Procedure and Maximum Duration*”, as detailed in Appendix 9.5.3;
2. Of the dates and time of Forums to be schedule in 2014, as detailed in Appendix 9.5.3;
3. Of its meetings to be held at the City’s Administration and Civic Centre (Council Chamber), commencing at 6.00pm on the dates as detailed in Appendix 9.5.3; and
4. In accordance with Regulation 12 of the Local Government (Administration) Regulations 1996, to GIVE local public notice of the meeting and forum dates detailed in Appendix 9.5.3.

COUNCIL DECISION ITEM 9.5.3

Moved Cr Topelberg, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (7-0)

(Cr Pintabona had not yet arrived at the Meeting.)

PURPOSE OF REPORT:

The purpose of the report is for the Council to approve of the Council Meeting dates and times for 2014 and the schedule of dates for its Forums for 2014.

BACKGROUND:

The Local Government Act 1995 (Section 5.3) and the Local Government (Administration) Regulations 1996, Regulation 12, requires the Council to determine meeting dates and times and for these to be published on a local basis throughout the City.

DETAILS:

At the Ordinary Meeting of Council held on 23 November 2010, the Council resolved to adopt an amended Policy No. 4.2.3 – “Council Meetings and Forums – Format, Procedures and Maximum Duration”, as shown in Appendix 002.

CONSULTATION/ADVERTISING:

The Council Meeting dates will be advertised in a local newspaper. Information will also be placed on the City's website.

Notices of Forum are available for viewing on the City's website www.vincent.wa.gov.au and are placed on the Notice Board at the City's Administration & Civic Centre.

LEGAL/POLICY:

Legislation – Statutory Provisions: Section 5.3 of the Local Government Act 1995 states:

“Ordinary and Special Council meetings:

- (1) *A Council is to hold ordinary meetings and may hold special meetings;*
- (2) *Ordinary meetings are to be held not more than three months apart; and*
- (3) *If a Council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure. ”*

Regulation 12 of the Local Government (Administration) Regulations 1996 states:

- “12 (1) *At least once a year a local government is to give local public notice of the dates on which and the time and place at which –*
- (a) *The ordinary Council meetings; and*
 - (b) *The Committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public;*
- Are to be held in the next 12 months;*
- (2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in sub regulation (1);”*

Council Meeting Dates and Night

During the Festive Season holiday period, many of the City's employees and a number of Council Members proceed on annual leave. It is therefore appropriate and beneficial that this period be used to have a break from the hectic meeting schedule. Furthermore, in accordance with the City's community consultation policy, the advertising of development applications will not be carried out from ~~48~~ 16 December 2013 to ~~40~~ 12 January 2014. As such, it is recommended that no meetings be held in January.

It is considered that there will be insufficient items to justify a meeting and any matters necessitating a decision can be approved under Delegated Authority (if applicable). Any matters of urgency will be dealt with, if they arise. No meetings have been held in January in previous years and this has not caused any problems.

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

Public Holidays

No Public Holidays fall on a Tuesday.

Other Local Governments

A research of other metropolitan Local Government meeting dates has revealed that most metropolitan Councils meet on a Tuesday night. Of the 18 local governments reviewed:

- 1 meets on a Monday;
- 2 meet on a Wednesday; and
- 15 meet on a Tuesday.

The Mindarie Regional Council, Tamala Park Regional Council and the Western Australian Local Government Association Central Zone meetings are generally held on a Thursday.

Citizenship Ceremonies

The City's Citizenship ceremonies are normally held on a Wednesday night.

Council Meeting Time

Council meetings have commenced at 6.00pm, since the creation of the City in July 1994 and has worked well. This allows Council Members and the public to attend the meeting, coming directly from their work. It also allows for the meeting to finish at a reasonable time.

For information, the Council average meeting time for the previous years is as follows:

Year	Average Meeting Time	Average Finish Time
2012-2013	3 hours 19 minutes	9.19pm
2011-2012	3 hours 24 minutes	9.00pm
2010-2011	3 hours, 15 minutes	9.15pm
2009-2010	3 hours, 50 minutes	9.50pm
2008-2009	2 hours, 41 minutes	8.41pm
2007-2008	2 hours, 31 minutes	8.31pm
2006-2007	2 hours, 39 minutes	8.39pm
2005-2006	3 hours, 3 minutes	9.03pm
2004-2005	3 hours, 15 minutes	9.15pm
2003-2004	2 hours, 52 minutes	8.52pm
2002-2003	3 hours, 24 minutes	9.24pm
2001-2002	3 hours, 12 minutes	9.12pm

Accordingly, it is recommended that no change be made to the meeting commencement time of 6.00pm.

Agenda Settlement, Format and Procedures

The current procedures for compiling the agenda, distribution to council members and allowing for pre-Council meeting enquiries was introduced in late 2010.

This works reasonably well, except that Council Member enquiries are still predominately received on the Monday prior to the Tuesday meeting – despite the Agenda being provided seven (7) days earlier.

This causes pressure on the City's Administration on the two (2) days prior to the meeting. This can be avoided or at least minimised if Council Member enquiries are received earlier.

Forums

There is no statutory requirement to advertise Forum dates.

Forums are held in accordance with the Forum Guidelines which were adopted at the Ordinary Meeting of Council held on 10 August 2004.

RISK MANAGEMENT IMPLICATIONS:

Low: It is a statutory requirement for a Local Government to publish their Council Meeting and Forum times and dates. Failure to do so for Council Meetings would be a breach of the Local Government Act 1995 and Regulations and for Forums will cause a lack of information to the community.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Strategic Plan – Plan for the Future 2011-2016, Objective 4.1 – “Provide Good Strategic Decision Making, Governance, Leadership and Professional Management” and, in particular, Objective 4.1.2 – “Manage the organisation in a responsible, efficient and accountable manner”.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The advertising of the Meeting and Forum dates will cost approximately \$250.

COMMENTS:

It is recommended that the:

1. Council continue to meet on the second and fourth Tuesday of each month in 2014, with the exception of October November and December (first and third Tuesday) and January (no Meeting); and
2. Forums continue to be scheduled on the third Tuesday of every month in 2014, except November and December (second Tuesday) and January (no Forum)

9.5.7 Information Bulletin

Ward:	-	Date:	8 November 2013
Precinct:	-	File Ref:	-
Attachments:	001 – Information Bulletin		
Tabled Items:	Nil		
Reporting Officer:	J Highfield, Executive Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** the Information Bulletin dated 8 November 2013, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.5.7

Moved Cr Topelberg, Seconded Cr Harley

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (7-0)

(Cr Pintabona had not yet arrived at the Meeting.)

DETAILS:

The items included in the Information Bulletin dated 8 November 2013 are as follows:

ITEM	DESCRIPTION
IB01	Circular 31-2013 dated 24 October 2013 from Department of Local Government and Communities regarding Limits on Cat Numbers – <i>Cat Act 2011</i>
IB02	Circular 33-2013 dated 28 October 2013 from Department of Local Government and Communities regarding Amendments to <i>Dog Act 1976</i>
IB03	Unconfirmed Minutes of the Design Advisory Committee held on 16 October 2013
IB04	Unconfirmed Minutes of the Sustainability Advisory Group held on 16 September 2013
IB05	Unconfirmed Minutes of the Medibank Stadium (Leederville Oval) Ground Management Committee held on 4 November 2013
IB06	Ranger Services Statistics for July, August and September 2013
IB07	Register of Petitions – Progress Report – November 2013
IB08	Register of Notices of Motion – Progress Report – November 2013
IB09	Register of Reports to be Actioned – Progress Report – November 2013
IB10	Register of Legal Action (Confidential – Council Members Only) – Monthly Report (November 2013)
IB11	Register of State Administrative Tribunal Appeals – Progress Report – as at 6 November 2013
IB12	Register of Applications Referred to the Design Advisory Committee – November 2013
IB13	Register of Applications Referred to the MetroWest Development Assessment Panel – 24 January 2013 - Current
IB14	Letter received from the Hon. Tony Simpson MLA, Minister for Local Government; Community Services; Seniors and Volunteering Youth regarding Update on Local Government Reform

9.1.1 FURTHER REPORT - Nos. 159-161 (Lot 337; D/P; 2355) Walcott Street, Corner of Burt Street, Mount Lawley – Proposed Change of Use from Shop and Educational Establishment to Small Bar (Unlisted Use)(Tenancy 2) and Retail Shop (Tenancy 1)

Ward:	South	Date:	8 November 2013
Precinct:	Norfolk; P10	File Ref:	PRO0193; 5.2012.317.3
Attachments:	001 – Property Information Report and Development Application Plans 002 – Management Plan (Small Bar) (Impact Statement) 003 – Applicant’s Submission (Community Consultation) 004 – Further Information supplied by Applicant		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Acting Senior Planning Officer (Statutory)		
Responsible Officer:	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, **APPROVES** the application submitted by Mr P Fogliani on behalf of the owner Fogliani Nominees for proposed Change of Use from Shop and Educational Establishment to Small Bar (Unlisted Use) (Tenancy 2), and Retail Shop (Tenancy 1) at Nos. 159-161 (Lot 337; D/P: 2355) Walcott Street, Corner of Burt Street, Mount Lawley, and as shown on amended plans stamp-dated 24 January 2013, subject to the following conditions:

1. Building

1.1 The windows, doors and adjacent floor area facing Walcott and Burt Street(s) shall maintain an active and interactive frontage to these streets with clear glazing provided;

2. Operating Hours

2.1 The hours of operation of the Small Bar shall be limited to:

DAY	HOURS OF OPERATION
Monday to Thursday	7:00am to 10:00pm
Friday and Saturday	7:00am to 12:00 midnight
Sunday	7:00am to 10:00pm

2.2 The hours of operation of the rear courtyard of the Small Bar shall be the same as the operating hours (as outlined in condition 2.1) for a twelve month trial period, from the date of opening/occupation of the small bar;

3. Use of the Premises

3.1 The maximum patronage for the Small Bar shall be Eighty – Six (86) persons;

3.2 Packaged liquor is not to be sold at the premises; and

3.3 Any proposed increase to the number of patrons of the proposed Small Bar or the use of the Eating House Tenancy will require a further development application;

4. Any proposed alfresco dining is not part of this application and is subject to further application to the City by the applicant;

5. The existing awning is to remain on the existing building as per the Norfolk Precinct Policy requirements;
6. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT, the following shall be submitted to and approved by the City;**
 - 6.1 **Refuse Management Plan**

A Refuse and Recycling Management Plan shall be submitted and approved by the City. The Plan shall include details of refuse bin location, number of rubbish and recycling receptacles, vehicle access and manoeuvring.

Revised plans and details shall be submitted demonstrating a bin compound being provided in accordance with the City's Health Services Specifications;
 - 6.2 **Acoustic Report**

An Acoustic Report in accordance with the City's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development; and
 - 6.3 **Vegetation Screening**

Vegetation screening shall be provided along the western boundary of the property abutting the western residential property to act as a buffer for sound and visual amenity;
7. **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be submitted to and approved by the City:**
 - 7.1 **Management Plan**

A detailed management plan that addresses the control of noise, anti-social behaviour, traffic, car parking, disposal of rubbish and its collection and litter associated with the development and any other appropriate matters shall be submitted to and approved by the City prior to the first occupation of the development, and thereafter implemented and maintained;
 - 7.2 **Transport Statement**

A Transport statement in accordance with the WAPC Transport Guidelines 2006 to be provided, if more than one-hundred (100) persons for both the Small-Bar and Shop uses are proposed;
 - 7.3 **Car Parking Area**

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

Two (2) Class one or two bicycles facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of bicycle parking facilities shall be submitted to and approved by the City prior to the installation of such facility.

ADVICE NOTE:

1. No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning;
2. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Walcott and Burt Street(s); and
3. All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Permit application, being submitted to and approved by the City prior to the erection of the signage.

COUNCIL DECISION ITEM 9.1.1

Moved Cr Harley, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Topelberg, Seconded Cr Harley

That the item be DEFERRED for further community consultation to be undertaken by the City of Vincent.

PROCEDURAL MOTION PUT AND CARRIED (6-1)

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

Against: Cr Topelberg

(Cr Pintabona had not yet arrived at the Meeting.)

ADDITIONAL INFORMATION

The main concerns received from the adjoining landowners as part of the Community Consultation undertaken by the applicant on 2 July 2013 and 3 July 2013, are as follows:

Resident's Concern	Application Comment	Officer Comment
Use – Substantial amount of Bars and restaurants in area and little need for any more in area.	The shops and offices along this strip of tenancies have been in operation for a substantial length of time and a Small Bar will not operate in any greater capacity than that of a café/restaurant style venue.	The proposal for a small bar can be considered on its merits given its location in a Local Centre zone.
Anti-Social Behaviour – Concern in relation to impact of selling of alcohol/littering/vandalism.	Applicant to implement House Management Plan for staff to remain vigilant.	Applicant required to operate responsibly under the Liquor Licensing Act. A Management Plan required to be provided as per the recommended condition, prior to Occupation of Development.

Resident's Concern	Application Comment	Officer Comment								
Rubbish Disposal	<p>Implement within the House Management Plan a strategy and/or roster for regular clean up of cigarette butts, manage waste</p> <p>Rubbish not to be emptied after 10pm or before 9am.</p>	<p>The applicant would be required to provide, prior to any approval a waste/refuse management plan that is to be approved by the City's Technical Services.</p>								
<p>Parking and Traffic – Both the volume of traffic into Burt Street, shortfall in car parking, future car parking in retail tenancy.</p>	<p>Consideration be given to reinstall line markings along Walcott Street for additional parking.</p> <p>Consideration be given within the House Management Plan for staff to park at property at No. 157 Walcott Street, which is owned by the same property owner of the subject property.</p> <p>Alteration of tenancy for eating house use to be used for retail shop.</p>	<p>The car parking provided on site is compliant with the subject uses.</p>								
<p>Hours of Operation – Confirmation of Opening and Closing Times</p>	<p>Hours of operation to match normal café and restaurant hours with the service of alcohol being limited as per the liquor licence.</p>	<p>Conditioned as part of the recommendation in the Planning Approval.</p> <table border="1" data-bbox="999 1146 1359 1429"> <thead> <tr> <th data-bbox="999 1146 1171 1211">Day</th> <th data-bbox="1171 1146 1359 1211">Hours of Operation</th> </tr> </thead> <tbody> <tr> <td data-bbox="999 1211 1171 1272">Monday to Thursday</td> <td data-bbox="1171 1211 1359 1272">7:00am to 10:00pm</td> </tr> <tr> <td data-bbox="999 1272 1171 1364">Friday and Saturday</td> <td data-bbox="1171 1272 1359 1364">7:00am to 12:00 midnight</td> </tr> <tr> <td data-bbox="999 1364 1171 1429">Sunday</td> <td data-bbox="1171 1364 1359 1429">7:00am to 10:00pm</td> </tr> </tbody> </table>	Day	Hours of Operation	Monday to Thursday	7:00am to 10:00pm	Friday and Saturday	7:00am to 12:00 midnight	Sunday	7:00am to 10:00pm
Day	Hours of Operation									
Monday to Thursday	7:00am to 10:00pm									
Friday and Saturday	7:00am to 12:00 midnight									
Sunday	7:00am to 10:00pm									
<p>Residential Amenity – Impact of Small Bar</p>	<p>Implementation of House Management Strategy to deal with impacts relating to noise, rubbish, parking on-site, courtyard amenity, provision of bicycle racks and noting to staff to make patrons aware of exiting the premises in orderly and quiet manner.</p>	<p>The applicant is required to submit a Management Plan that is approved by the City prior to its operation. The measures stated by the applicant in the House Management Strategy are all considered useful in the operation of a small bar.</p>								
<p>Noise – Concerns in relation to the rear courtyard and possible noise impacts to adjoining residential properties.</p>	<p>The use of the courtyard would be subject to acceptable noise levels contained in an acoustic report. Measures such as careful placement of any speakers, baffling and screening to be provided to reduce the impact of</p>	<p>A condition has been recommended for the courtyard to have the same operating hours as the internal bar area, and a 12 month approval to monitor its operation. In addition,</p>								

Resident's Concern	Application Comment	Officer Comment
A buffer should be created to the rear of the site with a vegetation barrier.	the noise levels. A House Management Plan submitted with the application to monitor noise and ensure staff be vigilant to ensure patrons leave the premises in a quiet and orderly way. Courtyard chosen as the area for an outdoor area for the small bar as it is at least 25 metres away from the property boundary.	vegetation screening is required to be provided abutting the western property. As the applicant has stated an acoustic report would be required to be provided at the Building Permit stage, and any implementation measure would be required to be adhered to by the applicant to ensure noise levels were compliant.
Future use of the proposed Eating House tenancy	The applicant has amended the proposed use to be retail shop rather than eating house given the potential for exacerbating the number of parking bays on site.	The applicant has amended the use of the Eating House tenancy to a Retail shop tenancy.
Damage to Back Fence	Strategic Use of kerbing and/or bumpers to further restrict the risk of impact on the rear boundary wall.	Applicant to liaise with the City's Technical Services in this respect.
Foot Traffic – Concern of patrons walking past residential properties.	Implementation of House Management Plan – to advise patrons to exit the premises and car park in an orderly fashion. Display of signage to note to patrons to leave area quietly.	The applicant to provide a Management Strategy prior to the submission of a Building Permit to monitor patrons leaving the premises in an orderly fashion, as per recommended condition.

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

FURTHER REPORT:

The proposed Change of Use from Shop and Educational Establishment to Small Bar (Unlisted Use) and Eating House was presented to the Ordinary Meeting of Council on 25 June 2013 whereby Council resolved:

“That the item be DEFERRED at the request of the Applicant in order to conduct further community consultation with the local residents”.

The Minutes of Item 9.1.3 from the Ordinary Meeting of Council held on 25 June 2013, relating to this Report is available on the City's website at the following link:
http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes

Details

Following Council's deferral of the application, the applicant has undertaken further community consultation in order to proceed with the proposal. This was carried out on two occasions on the 2 July 2013 and 3 July 2013 where the following issues were discussed in detail with the residents of the surrounding community:

- Traffic and Speed of Vehicles;
- Car parking;
- Courtyard noise;
- Rubbish noise;
- Foot traffic;
- Unsocial behaviour;
- Litter;
- Damage to adjoining property; and
- Opening times.

As a result of the identified issues, the proposed tenancy 1 has been altered from a proposed eating house to a retail shop. It is considered that amending this tenancy to a shop will significantly reduce the additional impact of car parking and traffic movements to the area than would have otherwise emanated from an additional eating house tenancy on site.

Summary of Community Consultation

As a result of the community consultation and the main issues identified above, the applicant has provided further information which can be found in Attachment 4, which notes as follows, strategies to mediate the issues noted above and these include:

- *Request for line markings to be re-instated by City of Vincent for parking (west bound) between William Street and Burt Street. In order to slow down traffic turning left into Burt Street and provide additional car parking;*
- *Possible introduction of traffic calming measures along Burt Street;*
- *Consideration of the implementation of a House Management Plan for the use of No. 157 Walcott Street, also under the ownership of the owner/applicant of the site, for staff car parking and thereby allowing for staff parking of up to five (5) bays during peak periods after 6pm;*
- *Removal of the Café Use from Tenancy 1, allowing for a lower patronage accessing the site and lower car parking need;*
- *Support of Residential Parking Only zoned along parts of Burt and Monmouth Street to ensure residents have clear egress and ingress to their properties;*
- *Requirement for Staff to be vigilant to leaving patrons during closing times to ensure patrons remain as quiet as possible.*
- *Implementation of baffling and careful locating of speakers to ensure any noise generated is within limits approved in any acoustic report;*
- *Recommendation that the courtyard be closed at least 30 mins prior to closing times as prescribed by any liquor licence for Friday/Saturday and Sunday and at least 60 mins prior to close on Monday-Thursday;*
- *Implement a rubbish removal strategy within the House Management Plan with rubbish to not be emptied after 10pm or before 9am.*
- *Refuse Management Plan to be prepared as per any conditions of approval;*
- *Introduce prominent signage reminding patrons to leave the venue as quietly as possible;*
- *Implementation of the responsible service of alcohol and maintain the strategy for ejection of patrons and provision of alternative transport as per the House Management Plan;*
- *Implementation within the House Management Plan a strategy and/or roster for the regular clean-up of cigarette butts and strategy for those patrons who smoke at the venue.*
- *Strategic Use of kerbing and/or bumpers to further reduce risk of impact on the rear boundary wall;*

The above suggestion are noted as possible methods of reducing the impact of the Small Bar thereby resulting in minimal impact to the immediately surrounding community including recommended hours of operation. The implementation of a House Management Plan is recommended as a condition of approval and would covers the items listed by the applicant. It is however noted that it is unlikely that the City's Technical Services would support the reinstatement of line marking along Walcott Street, given it is a District Distributor 'A' road and the halting of traffic it would cause during peak period of the day.

DETAILS:

Landowner:	Fogliani Nominees
Applicant:	Mr P Fogliani
Zoning:	Local Centre
Existing Land Use:	Shop & Educational Establishment
Use Class:	Small Bar & Retail Shop
Use Classification:	'SA' & 'P'
Lot Area:	999 square metres
Right of Way:	Not Applicable

The following table reflects the changes as a result of the amended plans.

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

Revised Car Parking Table based on Current Car Parking Policy adopted by Council on 8 October 2013.

The maximum accommodation numbers of the Small Bar (number of patrons permitted at the premises at any one time) for the proposed public building are restricted by the following factors in accordance with the *Health (Public Building) Regulations 1992*;

- Floor Area (Calculated at 1 person per 0.85 square metres);
- Sanitary Provisions (WC's, Handbasins and Urinals); and
- Exit Width and designated exit provisions.

Based on the above the proposed patron numbers of 86 persons is supported by the City's Health Services.

Applicant Proposal – Car Parking Bays	Proposed
Car parking requirement (nearest whole number)	
<ul style="list-style-type: none"> • Proposed Small Bar (Unit 2) - (1 car bay per 5 persons) (86 persons proposed) – 17.2 car bays • Proposed Retail Shop (Unit 1) – 1 bay per 20 square metres floor area) – 25 square metres – 1.25 car bays 	
Total car bays required = 17.2 car bays + 1.25 car bays = 18.45 car bays – 18.0 car bays	18.00 car bays
Adjustment factors	
<ul style="list-style-type: none"> • 0.80 (within 400 metres of a bus route) 	(0.80) 14.40 car bays
Minus the car parking provided on-site	16.00 car bays
Resultant Surplus	1.60 car bays

Bicycle Bays	
<p>Bicycle bay requirement (nearest whole number)</p> <p>Proposed Small Bar – One (1) Bicycle Space per 20 persons required (86 persons proposed) (Class 1& 2/3) – 4.3 Bicycle Bays required – 5.0 spaces</p> <ul style="list-style-type: none"> - 35% for Class 1 or 2 – 1.75 spaces – 2.0 spaces - 65% for Class 3 – 3.25 spaces – 3.0 spaces <p>Proposed Shop– One (1) bicycle per 40 square metres (25m²) – 1.0 spaces</p> <ul style="list-style-type: none"> - 35% for Class 1 or 2 - 65% for Class 3 <p>Total Required - Class 2 – 2.0 spaces required Class 3 – 4.0 spaces required</p>	<p>Class 2 – 2.0 spaces required Class 3 – 3.0 spaces required</p> <p>Class 2- Nil bicycle spaces Class 3 – 1.00 spaces</p>
Minus the bicycle bays provided on-site	Class 3 – Five (5) Bike Racks (U Rails)
Resultant Surplus	Class 3 – 1.00 spaces
Resultant Shortfall	Class 2 – 2.0 spaces required

Comments

In light of the above, it is considered that the proposal is supportable, as the amendments made by the applicant provide for a lessening in the traffic resulting from both the proposed Small Bar and Shop use. Therefore, based on the above mentioned amendments to the proposed plans, the Officer recommendation is for approval, subject to the above mentioned conditions.

9.1.4 No. 742 (Lot: 30 D/P: 42555) Newcastle Street, Leederville – Proposed Alterations and Additions to Existing Hotel (Leederville Hotel)

Ward:	South	Date:	8 November 2013
Precinct:	Oxford Centre; P4	File Ref:	PRO0630; 5.2013.361.1
Attachments:	001 – Property Information Report & Development Assessment Plans		
Tabled Items:	Nil		
Reporting Officer:	D. Bothwell, Planning Officer (Statutory)		
Responsible Officer:	P. Mrdja, A/Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Taylor Robinson Architects on behalf of the owner, Argyle Holdings Pty Ltd for Proposed Alterations and Additions to Existing Hotel at No. 742 (Lot: 30 D/P: 42555) Newcastle Street, Leederville, and as shown on plans stamp-dated 2 October 2013, subject to the following conditions:

1. the maximum floor space shall be limited as follows:
 - 1.1 hotel – 1,671 square metres of public floor area; and
 - 1.2 bottle shop – 250 square metres of gross floor area.
2. Doors, windows and adjacent floor areas facing Newcastle Street shall maintain active and interactive relationships with the street;
3. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION**, the following shall be submitted to and approved by the City:
 - 3.1 **Construction Management Plan**
 A Construction management plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the City, in accordance with the requirements of the City’s Policy No. 3.5.23 relating to Construction Management Plans, and Construction Management Plan Guidelines and Construction Management Plan Application for Approval Proforma;
 - 3.2 An updated detailed management plan that addresses the control of noise, traffic, maximising safety and access for pedestrians and the potential conflict between pedestrians and vehicular traffic, where the right-of-ways meet both Oxford and Vincent Streets, car parking, litter and antisocial behaviour (to reasonable levels) associated with the proposed development and associated usage of the balconies shall be submitted and approved prior to the first occupation of the development, and thereafter implemented and maintained;
 - 3.3 A detailed schedule of the proposed awning, gate and external walls (including materials and colour schemes and details) along the Newcastle Street frontage;

4. **WITHIN TWENTY-EIGHT (28) DAYS OF THE ISSUE DATE OF THIS 'APPROVAL TO COMMENCE DEVELOPMENT', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:**

4.1 **Percent for Public Art**

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

- 4.1.1 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 \$10,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development \$1,000,000; and

- 4.2 in conjunction with the above chosen option;

4.2.1 **Option 1**

Prior to the submission of a Building Permit for the development, obtain approval for the Public Art Project and associated Artist; and

prior to the submission of an Occupancy Permit, install the approved public art project, and thereafter maintain the art work;
OR

4.2.2 **Option 2**

Prior to the submission of a Building Permit 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; and

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

ADVICE NOTES:

1. All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the City prior to the erection of the signage;
2. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Newcastle Street and Vincent Street;
3. Any new street/front wall, fence and gate within the Newcastle Street and Vincent Street setback areas, including along the side boundaries within these street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences;
4. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning;

5. **The current maximum accommodation numbers will be reassessed as a result of the proposed redevelopment, and application must be made to Construct, Extend or Alter a Public Building (Form 1) and for a Certificate of Approval to be issued (Form 2) in accordance with the Health (Public Buildings) Regulations 1992 (as amended). All areas of the existing Public Building that are being altered, and all newly extended or constructed areas are to be assessed on-site at the completion of the redevelopment for Maximum Accommodation Numbers so that the Certificate of Approval may be issued prior to first occupation of the development; and**
6. **In accordance with the Health (Public Buildings) Regulations 1992, patron numbers should not exceed 1800 persons, based on a preliminary desktop assessment. Consideration of numbers in excess of 1800 persons in accordance with the Health (Public Buildings) Regulation 1992, will require a further report to the Council for further consideration.**

COUNCIL DECISION ITEM 9.1.4

Moved Cr Buckels, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

Cr Pintabona arrived at the Meeting at 6.45pm.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

PURPOSE OF REPORT:

The application is referred to Council as the proposal is for alterations and additions to an existing Hotel, and is considered likely to be of significant interest to the community.

Background:

On 26 August 2013 an application was submitted to the City for proposed alterations to the existing Hotel (Leederville Hotel).

Recent History:

Date	Comment
9 May 2006	The Council at its Ordinary Meeting conditionally approved additions and alterations to existing hotel, bottle shop and alterations and car parking area and crossovers.
6 August 2009	The City under Delegated Authority from Council approved an LED Screen Addition to Existing Hotel (Leederville Hotel).
9 February 2010	Council at its Ordinary meeting resolved to approve a change of use of existing Leederville Hotel Car Park to a Part Fee Paying Car Park.
8 October 2013	The Council at its Ordinary Meeting conditionally approved the renewal of Permit for Additional Outdoor Eating Area until 30 June 2014.

DETAILS:

The application is for Alterations and Additions to an Existing Hotel (Leederville Hotel). The proposed works include but are not limited to the following:

- Extension to existing kitchen at the Garden;
- Remodelling and refurbishment of the Newcastle Street frontage of existing Leederville Hotel including the removal of the existing awnings and replacement with a new awning;
- Establishment of an external colonnaded seating space; and
- Reconfiguration of amenities.

Landowner:	Argyle Holdings Pty Ltd
Applicant:	Taylor Robinson Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): District Centre
Existing Land Use:	Hotel
Use Class:	Hotel
Use Classification:	"SA"
Lot Area:	2,683 square metres
Right of Way:	3 metres wide, sealed and drained, City of Vincent owned

ASSESSMENT:

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

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Density/Plot Ratio	N/A		
Streetscape	N/A		
Roof Forms	N/A		
Front Fence	N/A		
Front Setback	N/A		
Building Setbacks	N/A		
Boundary Wall	N/A		
Building Height	N/A		
Building Storeys	N/A		
Open Space	N/A		
Bicycles	N/A		
Access & Parking	✓		
Privacy	N/A		
Solar Access	N/A		
Site Works	N/A		
Essential Facilities	N/A		
Surveillance	N/A		
Economic Development	N/A		
Awnings			✓

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

Issue/Design Element:	Awnings
Requirement:	<p>Development Guidelines for Commercial and Mixed Use Developments Policy No. 3.5.12 Clause 2.2 & Leederville Masterplan Built Form Guidelines Appendix No. 19</p> <p>-Where there is an existing pattern of awnings, complement the existing height, depth and form of awnings.</p>
Applicants Proposal:	<p>Proposed awning does not match some of the heavier style awnings on Oxford Street, but is consistent with the lighter style, contemporary awnings existing on Newcastle Street.</p>
Performance Criteria:	<p>P2.2 Commercial and Mixed Use Developments are to provide awnings that respect the preferred character or existing character of a streetscape to provide shelter for public streets and spaces and to contribute to the legibility of buildings, whilst adhering to the minimum standards for awnings detailed in the City's Local Law 2008 relating to Local Government Property.</p>
Applicant justification summary:	<p>The awning is proposed to be of a lightweight construction utilising some of the existing structure to support glazed (or similar) panels with a graphic film for sun-protection.</p> <p>The design intent is that the proposed awning will be lighter, therefore allowing more natural light to below, whilst providing continuous cover; as well as giving prominence to the original fabric of the hotel.</p>
	<p>The awning is shown at a height of approximately 3.6m and at 750mm from the kerb as per the City's 'deemed to comply' guidelines in the immediate context, from lightweight awnings on the corner of Carr St), the proposed awning will be designed to showcase the buildings architectural merit within the streetscape, whilst providing the necessary amenity required, in a more sympathetic manner than currently occurs.</p>
Officer technical comment:	<p>On 2 October 2013, the City received amended plans from the applicant addressing the comments received by the DAC in relation to the proposed awning along the Newcastle Street footpath. The proposed awning at a height of 3.6 metres and 750 millimetres from the kerb meets the acceptable development standards of the City's Policy relating to awnings. In addition, the current plans show a continuous awning as per the DAC's comments providing continuous cover to pedestrians along this section of Newcastle Street.</p> <p>The lighter contemporary style of awning proposed is not consistent with the more traditional heavier, boxy style of awnings existing on Oxford Street, on the opposite (south) side of Newcastle Street on the corner of Oxford Street and a small section along Carr Street (Cinnamon Club). The proposed lighter awning however, is considered to be consistent with a series of lighter, contemporary style of awnings existing at No. 666 Newcastle Street including "Duende", "Sumo" and</p>

Issue/Design Element:	Awnings
	<p>“Realmark Realty”. Given that there is no awning existing for building to “The Garden” adjoining to the east, the lightweight design of the awning is considered to act as a transition between the Garden and the heavier awnings on Oxford Street.</p>
	<p>The lighter style of awning proposed for the Leederville Hotel has been designed to increase the levels of natural light to the front facade, providing increased activation between the building and Newcastle Street. The City’s Heritage Services have provided a Heritage Statement indicating that the proposed works do not adversely affect the cultural heritage with the new works allowing for a distinction between old and new.</p>

Car Parking

Although the City has adopted an amended Parking and Access Policy, on 8 October 2013, the application was submitted prior to this date and can therefore be considered under the provisions of the previous policy. Car parking is calculated in this instance as the internal layout has been reworked, resulting in amended floor areas.

The following is the development sites most recently approved car parking calculation from the approval issued by the Council at its Ordinary Meeting held on 9 February 2010:

Requirements as per Parking and Access Policy	Required
<p>Total car parking required before adjustment factor (nearest whole car number)</p> <p>Retail: 1 car bay per 15 square metres of gross floor area (proposed 250 square metres). = 16.67 car bays</p>	456 car bays
<p>Hotel: 1 space per 3.8 (1671) square metres of public floor area = 439.74 car bays. Total = 456.41 car bays Note: 1 car bay per 4.5 patrons (2115 patrons) is not being used as the patron numbers are likely to be reduced, as a result of the redevelopment of the site.</p>	
<p>Apply the parking adjustment factors.</p> <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop). ▪ 0.80 (within metres to a Rail station). ▪ 0.85 (within 400 metres of a car park with 75 car bays). ▪ 0.90 (District Centre). ▪ 0.95 (bicycle facilities). 	(0.49419) 225.35 car bays
<p>Minus car parking provided on-site.</p>	92 car bays
<p>Minus car parking shortfall approved by the then Minister for Planning</p>	366
<p>Resultant surplus</p>	232.65 car bays

The following is the Car Parking calculation based on the City Amended Parking and Access Policy:

Requirements as per Parking and Access Policy (8 August 2013)	Required
Total car parking required before adjustment factor (nearest whole car number)	373 car bays
Retail: 1 car bay per 20 square metres (proposed 250 square metres) = 12.5 car bays Hotel: 1 space per 5 persons (1800 persons) = 360 car bays. Total = 372.5 car bays	
Apply the parking adjustment factors.	(0.4896)
<ul style="list-style-type: none"> ▪ 0.80 (within 400 metres of a bus stop). ▪ 0.80 (within metres to a Rail station). ▪ 0.85 (within 400 metres of a car park with 75 car bays). ▪ 0.90 (District Centre) 	182.6208 car bays
Minus car parking provided on-site.	92 car bays
Minus car parking shortfall approved by the then Minister for Planning	366
Resultant surplus	275.3792 car bays

The total public floor area, as a result this application remains unchanged. As per plan DA12 showing the proposed patron area, there are some marginal areas which have been gained and lost with the total area of nil square metres gained/lost. As the total net floor area is the same as existing, there is no impact on parking required in this instance.

CONSULTATION/ADVERTISING:

Although the rear car park area of the property abuts Vincent Street (Blue Road), the application relates to the front portion of the property to the Leederville Hotel which fronts onto Newcastle Street and does not adjoin any portion of Vincent Street. As such, the Department of Planning were not consulted in relation to the proposed works.

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Comments Period:	11 October 2013 to 25 October 2013
Comments Received:	2 (two) objections, 1 (one) support and 1 (one) neither support or object.

Summary of Comments Received:	Officers Technical Comment:
Plans do not show proposed awning design.	Noted. It is noted amended plans have now been provided by the applicant. A condition has been applied for a detailed schedule of the proposed awning, gate and external walls (including materials and colour schemes and details) along the Newcastle Street frontage, which is required to be submitted to and approved by the City's Heritage Services prior to the issue of a Building Permit.
Awnings on nearby buildings (e.g. Cinnamon Club) are in keeping with ones on Oxford Street.	Supported in part. It is acknowledged that the lighter contemporary style of awning proposed are not consistent with the more traditional heavier, boxy style of awnings existing on Oxford Street, on the opposite (south) side of Newcastle Street on the corner of Oxford Street and a small section along Carr Street (Cinnamon Club). The proposed lighter awning however, is considered to be consistent with a series of

Summary of Comments Received:	Officers Technical Comment:
	lighter, contemporary style of awnings existing along Newcastle Street and act as a transitions between the heavier awnings on Oxford Street to the west and the absence of awning at The Garden immediately to the east.
The plans state no change to the patron floor area of 1228sqm. Health has confirmed maximum patron numbers are calculated at 1 person per 0.85sqm with adjustments for toilets (usually reductions).	Noted. Final maximum numbers will be determined by Health Services when Building Plans have been submitted and approved.
Concern over anti-social behaviour issues and general disturbance of the amenity of the area is caused by the large numbers this venue has.	Noted. It is acknowledged that there has been a history of events of anti-social behaviour associated with the Hotel. It has been reported by Police at the Vincent Accord Meeting that there has been a reduction in crime and anti-social behaviour in the area in recent times. Part of the vision of the Hotels redevelopment is to have an increased focus on food and to cater for a larger demographic of people including a more mature patronage which is considered to improve any existing social issues the Hotel has experienced in the past.
The storage shed at the rear of the property and the canopy should both be replaced before any new plans are passed. The canopy area is the cause of the noise problems and if rectified would go a long way in alleviating these issues.	Not supported. The proposed development application received by the City is for renovations and works of the main section of the existing hotel and does not relate to the existing tent area at the rear. The Council is obliged to consider the development application for the renovations and works to the Hotel. The comment in regards to the issue of noise has been noted.
Will council give the assurance that, as has been the case with the previous unauthorised Outdoor Eating Area, the scenario of the hotel building whatever they want and then going to the SAT for approval basically retrospectively, will not occur?	Noted. The proposed works to the existing Hotel will not be able to commence until a Building Permit has been issued by the City. Until such time, in the event that unauthorised works do occur at the subject property, and if the matter comes to the attention of the City, the matter will be referred to the City's Compliance Services for action.
"New Feature Gates" are proposed in the facade of the hotel fronting Newcastle Street. What are the nature of these "gates and what action is proposed to prevent potential noise spilling out into the street.	Noted. The detail of the proposed gates will be outlined at the Building Permit Stage as per condition 2 as per Heritage Services request. The City's Heritage Services have advised that the proposed changes to the gates are not considered to have a significant impact on the noise levels due to the nature of the use of proposed area. However, should increased noise levels be received from the premises, the City will investigate the matter and action accordingly.

Design Advisory Committee:

Referred to Design Advisory Committee: Yes

LEGAL/POLICY:

The following legislation and policies apply to the Alterations to Existing Hotel at No. 742 Newcastle Street, Leederville:

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1;
- Oxford Centre Policy No. 3.1.4;
- Leederville Masterplan Built Form Guidelines Appendix 19;
- Development Guidelines for Commercial and Mixed Use Developments;
- Shop Fronts and Front Facades to Non-Residential Buildings Policy No. 3.5.15;
- Sound Attenuation Policy No. 3.5.21; and
- Parking and Access Policy No. 3.7.1.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2017 states:

"Natural and Built Environment"

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

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

Economic Development

2.1 *Progress economic development with adequate financial resources*

2.1.1 *Promote business development and the City of Vincent as a place for investment appropriate to the vision for the City."*

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2017 states:

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

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

ENVIRONMENTAL	
Issue	Comment
The adaptive re-use of this existing space has a lower environmental impact compared to the existing building, with more openings and more access to natural light through the use of a lighter awning and increased openings.	

SOCIAL	
Issue	Comment
The proposal Hotel continues to function as a social meeting place venue, with an increased focus on food catering to a more mature and diverse demographic group of patrons.	

ECONOMIC	
Issue	Comment
The existing hotel will continue to provide employment opportunities.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Proposed Awning

On 2 October 2013, the City received amended plans from the applicant addressing the comments received by the DAC in relation to the proposed awning along the Newcastle Street footpath. The proposed awning at a height of 3.6 metres and 750 millimetres from the kerb meets the acceptable development standards of the City's Policy relating to awnings. In addition, the current plans show a continuous awning as per the DAC's comments providing continuous cover to pedestrians along this section of Newcastle Street.

Comments in relation to the proposed awning are provided in the assessment table section of this report.

Vision and Design

The intent of the proposed redevelopment of the Hotel as articulated by the applicant is to have an increased focus on food with more extensive menu and earlier trading during the day. The aim of this is to cater to a more sophisticated market with a focus of fine food and fine. It is the aim of the owners to attract a more sophisticated clientele promoting increased levels of local safety throughout the day and night. The proposed works are intended to provide an improvement to what the Leederville Hotel currently offers, contributing to the vibrancy, amenity and safety of the area.

The overall vision is to create a more diverse location that incorporates both indoor and outdoor spaces and provides greater activation of the Newcastle Street frontage. The proposal is considered to activate and provide natural light to what is currently a dark front facade. The City's DAC commented that the proposal is of high quality and provides significant improvement to the internal configuration of the hotel. It is considered that the proposed fit out of the existing Hotel will enhance the amenity of the area and importantly provide a strong connection between the building and the Newcastle Street which does not currently exist.

Heritage

The City's Heritage Services have prepared a Heritage Impact Statement to assess the impact of the proposed development on the cultural heritage value of the subject building. The Heritage Impact Statement indicated that the works do not adversely affect the cultural heritage significance of the place and the new works allow for the distinction between the old and new. The application is recommended for approval by the City's Heritage Services subject to the following condition:

'A detailed schedule of the proposed awning, gate and external walls (including materials and colour schemes and details) along Newcastle Street frontage shall be submitted to and approved by the City's Heritage Services prior to the issue of a Building Permit'.

Conclusion

The proposed redevelopment is considered to improve the overall amenity of the Leederville Hotel and surrounding area. The proposed awning has been amended to comply with the provisions of the City's policy relating to awnings. The lighter style of awning and increased openings to the front facade are considered to provide much needed light and activation to a currently dark and uninviting Newcastle Street frontage. The vision of the Hotel to increase their focus on food is considered to be more economically and socially sustainable outcome for the Hotel and is considered to attract a more diverse group of people to the Hotel and the Leederville area. The application is therefore supported subject to conditions and advice notices.

9.2.4 FURTHER REPORT: - Rescission Motion - On Road Cafes in Shopping Precincts

Ward:	Both	Date:	11 November 2013
Precinct:	ALL	File Ref:	PLA0084
Attachments:			
Tabled Items:	Nil		
Reporting Officers:	John Giorgi, JP Chief Executive Officer		
Responsible Officer:	John Giorgi, JP Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **NOTES** that at the Ordinary Meeting of Council held on 24 September 2013 (Item 9.2.1) it resolved (in part) as follows;

"2. AUTHORISES the Chief Executive Officer to;

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

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

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

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

; and

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

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

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

; and

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

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

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

2. in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(1)(e) of the Local Government Act 1995, three Elected Members, namely Mayor Carey, Councillor Harley and Councillor Buckels, being one third of the number of offices of members of the Council, **SUPPORT** this motion to change the Council decision;
3. Councillor Harley **MOVES** a motion to **CHANGE** the decision by deleting Clauses 2, (as shown above); and
4. in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(1)(e) of the Local Government Act 1995 the Council **APPROVES BY AN ABSOLUTE MAJORITY** that Clause 2 be amended to read as follows;

“**AUTHORISES** the Chief Executive Officer to:

- 4.1 **REMOVE** the On-Road Cafe located outside Foam Cafe, 128-130 Oxford Street, Leederville, as soon as practicable;
- 4.2 **RELOCATE** the On-Road Cafe (as referred to in Clause 2.1.2);
- 4.2.1 to a location in Leederville as determined, by the Mayor and Chief Executive Officer, at an estimated cost of approximately \$1,100 - \$1,500;
- 4.2.2 for a period not exceeding four (4) months in each location, from the date of relocation; and
- 4.2.3 thereafter to other locations as determined by the Mayor and the Chief Executive Officer, for period not exceeding four (4) months in each location, at an estimated cost of approximately \$1,100 - \$1,500 for each relocation;
- 4.3 **DEFERS** entering into a Legal Agreement to implement an ‘On Road Cafe’ with the following businesses at the following locations;

Item	Name	Address
4.1.1	Metrio and Co.	36-38 Angove Street, North Perth
4.1.2	Foam Coffee Bar (one bay only) [Subject to the existing ORC being relocated]	128-130 Oxford Street, Leederville
4.1.3	Siena’s	115 Oxford Street, Leederville
4.1.4	Cosmo’s Kebabs –(subject to alternative locations for existing motorcycle parking being found);	129 Oxford Street, Leederville
4.1.5	The Red Teapot Restaurant & Centurion Sea Food WA P/L	411-415 William Street, Northbridge
4.1.6	Mary Street Bakery – (subject to the ORC being able to be universally accessible);	507 Beaufort Street, Mount Lawley
4.1.7	The Ladder Cafe and Deli	167 Scarborough Beach Road, Mount Hawthorn
4.1.8	Kailis Brothers	99-101 Oxford Street, Leederville

4.4 REQUESTS a Road Safety Audit be carried out for the following locations;

<i>Item</i>	<i>Name</i>	<i>Address</i>
4.4.1	Cosmo's Kebabs –(subject to alternative locations for existing motorcycle parking being found);	129 Oxford Street, Leederville
4.4.2	The Ladder Cafe and Deli	167 Scarborough Beach Road, Mount Hawthorn

; and

4.5 Prepare a draft Policy Relating to On Road Cafe's (parklets) including but not limited to the following items;

- 4.5.1 how locations will be determined for any future ORCs;
- 4.5.2 duration/time in any specific location;
- 4.5.3 conditions of use by business proprietors;
- 4.5.4 maintenance and upkeep; and
- 4.5.5 any other relevant matters; and

5. REQUESTS the matter be listed for the 10 December 2013 Forum (for discussion with an alternate model base on the Vancouver parklet project) and for a report to be submitted to the Council at the Ordinary Meeting to be held on 25 February 2014."

Moved Cr Harley, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

AMENDMENT 1

Moved Cr Buckels, Seconded Cr Topelberg

"That Clauses 4.2.2 and 4.2.3 be deleted and replaced with the following:

"4.2.2 for a four (4) month trial period from the date of relocation, with an option of extending for a further 12 months based on:

- (i) the successful and safe operation during the trial period;**
- (ii) the agreement/request of the adjacent business proprietor (if applicable); and**
- (iii) the matter of the twelve (12) month option period being reported to the Council for approval;**

4.2.2 for a period not exceeding four (4) months in each location, from the date of relocation; and

4.2.3 thereafter to other locations as determined by the Mayor and the Chief Executive Officer, for period not exceeding four (4) months in each location, at an estimated cost of approximately \$1,100 – \$1,500 for each relocation;"

Debate ensued.

AMENDMENT 1 PUT AND CARRIED UNANIMOUSLY (8-0)

Debate ensued.

AMENDMENT 2

Moved Cr Pintabona, Seconded Cr Buckels

“That Clause 4.2.1 be amended to read as follows:

4. in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(1)(e) of the Local Government Act 1995 the Council APPROVES BY AN ABSOLUTE MAJORITY that Clause 2 be amended to read as follows;

“AUTHORISES the Chief Executive Officer to:

4.1 REMOVE the On-Road Cafe located outside Foam Cafe, 128-130 Oxford Street, Leederville, as soon as practicable;

4.2 RELOCATE the On-Road Cafe (as referred to in Clause 2.1.2);

4.2.1 to a location in Leederville as determined, by the Mayor and Chief Executive Officer, at an estimated cost of approximately \$1,100 - \$1,500, subject to the following;

(i) prior consultation with the business proprietors if applicable immediately adjacent to the proposed new location; and

(ii) the business proprietor of the new location (who will have responsibility of the ORC) agreeing to enter into a Legal Agreement with the City for the duration that the ORC is located outside their premises;

4.2.2 for a period not exceeding four (4) months in each location, from the date of relocation; and

4.2.3 thereafter to other locations as determined by the Mayor and the Chief Executive Officer, for period not exceeding four (4) months in each location, at an estimated cost of approximately \$1,100 - \$1,500 for each relocation;”

Debate ensued.

AMENDMENT 2 PUT AND LOST (3-5)

For: Cr, Buckels, Cr Pintabona and Cr Wilcox

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

AMENDMENT 3

Moved Cr Pintabona, Seconded Cr Topelberg

“That Clauses 4.5 be amended to read as follows:

- 4.5 Prepare a draft Policy Relating to On Road Cafe’s (parklets) including but not limited to the following items;
- 4.5.1 how locations will be determined for any future ORCs;
 - 4.5.2 duration/time in any specific location;
 - 4.5.3 conditions of use by business proprietors;
 - 4.5.4 maintenance and upkeep;
 - 4.5.5 financial/cost implications to the City
 - 4.5.6 whether any financial contributions should be made by business proprietors for the duration that the ORC is located outside their premises; and
 - 4.5.57 any other relevant matters; and

Debate ensued.

AMENDMENT 3 PUT AND CARRIED UNANIMOUSLY (8-0)

Debate ensued.

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

COUNCIL DECISION ITEM 9.2.4

That the Council;

1. NOTES that at the Ordinary Meeting of Council held on 24 September 2013 (Item 9.2.1) it resolved (in part) as follows;

"2. AUTHORISES the Chief Executive Officer to;

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

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

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

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

; and

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

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

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

; and

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

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

;

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

2. in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(1)(e) of the Local Government Act 1995, three Elected Members, namely Mayor Carey, Councillor Harley and Councillor Buckels, being one third of the number of offices of members of the Council, **SUPPORT** this motion to change the Council decision;
3. Councillor Harley **MOVES** a motion to **CHANGE** the decision by deleting Clauses 2, (as shown above); and
4. in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(1)(e) of the Local Government Act 1995 the Council **APPROVES BY AN ABSOLUTE MAJORITY** that Clause 2 be amended to read as follows;

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- 4.2.1 to a location in Leederville as determined, by the Mayor and Chief Executive Officer, at an estimated cost of approximately \$1,100 - \$1,500;
- 4.2.2 for a four (4) month trial period from the date of relocation, with an option of extending for a further 12 months based on:
- (i) the successful and safe operation during the trial period;
 - (ii) the agreement/request of the adjacent business proprietor (if applicable); and
 - (iii) the matter of the twelve (12) month option period being reported to the Council for approval;

4.3 DEFERS entering into a Legal Agreement to implement an ‘On Road Cafe’ with the following businesses at the following locations;

<i>Item</i>	<i>Name</i>	<i>Address</i>
4.1.1	Metrio and Co.	36-38 Angove Street, North Perth
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4.1.5	The Red Teapot Restaurant & Centurion Sea Food WA P/L	411-415 William Street, Northbridge
4.1.6	Mary Street Bakery – (subject to the ORC being able to be universally accessible);	507 Beaufort Street, Mount Lawley
4.1.7	The Ladder Cafe and Deli	167 Scarborough Beach Road, Mount Hawthorn
4.1.8	Kailis Brothers	99-101 Oxford Street, Leederville

4.4 REQUESTS a Road Safety Audit be carried out for the following locations;

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4.4.1	Cosmo’s Kebabs –(subject to alternative locations for existing motorcycle parking being found);	129 Oxford Street, Leederville
4.4.2	The Ladder Cafe and Deli	167 Scarborough Beach Road, Mount Hawthorn

; and

4.5 Prepare a draft Policy Relating to On Road Cafe’s (parklets) including but not limited to the following items;

- 4.5.1 how locations will be determined for any future ORCs;
- 4.5.2 duration/time in any specific location;
- 4.5.3 conditions of use by business proprietors;
- 4.5.4 maintenance and upkeep;
- 4.5.5 financial/cost implications to the City;
- 4.5.6 whether any financial contributions should be made by business proprietors for the duration that the ORC is located outside their premises; and
- 4.5.7 any other relevant matters; and

5. REQUESTS the matter be listed for the 10 December 2013 Forum (for discussion with an alternate model base on the Vancouver parklet project) and for a report to be submitted to the Council at the Ordinary Meeting to be held on 25 February 2014.

FURTHER REPORT:

Chief Executive Officer Comment:

The Chief Executive Officer requested Council Members to provide comments for the Rescission Motion to be provided by Monday 11 November 2013. At the time of writing this report no comments had been received and this Rescission Motion has been prepared jointly by the Mayor and the Chief Executive Officer.

Impact Statement:

Financial:

1. Since the OMC held on 24 September 2013, the City's Administration has requested the City's Solicitor to draft the Legal Agreement for each ORC. Legal cost to date have not been received but is not expected to exceed \$3,500.
2. No other financial cost have been incurred.

Legal:

1. Since the OMC held on 24 September 2013, letters have been sent on the 2 October 2013, to the successful and unsuccessful applicant. Whilst several phone enquiries have been received no Legal Agreements have been entered into.
2. No Legal Implications are anticipated as a result of this Rescission Motion.

This matter was considered at the Ordinary Meeting of Council held on 5 November 2013, whereby the Council resolved to Defer the matter.

The Officer Recommendation read as follows:

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

"That the Council;

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

PURPOSE OF REPORT:

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

BACKGROUND:

Ordinary Meeting of Council held on 5 November 2013:

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

"That the Council;

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

Ordinary Meeting of Council held on 24 September 2013:

"That the Council;

1. *NOTES that;*
 - 1.1 *\$30,000 has been allocated in the 2013/2014 budget to implement On Road Cafes (ORC); and*
 - 1.2 *businesses are not requested to or expected to financially contribute to the construction or structure of the ORC's which are intended to be universally accessible as unlicensed property;*
 - 1.3 *as previously adopted by the Council, installation of an ORC is to be for a maximum period of nine (9) months; and*
2. *AUTHORISES the Chief Executive Officer to;*
 - 2.1 *enter into a Legal Agreement to implement an 'On Road Cafe' with the following businesses at the following locations, for the reasons outlined in the report and as shown on attachments 9.2.1;*

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

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

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

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

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

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

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

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

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

DETAILS:

Progress to date:

Applicants Notified:

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

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

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

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

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

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

Legal Agreement:

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

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

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

Cost to Install:

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

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

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

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

RISK MANAGEMENT IMPLICATIONS:

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

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

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

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

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

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

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

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

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

COMMENTS:

It is therefore recommended that the Council approves of the Rescission Motion in order to provide direction to the City's Administration.

9.3.3 Lease for North Perth Playgroup – Lease of Premises at 15 Haynes Street (corner Sydney Street) North Perth - Approval

Ward:	North	Date:	8 November 2013
Precinct:	North Perth (8)	File Ref:	PRO4280
Attachments:	001 – Map of proposed leased area		
Tabled Items:	Nil		
Reporting Officer:	K Ball, Executive Secretary Corporate Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

1. That the Council;

- 1.1 APPROVES a lease from 1 January 2014 to 31 December 2018 over the premises at 15 Haynes Street, North Perth being granted to the North Perth Playgroup Inc, as per Appendix 9.3.3, as follows:

No.	ITEM	DETAILS
1.1	Term:	five (5) years;
1.2	Rent:	\$900 per annum plus GST indexed to CPI;
1.3	Outgoings:	to be paid by the Lessee;
1.4	Rates & Taxes:	to be paid by the Lessee; and
1.5	Permitted Use:	Childcare Facility.

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

2. NOTES that the proposed lease will contain a Clause that allows a Council in the future to terminate the lease, in the event that the City of Vincent is abolished and amalgamated with another Local Government.

COUNCIL DECISION ITEM 9.3.3

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Topelberg, Seconded Cr Cole

“That Clause 2 be deleted as follows:

2. ~~NOTES that the proposed lease will contain a Clause that allows a Council in the future to terminate the lease, in the event that the City of Vincent is abolished and amalgamated with another Local Government.”~~

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

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

COUNCIL DECISION ITEM 9.3.3

That the Council APPROVES a lease from 1 January 2014 to 31 December 2018 over the premises at 15 Haynes Street, North Perth being granted to the North Perth Playgroup Inc, as per Appendix 9.3.3, as follows:

No.	ITEM	DETAILS
1.1	Term:	five (5) years;
1.2	Rent:	\$900 per annum plus GST indexed to CPI;
1.3	Outgoings:	to be paid by the Lessee;
1.4	Rates & Taxes:	to be paid by the Lessee; and
1.5	Permitted Use:	Childcare Facility.

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

PURPOSE OF REPORT:

The purpose of this report is to provide Council with details regarding the North Perth Playgroup lease of the premises at 15 Haynes Street and their request for an extension of the lease.

BACKGROUND:

The North Perth Playgroup Inc has held a lease/licence over the premises located at 15 Haynes Street, North Perth for a period of fifteen years, the current lease expires on the 31 December 2013.

DETAILS:

The North Perth Playgroup has occupied the premises in the last fifteen years from 1 January 1998 ensuring that it is well maintained and kept clean at all times. The group has added to the facility over time through the construction of a climbing frame, a new sandpit, a concrete bike track and the continual updating of toys and activities.

All of this has been funded by either Lotteries Commission Grants or through the efforts of all the families in the form of busy bees to help in the construction and the minimisation of costs. The group is non-profit and is a member of belongs to the Playgroup Association of WA.

The service is well patronised by the local community servicing approximately one hundred and ten (110) families every week. The Playgroup also caters for the culturally and linguistically diverse, and currently runs three (3) Japanese playgroup sessions which make up approximately 20% of their total families.

It is recommended that they be allowed to continue to use the premises under a five year lease arrangement. The group will be requested to submit their constitution, operating and financial statements for assessment as part of the negotiations.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

City of Vincent Policy 1.2.1 – Policy Statement:

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

RISK MANAGEMENT IMPLICATIONS:

Low The North Perth Playgroup (Inc) have been excellent tenants during their lease periods.

STRATEGIC IMPLICATIONS:

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

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The current annual lease payment for the North Perth Playgroup Inc is \$890.28 per annum GST inclusive and is linked to the annual Consumer Price Index (CPI).

COMMENTS:

The North Perth Playgroup Inc have been good tenants for the duration of their lease periods and the Administration supports a further five (5) year lease to 31 December 2018 as requested.

9.1.3 No. 333 (Lot 9) Oxford Street, Leederville – Proposed Demolition of Existing Single House and Construction of Three Storey Mixed Use Development Comprising of Two (2) Offices, Three (3) Single Bedroom Multiple Dwellings, Two (2) Multiple Dwellings and Associated Car Parking (Amendment to Planning Approval)

Ward:	North	Date:	6 November 2013
Precinct:	Leederville, P 13	File Ref:	PRO1548; 5.2013.187.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicant Submission		
Tabled Items:	Nil		
Reporting Officer:	R Narroo, Acting Co-ordinator Statutory Planning		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Roger Jones on behalf of the owners, Jones Knightsade Nominees, for Proposed Demolition of Existing Single House and Construction of Three Storey Mixed Use Development Comprising of Two (2) Offices, Three (3) Single Bedroom Multiple Dwellings, Two (2) Multiple Dwellings and Associated Car Parking (Amendment to Planning Approval) at No. 333 (Lot 9) Oxford Street, Leederville, and as shown on plans stamp-dated 10 May 2013 and amended plans stamp-dated 19 August 2013, 28 August 2013 and 25 September 2013, subject to the following conditions:

1. The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 331 and No. 335 Oxford Street, Leederville, in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork;
2. Doors, windows and adjacent floor areas facing Oxford Street shall maintain active and interactive relationships with this street;
3. A minimum of four (4) car bays are to be provided on site for the office component of the development;
4. The maximum net lettable floor area of the offices shall be limited to 286.8 square metres. Any increase in floor space or change of use of the offices shall require Planning Approval to be applied to and obtained from the City. Any change of use shall be assessed in accordance with the relevant Planning Policy including the City's Policy No. 3.7.1 relating to Parking and Access;
5. Car Parking and Accessways
 - 5.1 The on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;
 - 5.2 The car park shall be used only by residents, employees, tenants, and visitors directly associated with the development;
 - 5.3 Car parking aisles shall comply with the minimum width in accordance with the requirements of AS2890; and
 - 5.4 The car park area for the commercial component shall be shown as common property on any strata plan;

6. **WITHIN TWENTY-EIGHT (28) DAYS OF THE ISSUE DATE OF THIS 'APPROVAL TO COMMENCE DEVELOPMENT', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:**

6.1 **Percent for Public Art**

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

6.1.1 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 \$25,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development \$2,500,000; and

- 6.2 in conjunction with the above chosen option;

6.2.1 **Option 1**

Prior to the submission of a Building Permit for the development, obtain approval for the Public Art Project and associated Artist; and

prior to the submission of an Occupancy Permit, install the approved public art project, and thereafter maintain the art work;
OR

6.2.2 **Option 2**

Prior to the submission of a Building Permit 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;

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

7.1 **Landscape and Reticulation Plan**

A detailed landscape and reticulation plan for the development site and adjoining road verge shall be submitted to the City for assessment and approval.

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

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

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

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

7.2 Section 70 A Notification under the Transfer of Land Act

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

7.2.1 the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and

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

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

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

7.3 Construction Management Plan

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

7.4 Schedule of External Finishes

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

7.5 Acoustic Report

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

7.6 Right of Way

The one (1) metre right of way setback area shall be graded upwards from the existing right of way surface and these levels shall be matched into at vehicle and pedestrian access points. The widening area shall be bituminised; and

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

8.1 Car Parking

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

8.2 Residential Car Bays

A minimum of three (6) and one (2) car bays shall be provided for the residents and visitors respectively. The eight (8) car parking spaces shall be clearly marked and signposted accordingly;

8.3 Visitor Bays

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

8.4 Bicycle Parking

Two (2) bicycle bays and One (1) bicycle bay shall be provided for the residents and visitors respectively. One (1) Class 1 or 2 and Two (2) Class 3 bicycle facilities shall be provided for the commercial component. Bicycle bay for the residents must be located within the development. The bicycle facilities shall be designed in accordance with AS2890.3;

8.5 Clothes Drying Facilities

Prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or an adequate communal drying area to be incorporated into the development in accordance with Clause 6.3 of the City's Policy No. 3.5.12 Development Guidelines for Commercial and Mixed Use Developments;

8.6 Management Plan-Vehicular Entry Gates

Any proposed vehicular entry gates to the car parking area shall have a minimum 50 per cent visual permeability and shall be either open at all times or a plan detailing management measures for the operation of the vehicular entry gates, to ensure access is readily available for residents/visitors to the residential and commercial units at all times, shall be submitted to and approved by the City;

8.7 Underground Power

In keeping with the City's Policy No. 2.2.2 relating to Undergrounding of Power, the power lines along the Oxford Street frontage of the development shall be placed underground at the Developer's full cost. The developer is required to liaise with both the City and Western Power to comply with their respective requirements;

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the City's Policies; and

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

ADVICE NOTES:

1. With regard to condition 1, the owners of the subject land should obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
 2. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Oxford Street;
 3. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning;
 4. A bin store is required to be provided, of sufficient size to accommodate the City's maximum bin requirement, as assessed by the City's Technical Services Directorate;
 5. All signage that does not comply with the City's Policy No. 3.5.2 relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the City prior to the erection of the signage; and
 6. A demolition permit shall be obtained from the City prior to commencement of any works on the site.
-

COUNCIL DECISION ITEM 9.1.3

Moved Cr Harley, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

Cr Wilcox departed the Chamber at 7.30pm.

Debate ensued.

Cr Wilcox returned to the Chamber at 7.31pm.

Debate ensued.

MOTION PUT AND CARRIED (5-3)

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

Against: Cr Buckels, Cr Harley and Cr Wilcox

PURPOSE OF REPORT:

The application is referred to Council for determination given the proposal was previously approved by the Council.

BACKGROUND:

13 March 2007	The Council at its Ordinary Meeting resolved to approve demolition of the existing single house, and proposed mixed use development comprising one (1) grouped dwelling, two (2) single bedroom multiple dwellings, eight (8) multiple dwellings, office building and associated basement car parking and associated facilities at Nos. 333-335 Oxford Street, Leederville.
8 April 2008	The Council at its Ordinary Meeting resolved to approve demolition of the existing single house and construction of a two-three storey mixed use development comprising one office, two (2), two-storey multiple dwellings, two single bedroom multiple dwellings and associated basement carparking.
8 November 2011	The Council at its Ordinary Meeting resolved to approve demolition of existing single house and construction of three-storey mixed use development comprising of one office, four single bedroom multiple dwellings, two multiple dwellings and associated car parking.

Previous Reports to Council:

This application was referred to the Ordinary Council Meeting on 8 November 2011. The report can be accessed at http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes/Minutes_2011.

DETAILS:

Landowner:	Jones Knightsade Nominees
Applicant:	Roger Jones
Zoning:	Residential R60
Existing Land Use:	Single House
Use Class:	Multiple Dwelling, Office Building
Use Classification:	"P", "SA"
Lot Area:	564 square metres
Right of Way:	Western side, 5 metres wide, Council owned

The main changes to the plans which were approved by Council at its Ordinary Meeting held 8 November 2011 are as follows:

Amended Proposal

The approved proposal was for construction of three-storey mixed-use development comprising of one office, four single bedroom multiple dwellings, two multiple dwellings and associated car parking. The amended plans propose an additional office, the removal of two multiple dwellings and reconfiguration of the dwellings. In this instance the amended proposal is for construction of three-storey mixed-use development comprising of two offices, three single bedroom multiple dwellings, two multiple dwellings and associated car parking.

Basement Plan

There are two car parks (lower and upper).

Ground Floor Plan

The layout of the office has changed. A staircase and landscaping are proposed within the front setback of the property.

First Floor Plan

The two front apartments approved on 8 November 2011 have been replaced by an office.

Second Floor Plan

The layout of the apartments have changed. The terraces have increased at the rear with green walls being proposed.

The applicant provided the following information:

"I am trying to achieve a 8 star efficient building. Garden areas on the ground floor and first floor offices will have the maximum amount of landscape area and also natural ventilation, with the use of high insulated building materials I would like to produce a building that is not dependent on a mechanical HVAC system for all its heating and cooling.

The stairs at the front of the building will have a handrail integrated into the art work and a water feature underneath. The art piece will be made of steel and be off water plants and a dragon fly, this will tie in with the water feature and also give a cooling effect to the hot easterly winds in summer. Attached is an example of the art work.

I intend to have a solar system to supply as much as possible the electrical requirements especially to the offices as peak use of energy is during daylight hours.

I have a structural walling system that uses 50 to 60% less embedded energy the traditional brick or concrete, this product is now being assessed to be able to have zero carbon impact.

With care being taken on internal finishes I would like to produce a low impact healthy environment for people to work and live."

ASSESSMENT:

It is noted that there are no changes to the plot ratio, street setback, walls built to boundary, number of storeys and solar access from what were approved by Council at its Ordinary Meeting held on 8 November 2011. Notwithstanding the above, an assessment has been completed due to the change in the proposal.

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

Design Element	Deemed to Comply	OR	Design Principles
Plot Ratio			✓
Street Setback			✓
Lot Boundary Setbacks			✓
Walls built to boundary			✓
Number of Storeys			✓
Open Space	✓		
Landscaping	✓		
Access	✓		
Parking			✓
Privacy	✓		
Bicycle Spaces	✓		
Site Works	✓		
Essential Facilities	✓		
Outdoor Living Areas	✓		
Surveillance	✓		
Overshadowing			✓
Commercial Component			✓
Economic Development Strategy			✓

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

Issue/Design Element:	Plot Ratio
Requirement:	R-Codes Clause 6.1.1 C1 0.7= 394.8 square metres
Applicants Proposal:	1.25= 707.31 square metres
Design Principles:	Development of the building is at a bulk and scale indicated in the local planning scheme and is consistent with the existing of future desired built form of the locality.
Applicant justification summary:	Nil
Officer technical comment:	The previous approved plot ratio on that site was 1.26. The amended proposal is 1.25. Therefore the plot is not increasing and it is considered that the plot ratio will not have an undue impact on the streetscape or on the adjoining neighbours.

Issue/Design Element:	Street Setback
Requirement:	Residential Design Elements Policy No. 3.2.1-SPC 5 Ground Floor = 6.9 metres First and Second Floors-Balcony= 7.9 metres
Applicants Proposal:	Ground Floor Nil (staircase) to 2.45 metres (building) First and Second Floors= Nil
Design Principles:	Development is to be appropriately located on site to: <ul style="list-style-type: none"> • Maintain streetscape character. • Ensure the amenity of neighbouring properties is maintained. • Allow for the provision of landscaping and space for additional tree plantings to grow to maturity. • Facilitate solar access for the development site and adjoining properties. • Protect significant vegetation. • Facilitate efficient use of the site. <p>Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.</p>
Applicant justification summary:	Nil
Officer technical comment:	The existing buildings north of the site have nil setbacks. Therefore the proposal provides transition between these buildings and the residential dwellings to the south of the site. In this instance, it is expected that there will be no impact on the streetscape. With regard to the stairs, it will be an art feature and therefore there will be minimum impact on the streetscape.

Issue/Design Element:	Lot Boundary Setbacks
Requirement	<p>Residential Design Codes Clause 6.1.4</p> <p>Northern boundary</p> <p>Basement= 1.5 metres Ground Floor= 2.5 metres First Floor= 3.6 metres Second Floor= 5.3 metres</p> <p>Southern Boundary</p> <p>Basement= 1.5 metres Ground Floor= 2.7 metres First Floor= 3.8 metres Second Floor= 5.3 metres</p> <p>Western Boundary Ground Floor= 1.5 metres First Floor= 2.5 metres</p>
Applicants Proposal:	<p>Northern boundary</p> <p>Basement= Nil Ground Floor= Nil to 3 metres First Floor= Nil to 4.15 metres Second Floor= Nil to 3.81 metres</p>
	<p>Southern boundary</p> <p>Basement= Nil Ground Floor= Nil to 3.7 metres First Floor= Nil to 3.805 metres Second Floor= Nil to 3.81 metres</p> <p>Western boundary</p> <p>Ground Floor= 0.5 metre First Floor= 2.45 metres</p>
Design Principles:	<p>Residential Design Codes Clause 6.1.4</p> <p>Buildings set back from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> • ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them; • moderate the visual impact of building bulk on a neighbouring property; • ensure access to daylight and direct sun for adjoining properties; and • assist with the protection of privacy between adjoining properties. <p>P4.1 Buildings set back from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> • ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them; • moderate the visual impact of building bulk on a neighbouring property; • ensure access to daylight and direct sun for adjoining properties; and

Issue/Design Element:	Lot Boundary Setbacks
	<ul style="list-style-type: none"> • assist with the protection of privacy between adjoining properties. <p>P4.2 In mixed use development, in addition to the above:</p> <ul style="list-style-type: none"> • side boundary setbacks to a retail/commercial component of a development is in accordance with the existing street context, subject to relevant local planning scheme provisions. • retail/commercial development adjoining residential is designed to minimise the potential impacts between the two uses.
Applicant justification summary:	Nil
Officer technical comment:	Supported- The building on the adjoining northern property has a 'nil' setback. The boundary wall is not continuous along the boundary and steps down with slope of the land which minimises bulk of the wall. No undue impact in terms of visual impact and ventilation. No objection was received from the adjoining southern or northern landowners.

Issue/Design Element:	Walls built to boundary
Requirement:	<p>R-Codes Clause 6.1.4 C4.1</p> <p>Maximum Height= 3.5 metres Average Height= 3 metres Walls on One side of boundary</p>
Applicants Proposal:	<p><u>Northern and Southern Boundaries</u></p> <p>Maximum Height= 12.4 metres Average Height= 9.8 metres Maximum Height= 12.3 metres Average Height= 10 metres Walls on Two sides of boundaries.</p>
Design Principles:	<p>Residential Design Codes Clause 6.1.4</p> <p>Buildings set back from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> • ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them; • moderate the visual impact of building bulk on a neighbouring property; • ensure access to daylight and direct sun for adjoining properties; and • assist with the protection of privacy between adjoining properties. <p>P4.1 Buildings set back from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> • ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them; • moderate the visual impact of building bulk on a neighbouring property; • ensure access to daylight and direct sun for adjoining properties; and • assist with the protection of privacy between adjoining properties.

Issue/Design Element:	Walls built to boundary
	<p>P4.2 In mixed use development, in addition to the above:</p> <ul style="list-style-type: none"> side boundary setbacks to a retail/commercial component of a development is in accordance with the existing street context, subject to relevant local planning scheme provisions. retail/commercial development adjoining residential is designed to minimise the potential impacts between the two uses
Applicant justification summary:	Nil
Officer technical comment:	Supported- The adjoining northern property building has boundary walls on two sides of boundaries, same as what is being proposed at No. 333 Oxford Street. Moreover boundary wall is not continuous along the boundary and steps down with slope of the land which minimises bulk of the wall. No undue impact in terms of visual impact and ventilation. No objection was received from the adjoining southern and northern neighbour owners.

Issue/Design Element:	Number of Storeys
Requirement:	<p>R-Codes Clause 6.1.2 C2 Two Storeys Three Storeys permitted under the Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings</p>
Applicants Proposal:	<p>Three Storeys facing Oxford Street. Three storeys and basement facing right of way.</p>
Design Principles:	<p>Building Height that creates no adverse impact on the amenity of adjoining properties or the streetscape including road reserves and public open space reserves and where appropriate maintains:</p> <ul style="list-style-type: none"> adequate access to direct sun adequate into buildings and appurtenant open spaces; adequate daylight to major openings into habitable rooms; access to views of significance; buildings present a human scale for pedestrians; building facades designed to reduce the perception of height through design measures; and podium style development is provided where appropriate.
Applicant justification summary:	Nil
Officer technical comment:	Supported – The Council at its Ordinary Meeting held on 8 November 2011 approved the same development with the same number of storeys.

Issue/Design Element:	Solar Access
Requirement:	<p>R-Codes Clause 6.4.2 C2.1 50 per cent of the adjoining site area</p>
Applicants Proposal:	71 per cent of the adjoining site area
Design Principles:	<p>Effective solar access for the proposed development; Development designed to protect solar access for neighbouring properties taking account the potential to overshadow existing:</p> <ul style="list-style-type: none"> Outdoor living areas;

Issue/Design Element:	Solar Access
	<ul style="list-style-type: none"> • North facing major openings to habitable room, within 15 degrees of north in each direction; or • Roof mounted solar collectors.
Applicant justification summary:	Nil
Officer technical comment:	Supported- A two storey with basement was approved by the Council on the adjoining northern lot at No. 335 Oxford Street. The overshadowing from the building on No. 335 Oxford Street on No. 333 Oxford Street will be the same as the overshadowing from this proposed building on the southern property. Moreover Council at its Ordinary Meeting on 8 November 2011 approved a variation to the overshadowing for the proposed development at No. 333 Oxford Street. Furthermore, given the adjoining southern site is a narrow east-west oriented site and of a similar topography to the subject site; in such an instance, even a relatively low building may cast overshadowing over a greater proportion of a site. No objection was received from the adjoining southern neighbour owner.

Issue/Design Element:	Commercial Component
Requirement:	Development Guidelines for Commercial and Mixed Use Developments- Policy No. 3.5.12- Clause 7.2.2 The commercial component of the proposed mixed use development is to be a maximum of 30 percent of the required plot ratio= 169.2 square metres.
Applicants Proposal:	57.67 per cent= 325.25 square metres
Design Principles:	Not applicable
Applicant justification summary:	Nil
Officer technical comment:	Supported- Oxford Street is identified as an Activity Corridor connecting the two Town Centres in Mount Hawthorn and Leederville. Based on this and potential in zoning in the City's Draft Town Planning Scheme No. 2, it is considered that a 57.67 per cent is acceptable.

Issue/Design Element:	Economic Development Strategy 2011-2016
Requirement:	City of Vincent Economic Development Strategy 2011-2016 Minimise the sprawl of commercial developments outside designated activity centres to encourage precinct-based growth whilst protecting residential areas from commercialisation.
Applicants Proposal:	Proposed offices are outside the designated Activity Centre.
Design Principles:	Not applicable
Applicant justification summary:	Nil
Officer technical comment:	The proposed offices are not considered to compromise the overall intent and objectives of the City's Economic Development Strategy 2011-2016, as it is considered that the proposal is in line with City's Draft Town Planning Scheme No. 2. In addition, the proposal promotes the integration of the workplace and residences, and thus, diversifying the land use and providing casual surveillance through day time activity of the area.

Issue/Design Element:	Car Parking
Requirement:	Residential Design Codes Clause 6.3.3 (C3.1) Visitors car parking= 2 bays
Applicants Proposal:	Nil Visitors Bays
Design Principles:	Residential Design Codes Clause 6.3.3 (C3.1) Adequate car and bicycle parking provided on-site in accordance with projected need related to: <ul style="list-style-type: none"> • The type, number and size of dwellings; • The availability of on-street and other off-site parking; and • The proximity of the proposed development in relation to public transport and other facilities.
Applicant justification summary:	Nil
Officer technical comment:	The development is having an extra of 6.35 car bays for the commercial component and therefore 2 car bays from the commercial component can be allocated to the visitors parking for the residential component.

Car Parking

Non-Residential Car Parking	
Car parking requirement (nearest whole number) • Office (286.8m ²) Required: One (1) space per 50 square metres of Net Lettable Floor Area = 286.8 square metres = 5.736 car bays - 6 car bays	
Total car bays required = 6 car bays	= 6.00 car bays
Apply the adjustment factors. • 0.80 (within 400 metres of a bus route) • 0.80 (development contains a mix of uses, where at least 50 percent of the gross floor area is residential) • 0.95 (within 400 metres of public car park with more than 25 bays)	(0.608) = 3.65 car bays
Minus the Commercial car parking provided on-site	10 car bays
Resultant surplus	6.35 car bays

Residential Car Parking	
Residents car parking requirement	Proposed
• Medium (75 square metres – 110 square metres) 1 space per dwelling- (3 dwellings proposed)= 3 bays	
• Large (>110 square metres) 1.25 space per dwelling- (2 dwellings proposed)= 2.5 bays= 3 bays	
• Visitors 0.25 spaces per dwelling 5 dwellings = 1.25 car bays= 2 car bays	
Total car bays required = 8 car bays	Provided= 6 car bays
Resultant Shortfall	2 Car Parking Bays

Residential Bicycle Parking		
Bicycle Parking	<ul style="list-style-type: none"> 1 bicycle space to each 3 dwellings for residents – 5 dwellings (1.67= 2 spaces required) 1 bicycle space to each 10 dwellings for visitors (total 5 dwellings proposed): 0.5 = 1 bicycle bay for the visitors. 	Five (5) bicycle racks are provided

Non-Residential Bicycle Parking
<p>Office (GFA: 100 square metres):</p> <ul style="list-style-type: none"> 1 space per 100 square metres gross floor area– (286.8 m2)= 2.86 spaces – 3 spaces <p>35% of Required to be Allocated to Class 1 or 2 65% of Required to be Allocated to Class 3</p> <p><u>Required</u> Class 1 or 2: - 35% of 3 spaces = 1.05 spaces – 1 space Class 3: 65% of 5 spaces = 1.95 spaces – 2 spaces Total Required – 5 space</p> <p><u>Provided</u> Five bicycle racks are provided.</p>

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Comments Period:	9 July 2013 to 30 July 2013
Comments Received:	The occupier of No. 331 Oxford Street objected to the development. However, the owner of No. 331 Oxford Street wrote a letter to the City stating that he does not have any objection to the development.

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

Design Advisory Committee:

Referred to Design Advisory Committee: No, as the proposal is an amendment to an approval considered by Council. There are no major changes to the plans to warrant referral to the DAC in this instance.

LEGAL/POLICY:

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2013;
- City of Vincent Town Planning Scheme No. 1;
- Leederville Precinct Policy No. 3.1.13;
- Residential Design Elements Policy No. 3.2.1; and
- Development Guidelines for Commercial and Mixed-Use Developments Policy No. 3.5.12.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL	
Issue	Comment
The applicant has stated that they will try to achieve an 8 Star Rating which is good to the environment. The minimum Star Rating is 6.	

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

ECONOMIC	
Issue	Comment
The construction of the building will provide short term employment opportunities and the offices will provide permanent jobs.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS & CONCLUSION:

Demolition

The subject dwelling at No. 333 Oxford Street, Leederville is a brick and iron residence constructed circa 1929 in the Interwar Bungalow style of architecture.

The subject place is first listed in the WA Post Office Directories in 1930 and was occupied by Mrs Maggie Bradley. Since then, the subject dwelling has been transferred several times to new owners and occupiers.

The subject dwelling has a main hipped roof and is delineated from the footpath by a low brick wall. The roof facing Oxford Street is high-pitched and supported by brick columns with twin timber posts above.

A preliminary heritage assessment, including an external inspection undertaken on 8 April 2010, indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the City's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the City's Municipal Heritage Inventory. As such, the place is considered to require no further investigation and that a full Heritage Assessment is not warranted in this instance.

In light of the above, it is considered that approval should be granted for demolition subject to standard condition.

Planning

The Council conditionally approved the same development in terms of bulk and scale at its Ordinary Meeting held on 8 November 2011. The change to second floor plan from residential to office will not impact on the surrounding area as Oxford Street is considered as an Activity Corridor whereby mixed-use is encouraged. Under the City's Draft Town Planning Scheme No. 2 this site is proposed to be zoned Residential Commercial RC100 and therefore this development is in line with the future vision of the area.

CONCLUSION:

In view of the above, the application is supportable as it is considered the development will not result in any undue impact on the amenity of the surrounding area and is consistent with the future vision of Oxford Street and the surrounding area. Accordingly, it is recommended the application be approved subject to standard and appropriate conditions.

**9.1.6 Amendment No. 37 to City of Vincent Town Planning Scheme No. 1 –
Rezone from Residential R80 to Residential R50 in the Cleaver and
Hyde Park Precincts**

Ward:	South	Date:	8 November 2013
Precinct:	Cleaver Precinct (P5); Hyde Park Precinct (P12)	File Ref:	PLA0262
Attachments:	001 – Scheme Amendment No. 37 Report		
Tabled Items:	Nil		
Reporting Officer:	C Smith, Planning Officer (Strategic)		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. Pursuant to section 75 of the Planning and Development Act 2005, RESOLVES to INITIATE Scheme Amendment No. 37 to the City's Town Planning Scheme No. 1 to:
 - 1.1 Rezone the areas zoned Residential R80 within the Hyde Park Precinct and Cleaver Precinct, where multiple dwellings are currently not permitted, to Residential R50;
 - 1.2 Amend the reference to the zoning in Clause 20(4)(a) and 20(4)(e) of the City's Town Planning Scheme No. 1, from Residential R80 to Residential R50; and
 - 1.3 Amend the reference to the zoning in the 'Additional Information' boxes of Scheme Map 5 and Scheme Map 12, from Residential R80 to Residential R50;
2. APPROVES;
 - 2.1 the Scheme Amendment No. 37 Report as shown in Appendix 9.1.6;
 - 2.2 the advertising of Scheme Amendment No. 37 to the City's Town Planning Scheme No. 1 for a period of forty-two (42) days, in accordance with regulation 25 of the Town Planning Regulations 1967 and the City's Consultation Policy;
3. FORWARDS the City's decision to the Western Australian Planning Commission for implementation;
4. REFERS Scheme Amendment No. 37 to the City's Town Planning Scheme No. 1, to the Environmental Protection Authority to seek approval prior to advertising; and
5. NOTES the Indicative Timeline, as detailed in this report.

The Presiding Member Mayor John Carey vacated the Chair at 7.40 pm, due to his financial interest.

Deputy Mayor Cr Roslyn Harley assumed the Chair at 7.40pm.

Moved Cr Topelberg, **Seconded** Cr Buckels

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Topelberg, Seconded Cr Pintabona

“That a new Clause 5 be inserted to read as follows:

5. **AUTHORISES the Mayor to conduct further consultation as required.”**

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

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

COUNCIL DECISION ITEM 9.1.6

That the Council;

1. Pursuant to section 75 of the Planning and Development Act 2005, **RESOLVES to INITIATE Scheme Amendment No. 37 to the City’s Town Planning Scheme No. 1 to:**
 - 1.1 **Rezone the areas zoned Residential R80 within the Hyde Park Precinct and Cleaver Precinct, where multiple dwellings are currently not permitted, to Residential R50;**
 - 1.2 **Amend the reference to the zoning in Clause 20(4)(a) and 20(4)(e) of the City’s Town Planning Scheme No. 1, from Residential R80 to Residential R50; and**
 - 1.3 **Amend the reference to the zoning in the ‘Additional Information’ boxes of Scheme Map 5 and Scheme Map 12, from Residential R80 to Residential R50;**
2. **APPROVES;**
 - 2.1 **the Scheme Amendment No. 37 Report as shown in Appendix 9.1.6;**
 - 2.2 **the advertising of Scheme Amendment No. 37 to the City’s Town Planning Scheme No. 1 for a period of forty-two (42) days, in accordance with regulation 25 of the Town Planning Regulations 1967 and the City’s Consultation Policy;**
3. **FORWARDS the City’s decision to the Western Australian Planning Commission for implementation;**
4. **REFERS Scheme Amendment No. 37 to the City’s Town Planning Scheme No. 1, to the Environmental Protection Authority to seek approval prior to advertising;**
5. **AUTHORISES the Mayor to conduct further consultation as required; and**
6. **NOTES the Indicative Timeline, as detailed in this report.**

PURPOSE OF REPORT:

The purpose of this report is to initiate an amendment to the City’s Town Planning Scheme No. 1 by rezoning those areas currently zoned Residential R80 where multiple dwellings are prohibited, from R80 to R50, within the Hyde Park and Cleaver Precincts.

BACKGROUND:

Scheme Amendment No. 37 originated as a result of the Western Australian Planning Commissions review of State Planning Policy No. 3.1, the Residential Design Codes (R Codes). The reviewed R Codes were gazetted on 2 August 2013 and came into effect on the same day. One of the major amendments considered to significantly impact on the character of some areas within the City is the introduction of reduced average and minimum site area requirements for Residential R80 zoned areas within the City. This is considered to have a significant impact on areas within the City zoned R80 where multiple dwellings are not permitted.

Overall, there are 578 lots across the City now able to subdivide, where previously they were unable to. A significant portion of these lots are located in the Cleaver and Hyde Park Precincts, where multiple dwellings are not permitted. These areas are considered to contain extensive examples of architectural and heritage character which may be lost if subdivision is allowed.

On 27 August 2013, Council resolved to further investigate the creation of Heritage Areas in the Hyde Park and Cleaver Precincts and also resolved that City Officers were to advise affected residents of the investigation and seek comment if they would support a down-zoning of their area to R50.

On 8 October 2013, former Councillor Dudley Maier put forward a Notice of Motion, which was then carried, to change the previous Council decision of 27 August 2013. On 8 October 2013 Council resolved as follows:

“Requests the Chief Executive Officer to:

- 4.1 Initiate a scheme amendment to rezone the areas coded R80 and where multiple dwellings are prohibited, to R50;*
- 4.2 Contact Officers of the Department of Planning/Western Australian Planning Commission, to discuss the possibility of fast tracking the processing of the scheme amendment, as it is aimed at maintaining the status quo and reducing the potential unintended consequences of the new provisions for single and grouped dwellings in areas coded R80; and*
- 4.3 Provide a report to the council no later than 5 November 2013 concerning this matter.”*

As a result, a Scheme Amendment is now sought.

History:

Date	Comment
2 June 2013	The WAPC released a media statement stating the R-Codes have been amended and will be gazetted on 2 August 2013.
9 July 2013	Report to Council outlining the changes to the R-Codes and the possible impacts for the City.
16 July 2013	City Officers presented to a council member forum explaining the changes to the R-Codes.
2 August 2013	Revised R-Codes gazetted and in effect.
3 August 2013	The City held a community forum explaining the impacts of the R-Codes changes. The majority of community participants were in favour of pursuing the introduction of Heritage Areas in the City.
27 August 2013	The outcomes of the forum were presented to Council and further investigation of Heritage Areas was endorsed. It was also resolved that City Officers were to advise affected residents of the investigation and seek comment if they would support a down-zoning of their area to R50.

Date	Comment
8 October 2013	A Notice of Motion was put forward and carried, to change the previous Council decision of 27 August 2013. Council resolved to initiate a scheme amendment to rezone the areas coded R80 where multiple dwellings are prohibited, to R50. It was also resolved that Officers would attempt to expedite the amendment process with the Department of Planning/Western Australian Planning Commission.
31 October 2013	The City's Officers contacted the Department of Planning staff and expressed the desire for an expedited amendment process. The Department of Planning Staff indicated that a fast-tracked amendment process is highly unlikely as they are understaffed with a significant backlog of scheme amendments waiting to be processed already.

Previous Reports to Council:

This matter was previously reported to the Council on 27 August 2013.

The Minutes of Item 9.1.6 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/Your_Council/Agenda_Minutes.

DETAILS:

As outlined above, in response to a notice of motion by former Councillor Dudley Maier, the Council at its Ordinary Meeting held on 8 October 2013, resolved to request City Officers to prepare a scheme amendment to change the zoning of those areas currently zoned R80 where multiple dwellings are prohibited, to a zoning of R50. A zoning of R50 would maintain the status quo and keep development in line with requirements previous to the R Codes review.

Prior to 2 August 2013, those areas zoned R80 required an average site area of 180 square metre per lot and a minimum site area of 160 square metres per lot for single house and grouped dwellings, as per the R60 requirements. The R Codes review introduced new requirements for single houses and grouped dwellings for the R80 standards. The R80 zone now requires an average site area of 120 square metres per lot and minimum site area of 100 square metres per lot. Although the subdivision potential of affected lots has increased, development may also result in a loss of character in these precincts. By rezoning from R80 to R50, the site area requirements would revert back to those in affect prior to 2 August 2013. That is, areas zoned R50 require an average site area of 180 square metre per lot and a minimum site area of 160 square metre per lot. Rezoning to R50 would essentially mean no changes to previous development requirements, bringing lot size requirements back in line with previous zoning.

Map Amendments

The following Town Planning Scheme No. 1 Maps will require amendments as a result of the zoning change:

Cleaver Precinct – Scheme Map 5: The areas currently zoned Residential R80 where multiple dwellings are not permitted, will be rezoned to Residential R50. 'The 'Additional Information' text boxes will need to be amended to read:

- (i) *Multiple Dwellings are not permitted in the area east of Cleaver Street coded residential R50 excluding lots which front Newcastle, Charles, Vincent and Cleaver Streets.'*

Hyde Park Precinct – Scheme Map 12: The areas currently zoned Residential R80 where multiple dwellings are not permitted, will be rezoned to Residential R50. 'The 'Additional Information' text boxes will need to be amended to read:

- (i) *Multiple Dwellings are not permitted in the area east of Fitzgerald Street coded Residential R50 excluding the area bounded by Fitzgerald, Randell, Palmerston and Stuart Streets, Perth.'*

Scheme Text Amendments

The Additional Information text boxes refer to the Clause 20 of the Town Planning Scheme. As a result of Amendment No. 37, Clause 20(4)(a)(i) will be amended to read:

'Multiple Dwellings are not permitted in the areas east of Cleaver Street coded Residential R50 excluding lots which front Newcastle, Charles, Vincent and Cleaver Streets.'

Clause 20(4)(e)(i) will be amended to read:

'Multiple Dwellings are not permitted in the area east of Fitzgerald Street coded Residential R50 excluding the area bounded by Fitzgerald, Randell, Palmerston and Stuart Streets, Perth.'

INDICATIVE TIMELINE:

Scheme Amendment No. 37

The indicative timeline is as follows:

Date	Status
8 October 2013	Council revoked a previous decision and resolved for the CEO to initiate a scheme amendment.
19 November 2013	A Council report and Scheme Amendment report has been written for the Council to consider at this meeting.
By 29 November 2013	Council minutes are released; Officer prepares documentation and reports for CEO and Mayor signature; documents are sent to Department of Planning (DoP) and to Environmental Protection Authority (EPA).
Mid January 2014	Expected time to receive authorisation to advertise from DoP and response from EPA.
February 2014	Community Consultation for a minimum of 42 days.
Late March 2014	End of consultation and consideration of submissions.
April/May 2014	Report back to Council to adopt scheme amendment and forward revised documents to WAPC.
Post May 2014	The DoP consider the Scheme Amendment and report to the WAPC, who then formalise a recommendation to the Minister. This process has no statutory timeframe, however the City currently has two scheme amendments (No. 33 and 35), which have been in this process since May and June respectively and it is very unlikely that this will approved by the end of the year. At this stage, it is reasonable to leave a timeframe of at least 8-12 months for this process, which is out of the City's hands. Once the Minister has approved the Scheme Amendment, this will published in the Government Gazette. This is generally 1 week after Minister's approval.

Given the process of obtaining the Minister's approval is extremely delayed, the Scheme Amendment may not be approved until early to mid 2015. Given it is in the very early stages of the process, it is not yet known how this amendment will coincide with the gazettal of the City's Town Planning Scheme No. 2. The City will obtain further advice on this further along in the process.

Heritage Protection Areas

An update of the project and an indicative timeline is as follows:

Update

- 27 August 2013 – Council resolved to investigate the protection of streets through the concept of Heritage Areas and to engage a consultant to assist in this process.
- 2 October 2013 – The City sent out a Request for Quotation project brief.
- 1 November 2013 – Submissions for the RFQ closed. Nine submissions received.
- November 2013 – The City's Officers are currently assessing all 9 submissions and are preparing a report to Council for 3 December 2013 OMC.

Heritage Protection Areas Indicative Timeline

Date	Status
3 December 2013	The Council will consider a report which resolves to appoint a consultant and allocate funds to the project.
By 10 December 2013	Council minutes released; letter of engagement delivered to appointed consultant; and preparation of rejection letters to other consultants.
Mid December 2013	Inception meeting with consultant.
Mid February 2014	Consultant to identify which of the 20 streets should be considered as a Heritage Area and to provide ideas and suggestions for the design guidelines.
March 2014	City's Officers to present chosen Heritage Areas and ideas for Design Guidelines to a Council Member Forum.
April – May 2014	City's Officers to conduct a community visioning process prior to any formal design guidelines being drafted. The finer details of this has not yet been finalized, however it is anticipated that they City will hold a separate workshop for the landowners and occupiers of each street identified as a Heritage Area. Some streets may be combined, depending on the size. The City's Officers may require the services of an external facilitator for this visioning process.
Late May 2014	City's Officers provide community feedback to consultant.
Late June 2014	Consultant provides draft design guidelines for all identified Heritage Areas.
July 2014	City Officer's to provide feedback on draft guidelines and consultant to make amendments.
August – September 2014	City's Officers prepare reports to Council to formally initiate the Heritage Area and associate Design Guidelines. This process may be run over 3-4 Council reports, depending on the number of Heritage Areas. It is considered that a maximum of 5 Heritage Areas be presented per Council Meeting.
October – November 2014	Formal community consultation in accordance with TPS1 (minimum of 28 days).
February – April 2015	Report back to Council to formally adopt the Heritage Areas and Design Guidelines.

This project may be able to be completed by December 2014, however room has been added for unexpected delays, especially if there is lack of community interest or support for the project.

CONSULTATION/ADVERTISING:

In relation to Scheme Amendment No. 37, the City will carry out consultation with all affected landowners within the subject areas for a period of forty-two (42) days, in line with the Town Planning regulations 1967 and the City's Community Consultation Policy.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

High: it is considered that the amendments to the R Codes in relation to the introduction of average and minimum site area provisions for areas zoned R80 is a high risk to the community as there are an additional 578 lots in the City that will be able to be subdivided, where previously they were unable to. These lots are located in areas where it is considered to have high levels of character and streetscape value and these provisions may cause great concern for the community.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment:

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

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

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

Leadership, Governance and Management:

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

4.1.4 Plan effectively for the future.

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

SUSTAINABILITY IMPLICATIONS:

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

ENVIRONMENTAL	
Issue	Comment
The Amendment will assist in preserving lot sizes. As a result, environmental impacts as a result of use intensification, (such as increased hardstand area) will be minimal. Additionally, streetscape character, including landscaping and verge plantings, will be maintained.	

SOCIAL	
Issue	Comment
The Amendment will facilitate the City's intention to protect and promote housing and precinct character, and assist in providing a diverse housing choice within the municipality.	

ECONOMIC	
Issue	Comment
The Amendment may assist in preserving and enhancing property values in the precincts, by promoting the retention of architectural character of properties in the area.	

FINANCIAL/BUDGET IMPLICATIONS:

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

Town Planning Scheme Amendments and Policies

Budget Amount: \$73,000
Spent to Date: \$ 7,562
Balance: \$65,438

COMMENTS & CONCLUSION:

The City's Officers, Council Members and the community, are concerned that the introduction of the R80 requirements for average and minimum site area may have detrimental impacts to some areas of the City. An additional 578 lots are now able to subdivide as a result of the R Codes changes. Regardless of whether or not land owners retain existing dwellings or demolish and build new, the impacts of infill development will be felt. For example, infrastructure needs will increase, including: parking and transport; water, gas and power services; community facilities, both privately owned and operated and those owned and operated by the City as well as public open space and other general community needs.

The Community Forum held on 3 August 2013 confirmed that the new R80 standards are also a point of concern for residents and landowners. Therefore, it is recommended that Council initiate Scheme Amendment No. 37. Residents will then have the opportunity to formally agree or disagree with the rezoning. Essentially, Amendment No. 37 aims to maintain the status quo in the area, minimising any increase in residential density while preserving the heritage character of the Hyde Park and Cleaver Precincts.

9.2.1 State Underground Power Program – Progress Report No. 2 – Outcome of Community Consultation - Brookman and Moir Streets Heritage Precinct Underground Power Project

Ward:	South	Date:	8 November 2013
Precinct:	Hyde Park (12)	File Ref:	TES0313
Attachments:	001 – Consultation Pack Including Project Area Map 002 – Tabulated Survey Results		
Tabled Items:	-		
Reporting Officers:	C Wilson, Manager Asset and Design Services		
Responsible Officer:	M Rootsey, Director Corporate Services – Financial Aspects R Lotznicker, Director Technical Services - Implementation		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the report on the outcome of the City's State Underground Power Program – Localised Enhancement Project (LEP) Round 4 Brookman and Moir Street Heritage Precinct public consultation;
2. **NOTES** that;
 - 2.1 the majority of the respondents are in favour of the Brookman and Moir Street Heritage Precinct LEP proceeding on the understanding that there would be a significant cost to them;
 - 2.2 the preliminary project cost estimate is \$1.2 million, of which the City will be responsible for \$950,000; and
 - 2.3 the Indicative Timeline, as detailed in this report;
3. **APPROVES IN PRINCIPLE** the City proceeding with the Brookman and Moir Streets Heritage Precinct LEP Project subject to;
 - 3.1 the full costs being re-couped from the residents and businesses within the project area;
 - 3.2 the State Underground Power Program Steering Committee approving the project and confirming the State Government's contribution; and
 - 3.3 Western Power completing the detailed design and cost estimate including an assessment of any heritage related issues that may arise; and
4. **RECEIVES** a further report when Clauses 3.2 and 3.3 have been completed.

The Presiding Member Mayor Carey assumed the Chair at 7.50pm.

COUNCIL DECISION ITEM 9.2.1

Moved Cr Topelberg, Seconded Cr Harley

That the recommendation be adopted.

Debate ensued.

Cr Buckels departed the Chamber at 7.50pm.

Debate ensued.

Cr Buckels returned to the Chamber at 7.51pm.

Debate ensued.

Cr Pintabona departed the Chamber at 7.55pm.

Debate ensued.

Cr Pintabona returned to the Chamber at 7.59pm.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the outcome of the public consultation recently undertaken for the Round Four (4) State Underground Power Program (SUPP) – Localised Enhancement Project (LEP) Brookman and Moir Streets Heritage Precinct and seek approval in principle to proceed.

BACKGROUND:

At its Ordinary Meetings of 14 June 2011 the Council received a report on Western Power's approach to the (then) Town to determine if the Council was still interested in undertaking the Brookman and Moir Streets Heritage Precinct Round Four (4) LEP.

The project had not been successful in the initial assessments for Round Four (4) LEP's (in 2009) but had been listed as a reserve project in the event another project did not proceed.

Round Four (4) LEP's were/are capped at a maximum State Government contribution of \$250,000 irrespective of the total cost of the project.

However around the same period the (then) Office of Energy advertised for Expressions of Interest (EOI's) from Local Government for Round Five (5) LEP's. The most significant difference between the two being that the State Government's contribution for Round Five (5) projects had been increased to a maximum of \$500,000.

Western Power subsequently advised that the City was still eligible to apply for the Brookman and Moir Streets Heritage Precinct LEP in Round Five (5) if it so wished.

Round Five (5) LEP submissions closed on 6 December 2011 with the Council directing that a number of proposals be submitted including that of the Brookman and Moir Streets Heritage Precinct.

This was in part an acknowledgement that at earliest the Round Four (4) project could not commence before the 2012/13 financial year as neither Western Power, the Public Utilities Office or the Town had included any funding in their respective 2011/12 budgets.

The Council subsequently approved 'in principle' the City's taking up the Round Four (4) offer pending the outcome of its Round Five (5) submission.

The Office of Energy, formerly being the department overseeing the SUPP, ceased to exist as 31 March 2012 (and their responsibilities transferred to the *Public Utilities Office, Department of Finance*), was to announce the successful Round Five (5) LEP submissions in April/May 2012.

However as a consequence of the above the announcement was delayed until mid October 2012.

When the Round Five (5) SUPP – LEP Program details were finally released the City's Brookman and Moir Streets Heritage Precinct LEP submission had not been successful.

Western Power again approached the City to advise that the offer of a Round Four (4) project was still open.

Ordinary Meeting of 18 December 2012:

At the above meeting the Council received a report on the outcomes of the City's Round Five (5) LEP submissions and the option to take up the Round Four (4) Brookman and Moir Streets Heritage Precinct LEP, resulting in the Council making the following decision:

"That the Council;

1. *RECEIVES the report on the outcome of the City's State Underground Power Program – Localised Enhancement Project (LEP) Round 5 submissions;*
2. *APPROVES IN PRINCIPLE the City to participate in the Brookman and Moir Streets Heritage Precinct LEP Project subject to;*
 - 2.1 *noting that it is a Round 4 Project;*
 - 2.2 *the costs being re-couped from the residents and businesses within the project area;*
3. *NOTES that the preliminary project cost estimate is \$1.2 million, of which the City will be responsible for \$950,000;*
4. *AUTHORISES the Chief Executive Officer to;*
 - 4.1 *enter into discussions with Western Power to determine detailed costs and the Scope of Works; and*
 - 4.2 *undertake a SUPP Steering Committee Approved Survey of the residents and businesses within the project area; and*
5. *RECEIVES a further report when clause 4 has been completed."*

DETAILS:

In accordance with the Council's decision of 18 December 2012 the City's officers entered into discussions with Western Power to consider the scope of works and the estimated project cost.

Western Power also provided the City with its standard resident/property owner 'survey pack' (cover letter, frequently asked questions and survey sheet) which was to form the basis for the City's public consultation pack.

The electrical design was progressed to a more advanced staged thereby defining the project boundary. A total of one hundred and twenty nine (129) properties are located within the project area and in addition to Brookman and Moir Street includes Robinson Avenue between Brisbane Place and Lake Street, Forbes Road and portions of Brisbane Place and Lake Street as shown in Attachment 001 (Project Map).

Note: the project boundary is based upon Western Power's technical requirements rather than the City's heritage precinct.

In respect of the estimated project cost Western Power has reaffirmed that it is still in the order of \$1.2 million.

As a consequence the potential cost to the ratepayers within the project area is \$950,000, with the State contributing the remaining \$250,000.

Officers Comments:

In the consultation pack the ratepayers/property owners were advised that their contribution would be in the order of **\$8,260** per single residential property. This was based upon **115** properties within the project area not the **129** properties since confirmed.

Some of the properties originally thought to be a single residential in the initial assessment are in-fact semi-detached strata properties. As a consequence the cost per single residential property is likely to be reduced by several hundred dollars. However until the electrical design is completed and the work tendered out the final cost cannot be determined.

Ratepayer Survey:

As a condition of accepting the offer the City was required to undertake an SUPP Steering Committee Approved Survey (as attached) of the residents/businesses preparedness to participate in the project.

SUPP imposed the standard survey requirement as a condition of LEP's as part of the Round Five (5) process to ensure consistent results.

Further, the Steering Committee issues the final approval for the project before the State funding is confirmed.

On 18 September 2013 the City wrote to all the 115 property owners within the project area.

The consultation pack included:

- The cover letter explaining the City's involvement in the project;
- A Project Map;
- Background information and frequently asked questions;
- Contact details for those seeking more information; and
- The Survey form (and reply paid envelope).

To ensure the integrity of the survey every consultation pack was numbered and entered against the property. This was to ensure that the survey form was not photocopied and more widely distributed or multiply responses were received from a property.

This was seen as a necessary precaution because of the significant financial impost involved.

While the full consultation pack is attached for information, the following are the survey questions, noting that these are the standard questions provide by the SUPP Steering Committee:

1. Are you generally in favour of underground power in the proposed project area?

Yes No.

2. Installing underground power would cost property owners on average \$8,260 for a typical single residential property. The amount would generally be less for units in multi-unit developments. Costs for commercial properties would generally be greater than for a single residential property. If the project goes ahead, underground power would be installed for all properties in the area.

Given the choice, which of the following options would you prefer?

Option 1. To pay this amount to get underground power in my area.

Option 2. To Not pay this amount, and keep the existing overhead power supply and lines.

3. If the underground power project does proceed, what is your preferred payment option?

Option 1. Full up-front payment.

Option 2. Payment by instalment over a period of (Please tick your preferred repayment period below)

3b. 2 years 3 years 4 years 5 years

Survey Results

- When the survey closed on 11 October 2013 the City had received **55** responses.
- The City received a further **14** responses after 11 October 2013.
- Total responses received **69**. (60% response vote.)

Attachment 002 (Tabulated Survey Results) provides a detailed breakdown of the survey results including any comments provides. To ensure confidentiality it does not identify the property from which the response was received.

Of the **55** responses received by the 11 October 2013 Table 1 below shows the results:

In favour	Not in favour	Agree to pay	Not to pay	Full payment option	Instalments
40	15	35	17	8	38
73%	27%	64%	31%	15%	69%

Table 1

Note: other than the *In Favour* and *Not in Favour* the other responses do not total 55 (or 100%) as 3 did not answer payment questions either way while some gave answers seemly at odds, such as *do not want to pay* but will *pay by instalments*. The obvious conclusion being if it does go ahead then they would rather pay by instalments than an upfront payment.

Of the **14** responses received after the 11 October 2013 Table 2 below shows the results:

In favour	Not in favour	Agree to pay	Not to pay	Full payment option	Instalments
10	4	8	6	3	10
71%	29%	57%	43%	21%	71%

Table 2

Of the **69** responses received in total Table 3 below summarises the results:

In favour	Not in favour	Agree to pay	Not to pay	Full payment option	Instalments
50	19	43	23	11	32
72%	28%	62%	33%	16%	46%

Table 3

SUPP Steering Committee:

On the above results the SUPP Steering Committee is likely to approve the Brookman and Moir Streets Heritage Precinct Round Four (4) LEP.

The next stage will be Western Power to complete the design and expects to provide a final budget to the City by the third quarter 2014 to allow construction to commence by the fourth quarter 20124.

Construction:

If the Brookman and Moir Heritage Precinct LEP is approved and proceeds to construction Western Power has indicated it would not be until the latter part of 2014 and into 2015 at earliest.

Indicative Timeline:

An indicative timeline as follows:

DATE	ITEM
2013	
November	Western Power advised of the Council's <i>Approval in Principle</i> following Ordinary Meeting of Council 19 November 2013
2014	
February	Western Power finalises electrical design.
April	Western Power finalises detailed estimate
June/July	Western Power submits the above documentation to the Council seeking formal approval for the project to proceed
	SUPP Steering Committee advised of the Council's decision and issues formal approval to release state funding.
August/September	Project advertised for tender
October	Western Power assess tenders and contract awarded
November	Works commence
2015	
February/March	Project completed

CONSULTATION/ADVERTISING:

The public consultation/survey was undertaken in accordance with Council's policy and was based upon the SUPP Steering Committees standard questions. Further, the consultation packs were numbered and entered against the property to prevent duplication to ensure that integrity of the survey results.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: In respect of infrastructure the power network is owned and operated by Western Power Corporation and therefore it is of low risk to the City should the proposal proceed or not.

However the City may be exposed to a low level of financial risk if a property owner were to default on payment of their contribution as the City would be have effectively pre-paid for the works.

STRATEGIC IMPLICATIONS:

In accordance with the City's *Strategic Plan 2013-2017*, Objective 1 states:

"Natural and Built Environment

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

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

(d) *Pursue options and funding for undergrounding of power throughout the City.*

SUSTAINABILITY IMPLICATIONS:

The undergrounding of the electricity infrastructure is ultimately more sustainable from an amenity and surety of power supply perspective, improves the aesthetics of the streetscape and arguably increases property values. Further, in this instance it mitigates an indentified safety risk and reduces maintenance for Western Power.

FINANCIAL/BUDGET IMPLICATIONS:

The City currently has \$1.2 million dollars listed in its 2013/14 budget for the project. However the project is unlikely to proceed until the latter part of 2014.

Western Power and the Public Utilities Office will contribute a maximum of \$250,000, out of the total estimated project cost of \$1,200,000, with any costs over above to be paid by the City.

ITEM	AMOUNT
Total Project Cost	\$1,200,000
Wester Power Contribution	\$250,000
City of Vincent	<u>\$950,000</u>
Amount paid by landowners	\$950,000

COMMENTS:

While the City has an opportunity to underground the power supply in the Brookman and Moir Streets Heritage Precinct, it comes at considerable cost to the ratepayers.

However it considered that in light of the results of the public consultation that the officer's recommendation be adopted.

9.2.2 Beaufort Streetscape – Proposed Secondary Street Verge Tree Species - Approval

Ward:	South	Date:	8 November 2013
Precinct:	Forrest (14) Mount Lawley (11)	File Ref:	TES0234
Attachments:	001 – Tree Species		
Tabled Items:	-		
Reporting Officer:	J van den Bok, Manager Parks and Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** the Oriental Plane Tree (*Platanus orientalis*), as recommended by Plan E Landscape Architects in association with ARBOR logic, to be planted as a secondary street verge tree species along Beaufort Street, Mount Lawley where new tree wells exist and space allows for their establishment as shown in Appendix 9.2.2 (Attachment 001);
2. **NOTES;**
 - 2.1 the comments provided by the consultant as outlined within the report with regards to the existing Bradford Pears being a good choice of verge tree; and
 - 2.2 the information provided in relation to tree establishment within an urban location; and
3. **ADVISES** the local businesses, Beaufort Network and affected residents of the Council's decision.

COUNCIL DECISION ITEM 9.2.2

Moved Cr Topelberg, **Seconded** Cr Pintabona

That the recommendation be adopted.

Debate ensued.

Cr Harley departed the Chamber at 8.00pm.

Debate ensued.

Cr Harley returned to the Chamber at 8.02pm.

Debate ensued.

MOTION PUT AND CARRIED (7-1)

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

Against: Cr Topelberg

PURPOSE OF REPORT:

The purpose of the report is advise the Council of the recommendations of Plan E landscape architects in regard to a secondary tree species that can be planted along the verges in Beaufort Street, Mount Lawley.

BACKGROUND:

Various reports have been presented to the Council in relation to the selection of the street trees for Beaufort Street, Mount Lawley as follows:-

Ordinary Meeting held on 23 September 2008:

The Council reaffirmed its decision to plant native trees in Beaufort Street with Spotted Gums to be planted along the central median islands and Broad Leafed Paperbarks to be planted along the verges.

Ordinary Meeting held on 24 February 2009:

The Council revoked its previous decision (OMC 13 February 2007) in relation to the trees species for Beaufort Street and resolved to defer the planting of trees and liaises with the City of Stirling concerning the proposed upgrade of Beaufort Street.

Ordinary Meeting held on 14 April 2009:

The Council reaffirmed its decision to plant Spotted Gums in the median islands along Beaufort Street and changed its decision to plant Bradford Pear trees along the verges in lieu of the Broad Leafed Paperbarks

Ordinary Meeting held on 9 October 2012:

The officers recommended that a trial of planting Apple Gums be implemented along the verges of Beaufort Street between Grosvenor Road and St Albans Avenue; however the item was deferred to allow for further investigation and consideration of proposed tree species.

Ordinary Meeting held on 23 April 2013:

The Council approved the planting of Jacarandas and Poincianas in the garden bed/nibs, the planting of Bradford Pears where space was restricted along the verges due to awnings etc and Red Muggas or Apple Gums in the proposed new verge tree locations where sufficient area was available.

Ordinary Meeting held on 13 August 2013:

Following a Notice of Motion the Council approved by an absolute majority to rescind its previous resolution to plant Bradford Pears, Red Muggas and Apple Gums along the along the verges of Beaufort Street and engage a Landscape Architect to recommend a secondary tree which will create a canopy and provide shade.

Ordinary Meeting held on 27 August 2013:

The Council authorised the Chief Executive Officer to approve the engaging a Landscape Architectural consultant to undertake a review of the Beaufort Street verge tree species and provide a report and recommendation for a secondary tree which:

- is currently available and can be sourced at local tree farms in Western Australia;
- is available in large containers and at least 3 metres in height; and
- will create a street canopy and provide shade.

DETAILS:

Tree selection and location:

The consultants consider the current streetscape in Beaufort Street is starting to provide street appeal and this will further improve overtime. They indicate that the existing tree selection of the Spotted Gum -median tree and the Bradford Pears – verge species are doing well considering the environment in which they have been planted.

The secondary verge tree species they have selected is the Oriental Plane, a tree readily available in larger sized containers and well suited to the urban environment. Whilst concerns have arisen in the past in regard to Plane trees and the irritants they can cause, the consultants have indicated that to the best of their knowledge this particular Plane tree species is not known to cause these issues to the same extent as the London plane tree.

This species grows to around 15metres in height with a similar canopy spread and is also known to be resistant to powdery mildew (leaf fungus) and other diseases that have affected other Plane tree species within the Perth area for a number of years.

Other tree species were considered including evergreen species, however given the constraints clearly evident and the desired outcome, the consultants have also found the species selection limited.

The following is an extract from the consultant's report in regards to the existing trees and the recommended alternative tree species for planting along the verges.

“Opinion on the Existing Trees and their contribution to the Streetscape

In my opinion many respects the current streetscape is in many respects starting to provide some degree of streetscape appeal and amenity that will only improve over time as the trees continue to mature and increase in physical size.

The Spotted Gum will in my opinion continue to mature at a faster rate than the Pear as they are naturally a larger faster growing species of tree regardless of their situation.

Due to their potential size at maturity (20 metres plus even in situations such as road median strips) they will become the dominant feature for the Street, whereas the Pears will remain relatively small in comparison; regardless of any best intentions or improvement measures implemented.

I would also expect the canopies of the Spotted Gum to extend over both carriageways of the Street, and provide a shaded avenue effect for the Street in much the same way that the London Plane do for Rokeby Road, Subiaco.

In many respects the Pears that are present, although small, are doing as well as what I would expect for specimens of this species that have been planted into the sort of heavily urbanised situation that they are in, as well as the below ground conditions that they look to have been planted into.

Whilst I would also expect the Pears that have established to date to continue to mature and increase in physical size, they are by nature a small species of tree so they may only attain another 2-3 metres in height, and canopy spreads may only be 4 - 5 metres in diameter at maturity; even under optimum conditions.

Due to the presence of the above ground infrastructure (awnings, powerlines etc.), the canopy development and form of some of the Pears will also likely continue to be affected to some extent; quite possibly to the point where their aesthetic appeal becomes affected.

I would also not expect their canopy to form or provide a major avenue effect at the spacing's that they are presently at; to achieve such an effect would require spacing's at 3 – 4 metre 'centres'.

Their performance may also become affected and influenced to some extent by the larger canopies of the Spotted Gum as they increase and start to dominate the Street.

Overall, in many respects the desired outcome of a conventional 'boulevard' style effect is unlikely to be achievable with the above and below ground constraints that exist within the Street without undertaking considerable works to effectively rebuild the Street to enable greater numbers of plantings on both sides of the Street to occur at even opposite spacing's using alternative larger canopied species to (eventually) provide a boulevard style effect for the Street.

Alternative Species Suggestions

In many respects although they are a small species of tree, the Pear are a reasonably good choice for the footpath sides of the Street given the above and below ground constraints that apply.

Above ground the presence and proximity of powerlines, awnings, buildings etc. in many respects prevents the use of any of the larger tree species that are typically used to create a boulevard style effect.

Similarly the extent of below ground infrastructure and locations within a footpath prevents many of the larger tree species that are typically used to create a boulevard style effect.

The presence and advanced nature and size of the Spotted Gum in the median also in my opinion negates the need for a larger species on either side of the Street, and if one is planted, they could in themselves cause issues longer term with canopy interference between the trees.

There is also typically a preference to use deciduous tree species to create Boulevard effects in urban areas. This consideration suggests that the use of many of the native and evergreen species that may have been suitable species for the given area are unlikely to provide the desired outcome.

Taking these factors into consideration, and when consideration is also given to Perth's climate and environment species selection for the Street is somewhat limited.

*Of the species considered for use, the Oriental Plane (*Platanus orientalis*) is considered to be the most suited to the given situation."*

Officer's Comments:

There has been much discussion and debate at the Council in regard to the tree species (native versus exotic, evergreen versus deciduous) for Beaufort Street. The consultants Plan E in association with ARBOR logic are very experienced and have selected a secondary tree species that officers agree is relatively "bomb" proof and one that should perform well in this location.

This species has successfully been established in the Angove Street median and whilst they have struggled a little in Fitzgerald Street, one must consider that the median island and planting space available was extremely restrictive.

The City has already undertaken the construction works and provided new tree wells given the previous decision on tree species.

An inspection of the street this week has identified that with the existing new tree wells and Bradford Pears now requiring replacement due to vandalism, an additional twenty five (25) x Oriental Plane trees could be planted successfully and six (6) x Bradford pears planted where tree wells exist and space is restricted due to awnings and/or establishment of adjacent newly planted Oriental Plane trees.

Stock selection/planting/watering and aftercare:

The consultants have provided and outlined at site meetings the importance of stock selection, planting, staking, watering and after care of the newly planted trees to give them the best possible chance of establishing a good root system to enable the tree to survive and flourish in such a harsh environment.

The following is an extract from the consultant's report in regards to Stock selection/planting/watering and aftercare.

“Tree Establishment Practices

In essence many of the issues with the establishment of trees into urban situations can be put down to a number of commonly occurring issues:

- *Poor stock being used; which needs to be recognised and addressed at the nursery before purchase occurs,*
- *Poor planting practices; which can be addressed by way of appropriate training and good specifications; some of which have been detailed in this document, and/or*
- *Poor site soil conditions.*

Stock Selection

Once the appropriate species for the given situation has been selected, stock to be used must be inspected at the nursery prior to purchase and delivery.

If the appropriate quality of stock required for the project is not available at the time of inspection, the use of sub-standard stock must NOT occur as it is likely to cause future issues and require additional management and expense.

Soil Improvement Measures

Before planting occurs a comprehensive soil analysis be undertaken of the area where the new trees are to be planted is recommended to be undertaken to determine if there are any underlying soil chemistry issues that require addressing.

Planting

Planting hole should not exceed the same depth as the root ball of the tree to be planted, unless it is to apply soil improvement measures, in which case it is recommended that soil improvement measures are applied and the planter hole back-filled and allowed to settle for a period of time before planting occurs.

Staking and Guys

It should be noted and acknowledged that at the time of planting the trees should be self-supportive; especially if 200 or even 400 litre sized trees are used. A diagrammatic summary of correct planting procedures has been provided.

Watering

Aspects of watering of new trees also need to be assured to have been addressed.

Exact water volumes and frequency will be somewhat dependent on the species of tree, the size of the specimen and the site conditions.

However the key factor is that water volumes need to be applied evenly over the entire root zone of the tree planted and include an area outside the root ball of the tree to encourage further root establishment.

Water must also be applied in a manner that does not cause soil erosion or washout of the root ball of the tree being watered.

Quality of water used will also need to be monitored if bore water is used to ensure that soil chemistry issues will not arise as a result of its use.

Aftercare

Post planting, periodic monitoring of the trees will be an integral part of helping ensuring the streetscape planted establishes well and meets the desired outcome in a reasonable timeframe.

As a minimum all trees planted are suggested to be inspected on a quarterly basis to determine if any further management measures are required to be implemented.

Officer's Comments

Horticultural staff have been trained and are well aware of the above requirements to give a tree growing in an urban environment the best possible chance of establishment through to maturity. The Council can be assured that staff are provided with ongoing internal and external training and to keep up with modern trends, products and improvements trailed in the horticultural industry. Notwithstanding the above the information provided by Plan E and ARBOR logic will be distributed to all horticultural staff and outlined prior to selection of stock and planting.

Watering of trees/plants in Beaufort Street has been an issue with the installation of in ground reticulation not being cost effective or practicable. Water trucks are engaged on a regular basis through the summer months and this will be monitored to ensure adequate volumes of water are applied.

CONSULTATION/ADVERTISING:

All business owners, Beaufort Network and affected residents will be advised of the Council's decision.

LEGAL/POLICY:

Beaufort Street is a District Distributor A Road under the Care Control and Management of the City of Vincent.

RISK MANAGEMENT IMPLICATIONS:

Medium to High:

As previously reported to the Council, Main Roads WA has guidelines in accordance with Austroads and the Australian Standards for the "Assessment of Roadside Hazards" and "Guidelines for Assessing Trees within Recovery Zones on Established Roads".

While their guidelines are tailored more for Primary Distributors, which predominantly have higher vehicle speeds, the guidelines outline in detail the importance of maintaining clear zones and the risk management measures to be implemented where vegetation may encroach into a clear zone. Austroads suggests that the first 4m to 5m from the edge of the travel lane provides most of the potential benefit.

The Liveable Neighbourhoods document addresses trees in streetscapes with setback distances for trees from a moving travel lane specified. The distances have been specified taking into account a range of factors. The design environment for an urban street is to create an environment of care and the traffic calming benefit of street trees relatively close to the pavement is an integral part of this.

In essence, the Liveable Neighbourhoods document indicates that for a District Distributor Road with a posted speed of 60 kph, the clearance from the travel lane to a frangible tree (i.e. a tree less than 100mm in diameter) should be 2.0m and for 50 kph the clearance from the travel lane to a frangible tree should be 0.75m.

For a non frangible tree (i.e. a tree greater than 100mm in diameter) the clearance should be 2.5m for 60 kph and for 50 kph the clearance from the travel lane to a frangible tree should be 1.15m.

Beaufort Street, no matter what tree species is planted in the central median, will not comply with either MRWA or the Liveable Neighbourhood requirements.

Therefore, whatever tree species is chosen for Beaufort Street, it will not be sustainable in the longer term unless the road was (in future) reduced to two (2) lanes with a wide medium or the posted speed was permanently reduced to say 40kph.

STRATEGIC IMPLICATIONS:

In accordance with the City's *Strategic Plan 2013-2017*, Objective 1 states:

"Natural and Built Environment

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

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

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

SUSTAINABILITY IMPLICATIONS:

As outlined in previous reports to the Council the street tree selection for Beaufort Street has always been a difficult choice given the narrow median strip being an extremely "hostile" environment for trees to grow and the verge space available also restricted with adjacent building and awnings.

Native trees are more resilient and more sustainable than exotic species in these situations over the longer term, however the availability of particular species in larger containers not only at the time of planting but in the longer term for replacement plantings is an issue to be considered particularly in Beaufort Street.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$60,000 has been included in the 2013/2014 Capital Works Budget to complete the proposed landscaping works.

Budget:	\$60,000
Funds used to date:	\$27,304
Funds remaining:	\$32,696

Consultants Costs

In the report of 27 August 2013, the Council was advised that costs associated with the engagement of the landscape architect and completion of a report will be charged to the Technical Services 'Consultants' account.

The report indicated it is expected that a site inspection, assessment and report will amount to between 6-8 hours of work and therefore the total cost could cost in the order of \$1,500 depending on who is selected.

Plan – E (Cost/hour \$180) were subsequently selected and following several meeting with the City's officer it was apparent that the \$1,500 indicated was on the low side due the detailed work involved. In addition an opinion from an Arboricultural Consultant was also sought due to the nature of the street and the potential long term impact of the possible tree selected.

Plan E's tasks includes, site inspections, review of proposal, identifying tree species, sourcing availability of trees, meetings/liaison. This cost was **\$4,950**. The Arboricultural consultant's costs were **\$1,380**.

This was charged to the Technical Services consultant's budget allocation

COMMENTS:

As outlined in previous officer's reports to the Council, it is difficult to successfully establish an avenue of verge trees along the verges of Beaufort Street due to the above and below ground structures and services.

However, officers consider the tree recommended being one that is proven to be successful in a busy urban environment and one that is most likely to achieve the desired outcome given the location.

9.3.4 Dog Act 1976 - Adoption Fees and Charges 2013/2014

Ward:	Both	Date:	11 November 2013
Precinct:	All	File Ref:	FIN0025
Attachments:	001 – DLG – Circular NO. 33-2013		
Tabled Items:	Nil		
Reporting Officer:	M Rootsey, Director Corporate Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **APPROVES BY ABSOLUTE MAJORITY** to adopt the additional Dog Act 1976 Fees and Charges, to be included in the Schedule of Fees and Charges for the 2013/2014 financial year as follows;

Registration fees	Lifetime
Pensioner Concession	\$125

COUNCIL DECISION ITEM 9.3.4

Moved Cr Harley, Seconded Cr Pintabona

That the recommendation be adopted.

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

PURPOSE OF REPORT:

To obtain the Council's approval of the amended Fees and Charges applicable under the Dog Act 1976, which were gazetted to be effective on the 1 November 2013.

BACKGROUND:

The Council approved amended fees and charges at the Ordinary Meeting of Council held on 13 August 2013, Item 9.3.1 – which included the new Fees and Charges for the Dog Act 1976, with the exception of the lifetime Pensioner Concession for dog registration fees which were only advised on the 24 October 2013 after, significant amendments were made to the Dog Act 1976 and the subsequent Dog Act regulations, which will come into effect on the 1 November 2013.

These are summarised in Circular No. 33-2013 from the Department of Local Government and Communities (Attachment 001).

DETAILS:

As these fees and charges came into effect on 1 November 2013, it will be necessary for the Council to include these in its adopted Fees and Charges 2013/2014 for the remainder of the Financial Year.

Registration fees	Lifetime
Pensioner Concession	\$125

CONSULTATION/ADVERTISING:

Not applicable – however general information will be provided via the City's website.

LEGAL/POLICY:

Dog Act 1976.

RISK MANAGEMENT IMPLICATIONS:

Low: The fees and charges are supported by the City.

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

It is recommended that these additional and amended fees and charges are included in the fees and charges for 2013/2014.

9.4.2 Community Bus Feasibility Study – Progress Report No. 3

Ward:	Both	Date:	8 November 2013
Precinct:	All	File Ref:	CMS0072
Attachments:	001 – Community Bus Feasibility Study - Final Report		
Tabled Items:	Nil		
Reporting Officers:	L Devereux, Community Development Officer J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES;**
 - 1.1 the Final Report on the Community Bus Feasibility Study for the City;
 - 1.2 the Final Report from Curtin University, as shown in Appendix 9.4.2 (Attachment 001); and
2. **RESOLVES to take no further action on this Project, for the following reasons;**
 - 2.1 The Public Transport Authority does not support the implementation of the proposed community bus;
 - 2.2 Without PTA support, the City cannot charge for the use of the community bus;
 - 2.3 The City’s Officers are of the opinion that the estimated current budget of \$100,000 may not be sufficient to adequately run a service;
 - 2.4 Additional funding is required to;
 - 2.4.1 investigate and prepare a Business Case, Promotional Strategy, prior to the City progressing to conduct a “pilot service”;
 - 2.4.2 investigate the financial modeling; and
 - 2.4.3 to prepare a marketing strategy;
 - 2.5 Additional resources (staff) with the required skills will be required to coordinate the project and oversee the service;
 - 2.6 A community bus service is not viewed as core business at this stage of the City’s Strategic Plan given the upcoming amalgamation plans; and
 - 2.7 Although a route has been recommended, the true community need for this route has not been comprehensively determined by the consultants, given the poor attendance in the community focus groups.

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

AMENDMENT 1

Moved Cr Pintabona, Seconded Cr Buckels

“That a new Clause 2.8 be inserted to read as follows:

2.8 a copy of the report is sent to the PTA”

Debate ensued.

AMENDMENT 1 PUT AND CARRIED (1-7)

For: Cr Pintabona

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

AMENDMENT 2

Moved Cr Buckels, Seconded Cr Harley

“That Clauses 2.1 and 2.2 be deleted and a new Clause 3 be inserted as follows:

~~2.1 The Public Transport Authority does not support the implementation of the proposed community bus;~~

~~2.2 Without PTA support, the City cannot charge for the use of the community bus;~~

3. Write to the PTA sharing this document with them”

AMENDMENT 2 PUT AND CARRIED (8-0)

Debate ensued.

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

COUNCIL DECISION ITEM 9.4.2

That the Council;

1. RECEIVES;

1.1 the Final Report on the Community Bus Feasibility Study for the City;

1.2 the Final Report from Curtin University, as shown in Appendix 9.4.2 (Attachment 001); and

2. RESOLVES to take no further action on this Project, for the following reasons;

2.1 The City’s Officers are of the opinion that the estimated current budget of \$100,000 may not be sufficient to adequately run a service;

2.2 Additional funding is required to;

2.2.1 investigate and prepare a Business Case, Promotional Strategy, prior to the City progressing to conduct a “pilot service”;

2.2.2 investigate the financial modeling; and

2.2.3 to prepare a marketing strategy;

2.3 Additional resources (staff) with the required skills will be required to coordinate the project and oversee the service;

2.4 A community bus service is not viewed as core business at this stage of the City’s Strategic Plan given the upcoming amalgamation plans; and

2.5 Although a route has been recommended, the true community need for this route has not been comprehensively determined by the consultants, given the poor attendance in the community focus groups; and

3. WRITE to the PTA sharing this document with them.

PURPOSE OF REPORT:

To provide a progress report on the Community Bus Feasibility Study, present the Final Report provided by Curtin University and obtain approval for no further action to be taken on this Project.

BACKGROUND

Two (2) previous reports have been presented to the Council in relation to the Community Bus Feasibility Study as follows:

- 14 August 2012 Progress Report No. 1 submitted to the Ordinary Meeting of Council. Curtin University were appointed to undertake a Community Bus Feasibility Study for the City. The Chief Executive Officer was authorised to finalise an agreement between the City and Curtin University. A Community Bus Feasibility Study Steering Group with members determined by the Chief Executive Officer, in liaison with the Mayor was established to oversee the Project.
- 14 May 2013 Progress Report No. 2 submitted to the Ordinary Meeting of Council where it was resolved as follows:
- “That the Council;*
1. *RECEIVES the report on the progress of the Community Bus Feasibility Study for the City; and*
 2. *AUTHORISES the additional funding of \$2,000, from a source to be determined by the Chief Executive Officer, towards the costs of a Research Assistant to explore the feasibility and costing of the option to outsource the proposed Community Bus weekend service.”*

DETAILS

Process

The Community Bus Feasibility Study has been undertaken in two phases.

First Phase

The first phase has involved the preparation of a ‘Basic Plan’ regarding the Community Bus to be presented to the wider community. This phase has comprised information such as current bus routes in the City and the frequency of routes to verify community needs relating to local public transport in the City, and assess prevalent opportunities and challenges for the future. The Project brief has been extended to also research Community Bus services that are available in Western Australia and Tokyo, Japan.

Second Phase

The second phase has centred on community consultation involving a facilitated community Forum, community and business surveys, and meetings with stakeholders. This phase has culminated in the finalisation of a Project Plan for the Community Bus. It includes the proposal to structure the Project into the existing governance and management structures established by the City.

Community Bus Feasibility Study Steering Group

The internal Community Bus Feasibility Study Steering Group met regularly and Chaired by the Director Community Services with Officer representation from the following sections:

- Strategic Planning, Sustainability and Heritage Services;
- Asset and Design Services; and
- Community Development.

The Steering Group acts as the primary decision making group between both Curtin University of Technology researchers and the City's Officers. The Group creates formality in the decisions and actions generated, acts as a risk management portal between the City's Officers and assist in creative idea generation, in particular for community engagement.

Recommendations

Route

The work and findings undertaken to date has indicated the gaps in traversing across the City in the East-West corridor. Further work has been done to finalise the most appropriate route to fill the gaps in the public transport network in consideration of the key destination points through the City.

Service Times

At a meeting held on 22 March 2013 with the former Mayor Hon. Alannah MacTiernan and the City's Officers, initial financial modelling indicated that a weekend Community Bus service could be piloted, which is based on using the existing Community Bus that is owned by the City. Service options were also discussed it was suggested that the consultants investigate outsourcing of the service utilising external transport providers such as school bus operators and Perth Transport Authority (PTA).

The Council approved additional funds to appoint a Research Assistant (RA) to explore the feasibility and costing of the option to outsource the proposed Community Bus weekend service. The RA has liaised at a minimum level of engagement with the Perth Transport Authority sections dealing with school bus operators, as well as directly with local private/school bus operators. Costing of the various models of operation and service delivery have been developed and this information integrated into the Final Report.

There are several outstanding issues to be resolved before the City can progress with a decision to roll out a pilot service for twelve (12) months. A comprehensive business plan will be required including financial modelling and a marketing/ promotional strategy.

Further consultation and detailed negotiation will be required between the City and the key stakeholder, PTA. Previous meetings have not resolved the potential scope and involvement of the PTA with PTA confirming their involvement would preclude the ability for the City to charge fares. They also maintained a bus service would not work unless the service provided a minimum of ¼ or ½ hourly service with two (2) buses. The entire feasibility study has been based on providing one (1) bus for a one (1) hour service. Not being able to charge has a major impact on the short and long term sustainability of the Project.

Financial Model

In relation to the service being funded by businesses through promotional opportunities the cost of co-ordinating the work required to organize and deliver the marketing/promotional program has not been calculated and could well cost more than the funds raised from the business promotion. The promotional activity has implementation costs that have not been included and the ability of small business to contribute financially has not been fully explored.

There are very few Council supported transport services in Western Australia. The City of Mandurah funded a service for several years in the hope of the PTA eventually taking over responsibility for the service. This was discontinued several years ago due to the ongoing high costs incurred.

The City of Subiaco currently budgets \$95,000 per annum of the total operating cost towards a shuttle bus service bus which transverses Subiaco from North to South and takes in the Subiaco train station, QEII Medical Centre and the University of Western Australia (UWA). This contribution represents 12.89% of total cost with PTA contributing 50% of the total cost, QEII contributing 7.55% and UWA contributing 29.56%. At January 2010, total operating costs for the City of Subiaco shuttle bus service are \$1,021,221.59 per annum with a total fare revenue of \$106,997.47.

This service provides a social capital investment providing increased travel benefits and opportunities for the education and health sectors. The shuttle bus collects and deposits passengers to the Subiaco Train Station and provides an economic flow on effect to the business centre of Subiaco.

Final Recommendation

Curtin University stated the community survey and community Forum were both used to serve as a promotional campaign for the Community Bus concept by promoting community awareness to the idea and to build up community excitement for the upcoming event of launching the Community Bus. They claim it has received strong support from within the community and that it is important for the momentum to be maintained.

They have advised to start small and ensure a dependable service is offered and for the City to enter into close negotiations with PTA before considering an agreement with private bus operators. Their discussions with PTA were of a preliminary nature, with PTA offering co-operation to support the idea of a Community Bus. They advised these discussions will need to be extended and finalised to pursue a bus service in the City of Vincent.

The team has strongly suggested the formation of an Advisory Committee comprising community representatives, local business associations, Councillors, City Officers and academics and to ensure they are actively recruited to oversee the Project. Design competitions with local schools could encourage mutual support, raise awareness of the service and engage business and the wider community.

The final recommendation was for the bus service to be placed within the existing management and governance framework of the City. Should this occur, additional staff will be required to oversee this project, as there is limited capacity within existing resources.

Having researched potential route options, service times and costings and taking into account the lack of involvement from PTA, the financial and time restraints the City would incur show the Project has limited scope for viability.

It is therefore recommended no further action be taken for this project.

CONSULTATION/ADVERTISING:

The following consultation activities have been conducted as part of Feasibility Study to-date:

- Information stalls at the Beaufort Street Festival and "Light up Leederville" Festival;
- Community Survey accessible online and in hard copies;
- Business Survey targeted towards business groups in the five (5) Town Centres;
- Community Forum held on 13 February 2013; and
- Meetings with key stakeholders, such as Town Centre business group representatives and Perth Transport Authority.

The Project has been extensively promoted through the City's website, social media, City newsletter, community consultation notices, mail-outs and featured in the local newspapers.

The following meetings were also organised to inform, develop and progress the Project:

- Council Member Forum held on 19 March 2013; and
- Meetings with the former Mayor Hon. Alannah MacTiernan and the City's Officers held on 4 January 2013 and 22 March 2013.

LEGAL/POLICY:

The City's Policies that apply to this Project are as follows:

- No. 3.1.3 – Leederville Precinct – Scheme Map 3;
- No. 3.1.11 – Mount Lawley Centre Precinct – Scheme Map 11; and
- No. 3.10.10 – Community Bus – Use and Operation.

RISK MANAGEMENT IMPLICATIONS:

Low: An agreement is in place between the City and Curtin University to conduct the Project.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Plan 2013-2017* where the following Objectives state:

"Natural and Built Environment

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

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

Community Development and Wellbeing

3.1 *Enhance and promote community development and wellbeing*

3.1.6 *Build capacity within the community for individuals and groups to meet their needs and the needs of the broader community."*

SUSTAINABILITY IMPLICATIONS:

A 'Vincent Community Bus' will facilitate access to local facilities, services and conveniences - bringing the community together and facilitating desired life-styles.

A 'Vincent Community Bus' will revitalise the local economy and enhance vibrancy as it improves the community's mobility.

A 'Vincent Community Bus' will help to reduce car dependence, promoting an active and healthier life-style encouraging short walks to bus stops. More people using local facilities/shops mean more eyes on the street.

FINANCIAL/BUDGET IMPLICATIONS:

Expenditure for this matter will be incurred under the Community Bus – Public Transport Initiative budgeted item:

Consultancy spent to date in 2011/2012 Budget	\$ 27,000
2013/2014 Budget Amount:	\$ 100,000
Spent to Date 2013/2014:	<u>\$ 0.00</u>

COMMENTS:

Having researched potential route options, service times and costings and taking into account the lack of involvement from PTA, the financial and time restraints the City would incur, show the Project has limited scope for viability.

The economic modelling was not extensively carried out. The modelling was conducted on one bus with an hourly route when all recommendations clearly stated that for the service to be viable a minimum of two buses to run at minimum half hourly (the recommendation for viability from the PTA and other models show a minimum of a quarter to half hourly services).

The business case for the Study was not extensively investigated as to the cost of resourcing the work required to co-ordinate and manage the promotion, marketing and engagement with business (including printing, design and distribution costs) versus what businesses are actually prepared to or could afford to pay.

Outcomes of research to date highlight the lack of viability for a Community Bus service to be run by the City of Vincent and, as such, the recommendation for no further action to be taken on the Project.

9.5.1 Britannia Road Reserve – Dog Act 1976 – Notice of Intention to Specify It as a Dog Exercise Area

Ward:	North	Date:	8 November 2013
Precinct:	Leederville	File Ref:	LEG0009
Attachments:	001 – Map of Britannia Reserve – Proposed Dog Exercise Area		
Tabled Items:	Nil		
Reporting Officers:	M Wood, A/Manager Ranger and Community Safety Services,		
Responsible Officer:	John Giorgi , JP Chief Executive Officer		

REVISED OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES BY AN ABSOLUTE MAJORITY**, pursuant to Section 3A and 3C of the Dog Act 1976 of its INTENTION to specify the following dog exercise area;

Item No.	Description of Public Place	Times During Which Place is a Dog Exercise Area
“5.	Britannia Road Reserve in its entirety: Bounded by the Mitchell Freeway; Bourke Street and Britannia Road.	At all times except where <u>that part of the public place is being used for a function, sports event, training or other activities approved by the local government.</u> ”

(as detailed in Option 2 of the Britannia Reserve Masterplan) and as shown in Appendix 9.5.1 (Attachment 001);

2. In accordance with the Section 3C of the Dog Act 1976, gives local public notice, for a period of not less than twenty eight (28) days specifying the Council’s intention for Britannia Road Reserve to be a dog exercise area (as prescribed in Clause1 above) and where the proposal may be viewed and seeking public comment; and
3. NOTES that a further report to be submitted to the Council after the expiry of the statutory consultation period.

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

COUNCIL DECISION ITEM 9.5.1

Moved Cr Harley, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

REVISED MOTION PUT AND CARRIED BY AN ABSOLUTE MAJORITY (7-1)

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

Against: Cr Pintabona

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council’s approval to advertise the Council’s intention to specify Britannia Road Reserve as a dog exercise area, as resolved at the Ordinary Meeting of Council held on 24 September 2013 in relation to the Britannia Reserve Masterplan.

BACKGROUND:

At the Ordinary Meeting of Council held on the 24 September 2013 at Item 9.2.2 it was resolved as follows;

“That the Council;

ADOPTS the Britannia Reserve Master Plan as outlined in the consultant’s report, as shown in Attachment 9.2.2, including Option 2 - which expands the Dog Off Leash Area to cover the whole of Britannia Reserve, with improved signage to describe the exemptions to dogs off leash times, and REQUESTS the Chief Executive Officer to prepare an appropriate amendment to the Dog Local Law for consideration of the Council;”

At present, the dog exercise area for Britannia Road Reserve is described as follows at Schedule 5 of the City of Vincent Dogs Local Law;

Item No.	Description of Public Place	Times During Which Place is a Dog Exercise Area
“5.	<i>Britannia Road Reserve south: Bounded by the Mitchell Freeway, Richmond Street and the prolongation of Namatjira Place where it meets Mitchell Freeway</i>	<i>At all times except where the public place is used for a function, sports training or activities approved by the local government.”</i>

To expand the dog exercise area as recommended by the Britannia Reserve Masterplan, it will be necessary to advertise the Council’s intent to specify a dog exercise area, by describing Britannia Road Reserve in its entirety.

Indicative Timeline:

An indicative timeline as follows:

DATE	ITEM
19 November 2013	Council resolved to approve of its intention
*26 November 2013 – 26 January 2014	Local Public Notice and Community Consultation
29 January 2014 – 1 February 2014	Preparation of report and consideration of submissions
11 February 2014	Report to the Council to consider submissions and to determine its intention concerning the dog exercise area.

*Allows for consultation to be extended, due to the festive season holidays.

CONSULTATION/ADVERTISING:

The Council intention will require local public notice to be carried out for a period not less than twenty eight (28) days, seeking comments from the Community.

Local public notice includes the insertion of advertisements in a local newspapers circulating in the district and placement of official notices on the Notice Board.

In addition to the City will;

1. Write to residents within 500 metres of Britannia Reserve.
2. Write to sporting and community groups which regularly use Britannia Reserve.
3. Erect temporary signage at strategic locations on Britannia Reserve.

LEGAL/POLICY:

- Dog Act 1976; and
- City of Vincent Dogs Local Law 2007 (as amended).

Dog Act 1976

On the 24 October 2013, significant amendments were made to the Dog Act 1976 and the subsequent Dog Act regulations which will come into effect on the 1 November 2013.

In particular the specifying of Dog Exercise Areas no longer requires an amendment to the Local Government Local Law relating to dogs. The process has been simplified and now requires an Absolute Majority Decision of the Council and twenty eight (28) days of Local Public notice to be given of the Council's intention.

The relevant sections of the *Dog Act* are as follows;

3A *A Local Government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the Local Government to be a dog exercise area.*

3C: *At least 28 days before specifying a place to be –*

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

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

RISK MANAGEMENT IMPLICATIONS:

Medium: It is important the correct process as described in the Dog Act be followed.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2013-2023*, Objective 3.1.5(b) states:

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

FINANCIAL/BUDGET IMPLICATIONS:

There will be a need to replace the existing signage throughout the park. The matter will also need to be advertised to inform the community. The estimated cost is \$1,000 and will be funded from the Britannia Road Reserve operating budget.

COMMENTS:

One of the recommendations from the Britannia Reserve Masterplan is to expand the existing dog exercise area. The exercise area may be used by dog owners when no other Council supported or endorsed activity is taking place. It is recommended that the proposed changes be supported for dog owners and other users of Britannia Road Reserve.

9.5.2 Delegated Authority – Council Recess Period 2013-2014

Ward:	-	Date:	8 November 2013
Precinct:	-	File Ref:	ADM0018
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	Jerilee Highfield, Executive Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **APPROVES BY AN ABSOLUTE MAJORITY**, pursuant to Section 5.42 of the Local Government Act 1995 to delegate authority to the Chief Executive Officer to deal with any items of business that may arise from 18 December 2013 to 10 February 2014, subject to:

1. The action taken being in accordance with the Officer Recommendation;
2. The Chief Executive Officer being authorised to make minor amendments to the Officer Recommendation which may be necessary, as a result of responses received from Council Members;
3. Reports being issued to all available Council Members for a period of three (3) days prior to approval and a simple majority of the responses received be accepted;
4. Items being displayed in the City of Vincent Administration Centre, the Library and on the City's website for a period of three (3) days prior to approval;
5. A report summarising the items of business dealt with under delegated authority being submitted for information to the Council at its meeting to be held in February 2013; and
6. A Register of Items Approved under Delegated Authority being kept and made available for public inspection during the period that the delegation applies.

COUNCIL DECISION ITEM 9.5.2

Moved Cr Harley, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

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

PURPOSE OF REPORT:

To obtain the Council's approval for Delegated Authority to deal with matters during the Council recess period 2013-2014.

BACKGROUND:

The Council will be in recess from 18 December 2013 to 10 February 2014. Therefore, it will be necessary to make arrangements to enable items of business that may arise during that period to be dealt with.

This procedure has operated satisfactorily in previous years and is identical to that which operated during the 2013-2014 recess period.

CONSULTATION/ADVERTISING:

Whilst there is no statutory requirement to do so, items being processed under delegated authority will be advertised for a period of three (3) days.

LEGAL/POLICY:

The Local Government Act 1995 states:

“Delegation of some powers and duties to CEO:

Section 5.42(1) A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act (other than those referred to in section 5.43 and this power of delegation).”

Matters requiring an Absolute Majority decision of the Council cannot be approved under Delegated Authority.

RISK MANAGEMENT IMPLICATIONS:

Medium High: If the Council does not approve of the Delegated Authority for the festive season and January, it would result in the delay of issuing approvals to some development approvals, thereby disadvantaging these applicants.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Strategic Plan 2013-2023- Objective 4 – *“Leadership, Governance & Management and 4.1.2 – Manage the organisation in a responsible, efficient and accountable manner”*.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Council is in recess from 18 December 2013 to 10 February 2014. A Council resolution is required to approve of matters which may arise under delegated authority (other than those matters which require an Absolute Majority decision).

In keeping with the Council's philosophy of providing a high standard of customer service, it is appropriate to continue processing ratepayer requests and development applications. Where possible, these should be determined as soon as practicable, in order to minimise any delays or inconvenience.

In keeping with the City's previous practice, reports will be issued to all available Council Members for a period of three (3) days, (usually on a Thursday evening). The reports will be placed on the City's webpage on the Friday (usually by midday).

Responses from Council Members are required to be received by the Chief Executive Officer by midday on the Monday (following issue). The item will be processed if a simple majority of the written responses received is achieved.

The procedure is identical to that which was approved for the previous years and has worked well.

It is therefore recommended that the Council approve of the arrangements to be made to deal with items of business that may arise during the 2013-2014 recess period.

9.5.4 Donation to International Red Cross Appeal – Philippine Typhoon Appeal

Ward:	-	Date:	11 November 2013
Precinct:	-	File Ref:	FIN0008
Attachments:	001 – Filipino Australian Club of Perth – Urgent Appeal		
Reporting Officer:	John Giorgi JP, Chief Executive Officer		
Responsible Officer:	John Giorgi JP, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **APPROVES BY AN ABSOLUTE MAJORITY** a donation of \$6,343 (six thousand three hundred and forty-three dollars) to the International Red Cross – Philippine Typhoon Appeal, in accordance with the City’s Policy No. 4.1.27 - "Disaster Appeals - Donations and Assistance".

COUNCIL DECISION ITEM 9.5.4

Moved Cr Cole, Seconded Cr McDonald

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED BY AN ABSOLUTE MAJORITY (7-1)

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

PURPOSE OF REPORT:

To approve of a donation to the International Red Cross – Philippine Typhoon Appeal, as the Philippines has been severely impacted by a major typhoon.

BACKGROUND:

The City of Vincent has a Philosophy and Policy of providing assistance to those in need. On the weekend of the 9 and 10 November 2013 a major typhoon struck the Philippine’s causing an estimated 10,000 deaths, making 800,000 people homeless and affecting 4 million people. it is also caused significant damage to vital infrastructure.

The severity of the typhoon has been unprecedented, causing a number of international relief agencies to launch appeals for donations of money, food, equipment and assistance.

The Australian Government has pledged \$10 million dollars in aid.

Previous Donations

The City of Vincent has previously provided donations for disaster relief as follows:

Date	Details	Amount
January 1998	Lord Mayor's Distress Relief Fund for the Brookton/Pingelly Bush Fire	\$ 500
April 1999	<ul style="list-style-type: none"> • Lord Mayor's Moora Flood Appeal • Lord Mayor's Exmouth Cyclone Appeal 	\$ 1,000 \$ 1,000
November 2002	Lord Mayor's Distress Relief Fund for the Victims of the Bali Bombing	\$ 5,000 *
January 2005	Tsunami Appeal to CARE Australia	\$ 5,000 *
November 2005	Earthquake Relief Appeal - Afghanistan, India, Pakistan and Kashmir	\$ 2,500
March 2006	Lord Mayor's Distress Disaster Relief Fund (General request for Donations)	\$ 500
April 2006	Premier's Disaster Relief Appeal Fund for the communities affected by Cyclone Larry in North Queensland	\$ 2,500
June 2006	Australian Red Cross - Indonesian Earthquake Appeal Fund	\$ 2,000
February 2007	Lord Mayor's Disaster Relief Fund – Dwellingup Fires Appeal	\$ 2,500
May 2008	CARE Australia – Myanmar (Burma) Cyclone Nargis Appeal	\$ 3,500
May 2008	Australian Red Cross - China Sichuan Earthquake Appeal 2008	\$ 3,500
February 2009	Australian Red Cross - Victorian Bushfire Appeal 2009	\$10,000 *
April 2009	Italian Earthquake Appeal 2009	\$ 3,000
December 2009	Bushfires Appeal 2009 - Toodyay	\$ 3,000
January 2010	World Vision Australia - Haiti Earthquake Appeal 2010	\$ 5,950 *
August 2010	Australian Red Cross - Pakistan Monsoon Floods Appeal 2010	\$ 6,158 *
December 2010	Lord Mayor's Disaster Relief Fund - Gascoyne and Mid West Floods Appeal	\$ 3,000
January 2011	Queensland Premier's Disaster Relief Appeal Fund - Queensland Floods	\$ 6,158 *
January 2011	Victorian Flood Appeals	\$ 3,000
March 2011	New Zealand Red Cross 2011 Earthquake Appeal	\$ 6,158 *
March 2011	Donation - Australian Red Cross Japan and Pacific Disaster Appeal 2011	\$ 6,158 *
December 2011	Lord Mayor's Distress Relief Fund – Margaret River Bush Fire	\$ 3,000

*Maximum Amount

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The City Policy No. 4.1.27 - "Disaster Appeals - Donations and Assistance" (in part) states;

"OBJECTIVES

To provide guidance to the Council when considering requests for the provision of financial assistance and other support to alleviate the impact of disasters and other significant emergencies.

POLICY STATEMENT

1. Council to Approve Requests

All requests to provide financial assistance and other support to alleviate the impact of disasters and other significant emergencies shall be in response to an appeal launched by the Federal, State, Local Government or other bona fide agency and shall be reported to the Council for consideration and determination.

2. Financial Support

- (a) Financial support shall be limited to a maximum of \$6,343 to any one disaster or other significant emergency appeal.
- (b) In the event of more than one relief organisation/agency being involved in the Disaster Appeal, the Council shall determine the most appropriate relief organisation to receive the support.
- (c) Financial support will only be made to approved agencies/organisations and cash donations will not be made directly to individuals."

The maximum amount for a donation under this policy is \$6,343 (indexed annually by CPI).

STRATEGIC IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The amount of \$6,343 would be expended from the Donation Account 2012/2013.

COMMENTS:

It is always difficult to quantify a donation in terms of dollars/victims, however in view of the number of deaths and the extensive and wide damage caused, it is acknowledged that this is a disaster on a massive scale and accordingly a donation of the maximum amount (\$6,343) is recommended.

9.5.5 Strategic Community Plan 2013-2023 – Adoption of Indicative Timeframes and Milestones

Ward:	-	Date:	13 November 2013
Precinct:	-	File Ref:	-
Attachments:	<p>001 – Strategic Plan – with indicative Timeframes and Milestones – Attachment to follow 002 – Special/Major Projects Summary Form –COUNCIL MEMBERS ONLY – Not for Public Distribution 003 - Strategic Projects – Executive Summary– Council Key Priorities 2014-2015 - COUNCIL MEMBERS ONLY – Not for Public Distribution</p>		
Tabled Items:	-		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

REVISED OFFICER RECOMMENDATION:

That the Council;

1. APPROVES BY AN ABSOLUTE MAJORITY to;

- 1.1 **ADOPT** indicative timeframes and milestones for the various key result areas in the City’s Strategic Community Plan 2013-2023, as shown in Appendix 9.5.5 (attachment 001); and
- 1.2 **INCLUDE** the following new projects into the Strategic Community Plan (which arose after the Adoption of the Strategic Community Plan) as follows;
 - 1.2.1

KRA No	Item	Indicative Timeline
1.1.4 (e)	Implement the Brookman/Moir Street Precincts Local Enhancement Project	2013-June 2015
1.1.4 (l)	Investigate locations and install water playground in Mount Hawthorn – northern part of the City	2013-June 2014
1.1.6 (g)	Finalise implementation of Woodville Reserve Masterplan	2013 -2014
2.1.4 (b)	Finalise implementation of Leederville Activity Centre Structure Plan	2013-December 2014
3.1.1 (b)	Implement major artwork for; <ul style="list-style-type: none"> • Beatty Park Leisure Centre • Leederville Town Centre • North Perth Town Centre; and • Weld Square 	November 2013-Dec2014 Dec 2013 – June 2015 Nov 2013 – Dec 2014 January 2014-June 2015

2. ADOPTS;

- 2.1 the detailed “Major Projects Summary Form (as updated on the 19 November 2013), - as shown in, Appendix 9.5.5 (Attachment 002);and
- 2.2 the “Strategic Projects – Executive Summary– Council Key Priorities 2014-2015”, (as at the 19 November 2013), as shown in Appendix 9.5.5 (Attachment 003); and

3. AUTHORISES the Chief Executive Officer to amend the Community Strategic Plan to reflect the Council’s Decision.

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

COUNCIL DECISION ITEM 9.5.5

Moved Cr Buckels, Seconded Cr Harley

That the Revised recommendation be adopted.

Debate ensued.

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

PURPOSE OF REPORT:

The purpose of this report is for the Council to adopt indicative timeframes and milestones for the various key results areas in the Strategic Community Plan.

DETAILS:

At the Ordinary Meeting of Council held on 10 September 2013, the Council adopted a revised Strategic Community Plan – which reflected changes made by the Council over the previous twelve (12) months. At this meeting it was reported that indicative timeframes and milestones would need to be prepared for consideration and adoption by the Council.

These have now been prepared and are now shown in Appendix 9.5.5. The matter was presented to the Council Member Forum held on 12 November 2013.

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

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

The changes to the Strategic Community Plan are shown in Appendix 9.5.5 (Attachment 001) and can be summarised as follows:

KRA No	Item	Indicative Timeline
1.1	Review Town Planning Scheme	2013- 2017 <u>December 2014</u>
1.1.2 a	Heritage Strategic Plan and MHI	2013- 2017 <u>December 2014</u>
1.1.3 (f)	Waste Management Strategy	2013- 2017 <u>December 2014</u>
1.1.4 (a)	Install Outdoor Exercise Equipment in Parks	2013-2017 <u>in accordance with Annual Implementation Plan.</u>
1.1.4 (b)	Implement Greening Plan	2013 – 2017 <u>in accordance with Annual Implementation Plan.</u>
1.1.4 (c)	Investigate options for HQ facility	2013- 2017 <u>December 2014-</u>
1.1.4 (e) (new)	Implement the Brookman/Moir Street Precincts Local Enhancement Project	2013-June 2015
1.1.4 (g)	Refurbish 34 Cheriton Street, Property	2013- <u>December 2015</u>
1.1.4 (h)	Redevelopment 81 Angove Street, North Perth	2013 – <u>June 2015</u>
1.1.4 (j)	Finalise the upgrade of Beaufort Street	2013 – 2014 2015

1.1.4 (k)	Upgrade the Leederville Town Centre	2013 – 2014 2015
1.1.4 (l) (new)	Investigate locations and install water playground in Mount Hawthorn – northern part of the City	2013-June 2014
1.1.4 (e) (m)	Implement the stage two redevelopment of Beatty Park Leisure Centre	2014-2015 2017
1.1.5 (d)	City of Vincent Bicycle Network Plan	2013 – 2017 <u>in accordance with Annual Implementation Plan</u>
1.1.6 (c)	Finalise and Implement Britannia Reserve Masterplan	2013 -2015 2017 <u>in accordance with Annual Implementation Plan</u>
1.1.6 (d)	Walters Brook and Banks Reserve Masterplan	2013 – 2014 2017
1.1.6 (e)	Implement Eco-zoning	2013 – 2017 <u>in accordance with Annual Implementation Plan</u>
1.1.6 (g) (new)	Finalise implementation of Woodville Reserve Masterplan	2013 -2014
2.1.4 (b) (new)	Finalise implementation of Leederville Structure Plan	2013-December 2014
2.1.4 (b) (c) (new)	Implement the North Perth Masterplan	2013-2017
3.1.1 (b) (new)	Implement major artwork for; <ul style="list-style-type: none"> • Beatty Park Leisure Centre • Leederville Town Centre • North Perth Town Centre; and • Weld Square (refer to form Page 50) 	November 2013-Dec2014 Dec 2013 – June 2015 Nov 2013 – Dec 2014 January 2014-June 2015
4.1.2 (c)	Review the Council's Advisory Group	2013-2014
4.1.4 (b)	Prepare an Investment Plan from Tamala Park Redevelopment	2013 – <u>June 2014</u>
4.1.4 (c)	Finalise a Climate Change Risk Assessment	2013-2014 2017
4.1.4 (d)	Finalise and Implement a Climate Change Adaptation Plan	2013-2014

Council Member Forum held on 12 November 2013:

Indicative Timelines have now been prepared and are now shown in Appendix 9.5.5. The matter was presented to the Council Member Forum held on 12 November 2013. At the Council Member Forum comments were expressed that the Mayor and several councillors wish to review a number of projects (and their indicative timeline and milestones) in order to reflect the direction of the Council.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

HIGH: It is important that the Council adopt indicative timelines and milestones and also determine the specific projects (as listed in the Strategic Community Plan), to be implemented in 2013-2014. Failure to do so may result in some projects not being implemented in a timely manner

STRATEGIC IMPLICATIONS:

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

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The adoption of indicative timeframes and milestones will provide clarity for the Council and the City's Administration to progress key result areas for major projects listed in the Strategic Plan.

9.5.6 Policy No. 4.2.13 Relating to Design Advisory Committee- Review and Amendment

Ward:	-	Date:	14 November 2013
Precinct:	-	File Ref:	PLA0220
Attachments:	001 – Amended Design Advisory Committee Policy No. 4.2.13		
Tabled Items:	-		
Reporting Officers:	P Mrdja, Acting Director Planning Services John Giorgi, JP, Chief Executive Officer		
Responsible Officer:	John Giorgi, JP, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council APPROVES BY AN ABSOLUTE MAJORITY;

1. to adopt an amended Policy No. 4.2.13 relating to *Design Advisory Committee* (DAC), as shown in Appendix 9.5.6 (Attachment 001);
2. to adopt the following fee for a third or subject presentation to the DAC as follows:

ITEM	FEE
Development Application Pre-Lodgment Fee (third and subsequent meetings at Design Advisory Committee)	\$500.00

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Topelberg, Seconded Cr Harley

That the item be DEFERRED to the Design Advisory Committee for comment and a further report be presented to the Ordinary Meeting of Council to be held on 17 December 2013.

Debate ensued.

The Mover, Cr Topelberg withdrew his Procedural Motion.

AMENDMENT

Moved Cr Topelberg, Seconded Cr Pintabona

“that the Officer Recommendation be amended as follows:

That the Council APPROVES BY AN ABSOLUTE MAJORITY;

1. To ~~adopt an~~ NOTE the amended Policy No. 4.2.13 relating to the *Design Advisory Committee* (DAC) and refers to it to the DAC Members for further comments, as shown in Appendix 9.5.6 (Attachment 001); and

2. to adopt the following fee for a third or subject presentation to the DAC as follows:

ITEM	FEE
Development Application Pre-Lodgment Fee (third and subsequent meetings at Design Advisory Committee)	\$500.00

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

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

COUNCIL DECISION ITEM 9.5.6

That the Council APPROVES BY AN ABSOLUTE MAJORITY to;

- NOTE the amended Policy No. 4.2.13 relating to the *Design Advisory Committee* (DAC) and refers to it to the DAC Members for further comments, as shown in Appendix 9.5.6 (Attachment 001); and
- ADOPT the following fee for a third or subject presentations to the DAC as follows:

ITEM	FEE
Development Application Pre-Lodgment Fee (third and subsequent meetings at Design Advisory Committee)	\$500.00

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval to amend and adopt Policy No. 4.2.13 relating to Design Advisory Committee (DAC) and adopt a new fee.

BACKGROUND:

Date	Comment
28 June 2011	The Council at its Ordinary Meeting resolved to establish a Design Advisory Committee.
31 May 2006	The Council at a Special Meeting resolved to establish a selection panel for the DAC and an annual DAC operating budget.
11 October 2011	The Council at its Ordinary Meeting resolved to approve by an absolute majority, a new Policy No. 4.2.13 Relating to Design Advisory Committee and appoint members.
2 November 2011	DAC Commences
24 September 2013	The Council at its Ordinary Meeting resolved to increase the sitting fee of the DAC Chairperson and Committee Members and notes that a review of the DAC Terms of Reference will be reviewed and in a further report in October/November 2013.

Since the commencement of the Design Advisory Committee there has been ongoing review and improvements to the operation and management of the committee to ensure it is effective and provides high quality information to applications and the Council in an effective manner.

The review of the Multiple Dwellings Policy in 2012 created, defined and detailed a pre lodgement process for Multiple Dwelling applications and stated that all Multiple Dwelling applications are required to be considered by the DAC.

A pre lodgement fee was adopted as part of the 2012/13 budget of \$500. The pre lodgement process is proposed to be incorporated into the DAC Policy 4.2.13 as part of this review.

Upon adoption of the DAC, the Council asked for a review after 12 months operation. A review was commenced in mid-2013, however, for a variety of reasons has only now been finalised.

Previous Reports to Council:

This matter was previously reported to the Council on the dates listed above and the Minutes of these items from the Ordinary Meeting of Councils relating to these reports are available on the City's website at the following link:

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

DETAILS:

The following table outlines a list of additions and amendments that are proposed in Policy No. 4.2.13.

Amendment	Comments
An additional 4 objectives have been added to the policy.	These additional objectives ensure that the committee members have common goals in achieving high quality design.
A new clause 1.7 has been added to the policy.	This clause outlines that there is a prescribed fee required for the lodgement of a DAC application.
Amendment to clause 2.2(c) of the policy.	The clause has been re-worded for clarification and now covers a broader range of spectrum.
A new clause 2.2(g) has been added to the policy.	This clause has been added to respond to the social context and needs of the local community in terms of lifestyle, affordability and access to social facilities.
A new clause 2.3 has been had to the policy.	This clause notes that the DAC members are to provide advice to the City on whether a development is considered to incorporate exemplary design excellence, in accordance with the City's Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations. This policy was adopted after the original DAC policy was adopted.
Amendment to clause 3.1 of the policy and throughout the policy.	This amendment reduces the number of DAC members required to attend the meeting from five to four at any one time, as approved at the Ordinary Meeting of Council held on 24/09/2013.
Amendment to clause 5.1(c).	This clause has been amended to state that all applications for Multiple Dwellings are required to be submitted to the DAC for consideration.
A new clause 5.6 has been added to the policy.	This clause has been added to ensure that applications for development are required to be processed through the DAC Pre-Lodgement phase prior to being lodged as a Development Application.
A new Appendix 1 has been added to the policy.	Appendix 1 explains the 10 design principles that the DAC use to consider planning applications. These principles are also referred to in the City's Multiple Dwellings policy as a framework for good quality design.
Amendment to Appendix 2 of the policy.	Appendix 2 supersedes the previous Appendix 1 and provides a process for the pre-lodgement of Development Applications as well as the Development Assessment process.

Generally, the proposed amendments to the policy do not alter the intent of the policy, but are considered to refine and improve the process.

CONSULTATION/ADVERTISING:

The Council has a policy of advertising for a period of fourteen (14) days seeking comments from the public. However the proposed amendments are considered minor in nature. As this amended Policy does not materially affect the public, it is therefore recommended that the amended Policy not be advertised for public comment.

LEGAL/POLICY:

Local Government Act Sections 5.8 and 100.
Town Planning Scheme No. 1
Policy 4.2.13 Design Advisory Committee

RISK MANAGEMENT IMPLICATIONS:

Medium: There is a potential for applications required to be referred to the DAC to experience a delay. To avoid this, Applicants will be encouraged to submit their plans to the DAC prior to being lodged with the City's Administration.

STRATEGIC IMPLICATIONS:

The City's *Strategic Plan 2013-2017* – Objective 1 states:

"Natural and Built Environment:

- 1.1 *Improve and maintain the natural and built environment and infrastructure*
 - 1.1.1 *Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision;*
 - 1.1.2 *Enhance and maintain the character and heritage of the City."*

SUSTAINABILITY IMPLICATIONS:

It is considered that the DAC provide a holistic approach to the assessment of Development Applications. The panel of expertise aims to ensure that the best design outcome is achieved for the environment, the community and the applicant.

FINANCIAL/BUDGET IMPLICATIONS:

The Council has approved of funds towards the Design Advisory Committee as follows:

The following funds for the DAC:

Year	Amount
2011-2012	\$14,000
2012-2013	\$22,000
2013-2014	\$37,000

Further to the above, it is noted that the City receives a development application pre-lodgement fee of \$500 for applications which are presented to the City's DAC. (max 2 meetings only).

It is proposed that a \$500 fee be introduced for the third and each subsequent meeting. This will encourage Applicants to be more thorough with their development plans.

It will also provide extra fees for the City, to off-set some of the City's costs to operate the DAC.

COMMENTS & CONCLUSION:

The adoption of the amended Policy, including the revised Terms of Reference and operation is considered an improvement and more consistent with the operation of DAC's in other Local Governments.

It is considered that the DAC adds value to the City by providing an alternative means of ensuring design excellence, through an independent advisory role outside the statutory decision making process.

It is therefore recommended that the Council approve of the Officer Recommendation to adopt the amended Policy No. 4.2.13 Relating to Design Advisory Committee.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

**10.1 NOTICE OF MOTION: Mayor John Carey - Request to Investigate –
“Adopt a Verge Program” –Greening Plan Phase 2**

That the Council REQUESTS the Chief Executive Officer to;

1. INVESTIGATE and prepare an “*Adopt a Verge Program*” as part of an expanded Greening Plan, which;
 - 1.1 Encourages ratepayers to care for their front or nearby verge, with a focus on revegetating verges with low watering native plants;
 - 1.2 Provides an incentive program, which may include funding minor earth works for verges where multiple residents apply jointly for the program;
 - 1.3 Provides a simple set of guidelines, which makes applying for the program easy, fair and accessible;
 - 1.4 Recommends a budget allocation for the incentive program; and
2. PROVIDE a report, prepare a model and guidelines for consideration at Council Meeting on 17 December 2013.

COUNCIL DECISION ITEM 10.1

Moved Cr Harley, Seconded Cr Buckels

That the motion be adopted.

Debate ensued.

Cr Cole departed the Chamber at 8.55pm.

Debate ensued.

Cr Cole returned to the Chamber at 8.56pm.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

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

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

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

14.1 CONFIDENTIAL REPORT: No. 3 (Lot: 2 STR: 64064) & No. 3A (Lot: 1 STR: 64064) Deague Court, Dual Frontage Bourke Street, North Perth – Proposed Loft Additions to Existing Grouped Dwellings (Retrospective Application) – Review State Administrative Tribunal (SAT) DR 347 of 2013

Ward:	North	Date:	8 November 2013
Precinct:	Smiths Lake, P6	File Ref:	PRO4723 (5.2013.90.1); PRO5986 (5.2013.91.1)
Attachments:	Confidential: Property Information Report and Development Assessment Plans Confidential: 3A Deague Court Refusal Plans Confidential: 3 Deague Court Refusal Plans		
Tabled Items:	Nil		
Reporting Officer:	D Bothwell, Statutory Planning Officer		
Responsible Officer:	P Mrdja, Acting Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** the Confidential Officer Recommendation, as detailed in this Report; and
2. **ADVISES** the State Administrative Tribunal about the Council decision.

COUNCIL DECISION ITEM 14.1

Moved Cr Cole, Seconded Cr Buckels

That the recommendation be adopted.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

DETAILS:

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

LEGAL:

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

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

“2.14 Confidential business

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

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

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

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

14.2 CONFIDENTIAL REPORT – Proposed Redundancy/Redeployment Policy - Adoption

Ward:	-	Date:	8 November 2013
Precinct:	-	File Ref:	-
Attachments:	CONFIDENTIAL COUNCIL MEMBERS ONLY		
Tabled Items:			
Reporting Officer:	Annie Smith, Manager Human Resources		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. pursuant to section 5.23(2) of the Local Government Act 1995 and clause 2.14 of the City of Vincent Local Law Relating to Standing Orders, proceeds “behind closed doors” at the conclusion of the items, to consider the Confidential Report, circulated separately to Council Members, relating to the Proposed Redundancy/Redeployment Policy, as this matter relates to;

“(a) a matter affecting an employee or employees;” and
2. **AUTHORISES** the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.

COUNCIL DECISION ITEM 14.2

PROCEDURAL MOTION

Moved Cr Harley, **Seconded** Cr McDonald

That the item be **DEFERRED** for further consideration and preparation of financial models/scenarios.

PROCEDURAL MOTION PUT AND CARRIED (5-3)

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

Against: Cr Buckels, Cr Pintabona and Cr Topelberg

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it relates as the matter relates to an employee. In accordance with Section 5.23 of the Local Government Act, the report is to be kept confidential until determined by the Council to be released for public information by the Chief Executive Officer.

LEGAL:

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

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

“2.14 *Confidential business*

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

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

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

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

14.3 CONFIDENTIAL REPORT: Transport Assistance Donations, and Community and Welfare Grants Review

Ward:	All	Date:	8 November 2013
Precinct:	All	File Ref:	FIN0207
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	E Everitt, Community Development Officer J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. pursuant to section 5.23(2) of the Local Government Act 1995 and clause 2.14 of the City of Vincent Local Law Relating to Standing Orders, PROCEEDS "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Council Members, relating to the welfare assistance and the personal assessment of individuals and which will be discussed at the meeting, as this matter relates to;
"(b) the personal affairs of any person;" and
2. AUTHORISES the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.

COUNCIL DECISION ITEM 14.3

PROCEDURAL MOTION

Moved Cr Harley, Seconded Cr Cole

That the item be DEFERRED for further consideration.

PROCEDURAL MOTION PUT AND CARRIED ON THE CASTING VOTE OF THE PRESIDING MEMBER (5-4)

For: Presiding Member Mayor John Carey (two votes – deliberative and casting vote), Cr Cole, Cr Harley and Cr McDonald
Against: Cr Buckels, Cr Pintabona, Cr Topelberg and Cr Wilcox

DETAILS:

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

LEGAL:

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

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

"2.14 Confidential business

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

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

In accordance with the legislation, the report is to be kept confidential until determined by the Council to be released for public information. At the conclusion of these matters, the Council may wish to make some details available to the public.

14.4 CONFIDENTIAL REPORT: Design Advisory Committee Policy No. 4.2.13 – Appointment of Members

Ward:	All	Date:	8 November 2013
Precinct:	All	File Ref:	FIN0207
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	John Giorgi, JP Chief Executive Officer		
Responsible Officer:	John Giorgi, JP Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. APPROVES BY AN ABSOLUTE MAJORITY to;

- 1.1 Re-appoint the following persons to the City's Design Advisory Committee (DAC) for the period 19 November 2013 until 1 November 2015;

NO.	NAME	ADDRESS	Position
1.	Carmel Van Ruth – Office of the Government Architect	Harley Street Highgate 6003	Chairperson
2.	Adrian Iredale – Iredale Pedersen Hook Architects	Suite 5/6 Murray Mews, Murray Street, Perth	Member
3.	Ahmad Abas – Gresley Abas Architects	Bulwer Street Highgate 6003	Member
4.	Joe Chindarsi – Chindarsi Architects	Smith Street Highgate 6003	Member
5.	James Christou – Christou Architecture/Urban Design/Interior Design	250 St George's Terrace Perth 6000	Member
6.	Philip Goldswain – Associate Dean & Lecturer, Faculty of Architecture, UWA	Mary Street Highgate 6003	Member
7.	Finn Pedersen – Iredale Pedersen Hook Architects	Murray Mews, Murray Street, Perth	Member
8.	Munira Mackay – Mackay Urbandesign	Dunedin Street, Mt Hawthorn 6016	Member

- 1.2 DEFERS the appointment of any additional architects to the DAC and engages an external Architect to assist in the process; and
- 1.3 REQUESTS for future appointments, the City appoint an external architect to assist with the selection process.

COUNCIL DECISION ITEM 14.4

Moved Cr Cole, Seconded Cr Buckels

That the recommendation be adopted.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

DETAILS:

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

LEGAL:

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

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

"2.14 Confidential business

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

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

In accordance with the legislation, the report is to be kept confidential until determined by the Council to be released for public information. At the conclusion of these matters, the Council may wish to make some details available to the public.

14.5 CONFIDENTIAL REPORT: Tender No. 465/13 Disposal of property vacant building space by lease at Beatty Park Leisure Centre – Progress Report

Ward:	Both	Date:	8 November 2013
Precinct:	All	File Ref:	TEN0475
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	D Morrissy, Manager Beatty Park Leisure Centre M Rootsey, Director Corporate Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **NOTES** that the preferred tenderer NBP Holdings has agreed to a rent free period of six (6) months;
2. **APPROVES** the rent free period of six (6) months in the lease document for NBP Holdings; and
3. **AUTHORISES;**
 - 3.1 the Chief Executive Officer to prepare the lease document to his satisfaction; and
 - 3.2 the Mayor and Chief Executive Officer to sign the Lease and affix the Council's Common Seal.

COUNCIL DECISION ITEM 14.5

Moved Cr Cole, Seconded Cr McDonald

That the recommendation be adopted.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

DETAILS:

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

“(c) a contract being into, or which may be entered into 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.

14.6 CONFIDENTIAL REPORT: Beaufort Street Enhancement – Major Artwork – Progress Report No. 9

Ward:	South	Date:	11 November 2013
Precinct:	Beaufort (13)	File Ref:	TES0237
Attachments:			
Tabled Items:			
Reporting Officer:	J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the progress report on the Beaufort Street Major Artwork project;
2. **AUTHORISES** the Chief Executive Officer to act in accordance with the Council's decision, as detailed in this Confidential Report; and
3. **REQUESTS** that regular progress reports be submitted to the Council until the project is finalised.

COUNCIL DECISION ITEM 14.6

Moved Cr Buckels, Seconded Cr Harley

That the recommendation be adopted.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

DETAILS:

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

LEGAL:

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

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

"2.14 Confidential business

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

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

In accordance with the legislation, the report is to be kept confidential until determined by the Council to be released for public information. At the conclusion of these matters, the Council may wish to make some details available to the public.

Deputy Mayor Cr Harley advised that it was 10.00pm and in accordance with the Council Meeting Policy, the Council should resolve to extend the meeting, if it wished to continue.

The Presiding Member, Mayor John Carey requested that a procedural motion be moved to extend the meeting time, as the Council's Policy relating to Council Meetings requires meetings to cease by 10.00pm.

PROCEDURAL MOTION

Moved Cr Harley, Seconded Cr Cole

That the meeting be extended to allow for the conclusion of the remaining items.

The following departed the Meeting;

Rob Boardman – Director Community Services, Mike Rootsey – Director Corporate Services, Rick Lotznicker – Director Technical Services and Petar Mrdja – Acting Director Planning Services.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

14.7 CONFIDENTIAL ITEM: Chief Executive Officer – Contract of Employment – Review of Key Performance Indicators

Ward:	-	Date:	8 November 2013
Precinct:	-	File Ref:	
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	Natalie Lincolne (Senior Consultant) Price Consulting Group John Giorgi, Chief Executive Officer		
Responsible Persons:	Mayor, John Carey John Giorgi, Chief Executive Officer		

Chief Executive Officer John Giorgi has declared an financial interest in Item 14.7. The extent of his interest being that it relates to his Contract of Employment.

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the Consultant's Report (dated 14 November 2013) as shown in Appendix 14.7A (Attachment 001) and the revised Performance Criteria/KRA's, as shown in Appendix 14.7B (Attachment 002) for the CEO's Performance for the period November 2013-November 2014;
2. shall formally invite the CEO in writing to discuss the possibility of the parties entering into a new Contract for a further term with the intent of finalizing those discussions not later than six (6) months prior to the end of the term, in accordance with the CEO Contract Section 9 renewal of employment;
3. **REQUESTS;**
 - 3.1 the revised Performance Criteria/KRA's be considered concurrently with the discussions, detailed in Clause 2 above; and
 - 3.2 the next review of the CEO's performance be conducted in November 2014;

4. **AUTHORISES the Mayor to begin discussions with the CEO regarding the possibility of the parties entering into a new Contract as per Clause 2;**
5. **REQUESTS the CEO to provide a copy of the signed Contract with full detail of the remuneration and employment benefits as per Section 6 of the Contract to each Councillor to ensure they can consider the matter with full information before the Council; and**
6. **AUTHORISES the Mayor to engage an appropriate Legal Firm to provide Confidential Legal Advice in relation to the CEO contract negotiations.**

COUNCIL DECISION ITEM 14.7

Moved Cr Harley, Seconded Cr Buckels

That the recommendation be adopted.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it relates as the matter relates to an employee. In accordance with Section 5.23 of the Local Government Act, the report is to be kept confidential until determined by the Council to be released for public information by the Chief Executive Officer.

LEGAL:

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

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

"2.14 Confidential business

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

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

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

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

PROCEDURAL MOTION

At 10.18pm **Moved Cr Harley, Seconded Cr Buckels**

That the Council resume an "open meeting".

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

15. CLOSURE

There being no further business, the Presiding Member, Mayor John Carey, declared the meeting closed at 10.19pm with the following persons present:

Mayor John Carey	Presiding Member
Cr Roslyn Harley (<i>Deputy Mayor</i>)	North Ward
Cr Matt Buckels	North Ward
Cr Emma Cole	North Ward
Cr Laine McDonald	South Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 19 November 2013.

Signed:Presiding Member John Carey.

Dated this day of 2013.