



CITY OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

24 SEPTEMBER 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 24 September 2013, commencing at 6.00pm.

1. (a) DECLARATION OF OPENING

The Presiding Member, Mayor Hon. Alannah MacTiernan, 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 Wilcox due to being unwell.

(b) Members on Approved Leave of Absence:

Cr Topelberg on approved leave of absence from 24 September to 28 September 2013 (inclusive) for work reasons.

Cr McGrath on approved leave of absence from 14 September to 5 October 2013 (inclusive) for personal reasons.

(c) Present:

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Matt Buckels	North Ward
Cr John Carey	South Ward
Cr Roslyn Harley	North Ward
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Community Services
Rick Lotznicker	Director Technical Services
Petar Mrdja	A/Director Planning Services
Jerilee Highfield	Executive Assistant (Minutes Secretary until approximately 9.00pm)

Employee of the Month Recipient

Nil.

Media

Sara Fitzpatrick	Journalist – "The Guardian Express" (until approximately 9.52pm)
David Bell	Journalist – "The Perth Voice" (until approximately 9.52pm)

Approximately 15 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. Scott Taylor of 70 Fifth Avenue, Mount Lawley – Item 9.1.2 Stated the following:
 - He is the applicant for the item listed in tonight's Council Meeting.
 - He stated that he was applying to change the licence from what is an existing restaurant and eating house to a tavern. Asked for Council approval.
2. Carmel Agnello of 28 Bondi Street, Mount Hawthorn – Item 10.2 Stated the following:
 - She presented a petition at the last Council Meeting held on 10 September 2013.
 - She stated that Cr Carey initially visited during the trial and was very sympathetic as he could appreciate the complication it was causing. Asked for Council support.
3. Wayne Cronan of 149 Matlock Street, Mount Hawthorn – Item 10.2 Stated the following:
 - He stated that he was alarmed at the increase in traffic after the partial closure of Merredin Street and on one Monday morning he spent forty (40) minutes counting cars exiting Green Street and travelling through Mount Hawthorn via Matlock Street.
 - He stated that if nothing changed, then essential traffic calming must be introduced - something that would be aesthetically pleasing.
4. Robert Bryan of 5 Bondi Street, Mount Hawthorn – Item 10.2 Stated the following:
 - He stated that in the framework agreement by making Scarborough Beach Road a secondary road, vehicles would then turn up Merredin Street to exit down Green Street, therefore the road blockage that had been installed would be on the other side of the road and he did not feel that any planning had been put into this measure.
5. Leonie Edwards of 142 Federation Street, Mount Hawthorn – Item 10.2 Stated the following:
 - She stated that the trail to partially close Merredin Street by the City of Vincent had been due to The West Australian Newspaper that stated it in a "Rat running" article about the Great Eastern Highway.
 - She stated if the Council could reinstate the safest and shortest way from Green Street into the rest of the Mount Hawthorn.
6. Anh Quach of 233 Surrey Road, Kewdale – Item 9.1.1 Stated the following:
 - She spoke on behalf of her mother who resides at the property listed on the Agenda at tonight's meeting. She stated that when the application was put in it was coded R30 and she is aware that it had reverted back to R20.
 - She stated that according to the Draft Town Planning Scheme 2 it is proposed for the lot to become an R40 and she stated that they will not be doing this for profit. They wished to live next to each other.
7. Debbie Saunders of 150 Oxford Street, Leederville – Item 9.2.1, 9.2.3 & 9.4.3 Stated the following:
 - She stated that she would like to speak regarding three items listed on tonight's agenda.
 - She stated that she was a little perplexed as to why the City had put forward "Foam Cafe" as the number one option for having the On Road Cafe again.
 - She stated why is there a need for \$200,000 to be sort from an undisclosed source for the playground. Did the Council not consider the GST component within the initial costings.
 - She stated that there is no pricing listed regarding Item 9.4.3 with regards to the concrete slab or the cranes. Is this included within this price or is there an extra cost and seemed really unrealistic to be spending \$10,000 or more on something that the City would not own.

There being no further speakers, Public Question Time closed at approx. 6.20pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Minutes of the Ordinary Meeting of Council held on 10 September 2013

Moved Cr Maier, Seconded Cr Pintabona

That the Minutes of the Ordinary Meeting of Council held 10 September 2013 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY (6-0)

**(Cr McGrath and Cr Topelberg were on approved leave of absence.)
(Cr Wilcox was an apology for the Meeting.)**

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

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

7.1 Withdrawal of Item 9.2.3

It is announced that the Chief Executive Officer has WITHDRAWN Item 9.2.3 relating to Tender No. 477/13 – Oxford Street Reserve Redevelopment - Approval, from tonight's Agenda, for legal reasons as the lowest tenderer has indicated that they wish to withdraw their tender.

The City's Administration will consider the legal advice received and the implications if the lowest tender is permitted to be withdrawn.

With particular on significant projects like this, I really do believe that the Council should not be publishing the tender figures before a decision has been made and this may have contributed to the position that we are in at the minute.

In future the Council should make it's decision through a Confidential Item, a decision is made and then the full report is published, so that the public is aware of the prices after the decision and are not revealed before the final decision.

A further report will be submitted to the Council, once the matter has been further assessed.

7.2 A Confidential Update by the Chief Executive Officer in relation to the Legal Settlement of the Fire at Carr Street.

I have also approved a late item, which will be a confidential verbal report on the Carr Street Fire Legal Settlement.

7.3 **Mayors Resignation**

I will be resigning as of Thursday 26 September 2013 from the position of Mayor as the Poll for the Federal Member Seat of Perth is to be declared.

Hopefully I will get an opportunity tonight and tomorrow to farewell everyone.

It is with very considerable regret that I leave this position as I do think we do extraordinary things.

Just before the Council Meeting I received a call and the person advised me how much he was really enjoying what the Council is doing in Weld Square.

I would like to thank Mr John Giorgi, the Chief Executive Officer and all the City Staff for all of their efforts.

I would like to thank my fellow Councillors - we have had a really great team and if you look at most of the things we have resolved by consensus.

We are facing a very challenging time ahead of us and I understand that the City of Perth do not want to "talk turkey" with us and are probably going to revise their position backwards to take less of the City of Vincent.

I feel we need to fight very vigorously for our Campaign. Whatever happens in our Plebiscite and what happens in terms of whether or not the Government is able to get its Legislation through.

The Chief Executive Officer and I met with a very experienced consultant Mr Ron Back who has agreed to work with the Chief Executive Officer to ensure that the City will prepare the sharpest submission concerning the Local Government Reform.

I do think that after the Plebiscite and with the new Council, we need to consider whether or not there is a place for a second option and I would not worry too much about the arbitrary date of the 4th October 2013.

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

On behalf of the City's Administration, for the members of the public that were not here at the last Council Meeting, we did say formally - thank you - as we thought that the Polls would be declared, but have taken a bit longer than expected.

I would like to thank you for your contribution to the City and for your hardwork that you have done. It has not always been easy and it has not always been that we have agreed, however we have done it in a professional matter and I think for the betterment of the City of Vincent.

Like you, I think that there are interesting times ahead and I have faith in the Council and the new Council that will be elected in October, that we will make the right decisions for the City of Vincent.

Madame Chair I wish you well in your new role in your Political career at a Federal level and as one of our Local Federal Members. We will certainly be calling upon you, hopefully from time to time to assist as wherever possible on Federal matters.

I ask that the Council and all present to show their appreciation to you.

Received with Acclamation!

8. DECLARATIONS OF INTERESTS

- 8.1 Chief Executive Officer, Mr John Giorgi JP declared an Impartiality interest in Item 10.2 – NOTICE OF MOTION: Cr John Carey Rescission Motion to Change Part of the Council decision concerning Merredin Street, Mount Hawthorn Partial Road Closure Trial. The extent of his interest being that one of his daughters and partner are residents and own a property in Bondi Street, Mt Hawthorn. Bondi Street is a street which is affected by the trial. I disclose that I did not have any involvement in this matter, other than the normal vetting of the Motion as part of compiling of the agenda.

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

Nil.

10. REPORTS

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

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

Items 9.1.1, 9.1.2, 9.2.1, 9.2.3, 9.4.3 and 10.2

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

Items 9.4.1, 9.4.3, 9.5.1, 9.5.2 and 10.2

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

Nil.

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

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

COUNCIL MEMBER	ITEMS TO BE DISCUSSED
Mayor Hon. MacTiernan	Nil
Cr Buckels	Nil
Cr Carey	9.1.5,9.2.2,9.4.5 & 9.4.6
Cr Harley	9.2.1
Cr Maier	9.1.3 & 9.4.4
Cr McGrath	On Approved Leave
Cr Pintabona	Nil
Cr Topelberg	On Approved Leave
Cr Wilcox	Apology for the meeting

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

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

Items 9.1.4, 9.1.6, 9.3.1, 9.3.2, 9.3.3, 9.4.2 & 9.5.3

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

Item 14.1.

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 9.1.4, 9.1.6, 9.3.1, 9.3.2, 9.3.3, 9.4.2 & 9.5.3

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

Items 9.1.1, 9.1.2, 9.2.1, 9.2.3 and 9.4.3

(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 Hon. Alannah MacTiernan ruled that the Items raised during public question time for discussion are to be considered in numerical order as listed in the Agenda index.

ITEMS APPROVED “EN BLOC”:

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

Moved Cr Maier, Seconded Cr Pintabona

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

Items 9.1.4, 9.1.6, 9.3.1, 9.3.2, 9.3.3, 9.4.2 and 9.5.3

CARRIED UNANIMOUSLY (6-0)

**(Cr McGrath and Cr Topelberg were on approved leave of absence.)
(Cr Wilcox was an apology for the Meeting.)**

9.2.3 Tender No. 477/13 – Oxford Street Reserve Redevelopment - Approval

Ward:	South	Date:	17 September 2013
Precinct:	Oxford Centre (4)	File Ref:	ADM0106; TEN0485
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	J Parker, Projects Officer Parks and Environment J van den Bok, Manager Parks and Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

ITEM WITHDRAWN BY THE CHIEF EXECUTIVE OFFICER FOR LEGAL REASONS AS THE LOWEST TENDERER HAS INDICATED THAT IT WISHES TO WITHDRAW THEIR TENDER.

9.1.4 No. 134 (Lot 6; D/P 9509) Alma Road, North Perth – Construction of Two (2) Two-Storey Buildings Comprising Four (4) Two Bedroom Multiple Dwellings

Ward:	South	Date:	13 September 2013
Precinct:	Norfolk; P10	File Ref:	PRO1128; 5.2013.311.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Development Application Report		
Tabled Items:	Nil		
Reporting Officer:	S Radosevich, Planning Officer (Statutory)		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

CORRECTED OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Annibe Developments Pty Ltd on behalf of the owner, T Dinh & V Dong for Proposed Construction of Two (2) Two-Storey Buildings Comprising Four (4) Two Bedroom Multiple Dwellings at No. 134 (Lot 6; D/P 9509) Alma Road, North Perth, and as shown on plans stamp-dated 23 July 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. 132A Alma Road and No. 136 Alma Road in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork;
2. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION**, the following shall be submitted to and approved by the City:

2.1 Landscape and Reticulation Plan

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

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

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

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

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

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

2.2 Refuse Management

Bin numbers, collection and stores shall meet with the City's minimum service provision to the satisfaction of the City's Technical Services. A Waste Management Plan, is to be submitted for approval by the City's Technical Services Section;

2.3 Schedule of External Finishes

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

“...2.4 Subdivision of Lot

The subject land shall be subdivided into two lots, including comprising a right-of-carriageway, on Certificate of Title; OR alternatively, prior to the submission of a Building Permit the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the City, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the City's solicitors or other solicitors agreed upon by the City, undertaking to subdivide the subject land into two lots within 6 months of the issue of the subject Building Permit. All costs associated with this condition shall be borne by the applicant/owner(s);

2.5 Section 70A

The owner(s) shall lodge a notification under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the dwellings that the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential unit/dwelling. This is because at the time the planning application for the development was submitted to the City, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development;”

- 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;~~

3.4.3.2 Bicycle Parking

Two (2) and one (1) bicycle bays shall be provided for the residents and visitors respectively. Bicycle bays for visitors must be provided at a location convenient to the entrance, publically accessible and within the development, and bicycle bays for the residents must be located within the development. The bicycle facilities shall be designed in accordance with AS2890.3; and

3.5.3.3 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 Alma Road;
3. Any new street/front wall, fence and gate within the Alma Road setback area, including along the side boundaries within this street setback area, shall comply with the City's Policy provisions relating to Street Walls and Fences; and
4. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning.

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

COUNCIL DECISION ITEM 9.1.4

Moved Cr Maier, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (6-0)

**(Cr McGrath and Cr Topelberg were on approved leave of absence.)
(Cr Wilcox was an apology for the Meeting.)**

ADDITIONAL INFORMATION:

Given that this development is proposed to be over two green title lots, it is technically two individual multiple dwelling developments under the R-Codes definition for a multiple dwelling.

As such each lot should have had an individual car parking calculation performed, which results in the requirement of 2 residential and 1 visitor car bay per lot (total of 4 residential and 2 visitor car bays over the two lots).

It is considered by the City’s officers that the provision of one residential car bay to each dwelling is adequate in this instance to meet the needs of the two bedroom dwellings, and the provision of the additional two visitor car bays not be required, as the resultant additional space which would need to be allocated for these car bays would limit the site’s ability to meet other requirements of the City, such as landscaping.

In light of the above the originally recommended conditions 3.2 and 3.3 are to be deleted, condition 3.4 and 3.5 to be renumbered, and a new condition 2.5 to be inserted as above.

PURPOSE OF REPORT:

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

BACKGROUND:

History:

Date	Comment
5 May 2009	A Demolition Licence was issued for the demolition of the existing single house.

DETAILS:

The proposal is for the construction of two (2) two-storey buildings comprising four (4) two bedroom multiple dwellings on a vacant lot at No. 134 Alma Road, North Perth.

Landowner:	T Dinh & V Dong
Applicant:	Annibe Developments Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R40
Existing Land Use:	Vacant Lot
Use Class:	Multiple Dwellings
Use Classification:	“P”
Lot Area:	505 square metres
Right of Way:	Not applicable

The subject site is located within the Norfolk Precinct, where it zoned Residential R40. Clause 20 'Special Application of the Residential Planning Codes' of the City of Vincent Town Planning Scheme No. 1 states:

"(4) Notwithstanding the provisions of the Residential Planning Codes, the following special applications of the Residential Planning Codes apply:-

(d) Norfolk Precinct P10,

(ii) Within the areas coded R40 a maximum of two dwellings will be permitted per lot."

As the proposal comprises four (4) dwellings, it is in conflict with Clause 20 of the City of Vincent Town Planning Scheme No. 1. A freehold subdivision is required to be completed prior to the submission of a building permit; which comprises a right-of-carriageway for the vehicle access to the dwellings.

ASSESSMENT:

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

Design Element	Complies 'Deemed-to-comply' or TPS Clause	OR	'Design Principles' Assessment or TPS Discretionary Clause
Density/Plot Ratio	✓		
Streetscape	✓		
Roof Forms			✓
Front Fence			✓
Front Setback			✓
Building Setbacks	✓		
Boundary Wall			✓
Building Height			✓
Building Storeys	✓		
Open Space	✓		
Bicycles			✓
Access & Parking	✓		
Privacy	✓		
Solar Access	✓		
Site Works	✓		
Essential Facilities	✓		
Street Surveillance	✓		
Landscaping	✓		
Outbuildings			✓
Energy Efficient Design	✓		

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

Issue/Design Element:	Roof Forms
Requirement:	<p>Residential Design Elements BDADC 3 The use of roof pitches between 30 degrees and 45 degrees (inclusive) being encouraged.</p>
Applicants Proposal:	25 degree roof pitch
Performance Criteria:	<p>Residential design Elements BDPC 3 The roof of a building is to be designed so that:</p> <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognized streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space.
Applicant justification summary:	<p><i>"We feel we have designed these apartments in a modern minimalistic design to avoid looking out of character within the current streetscape which reflects the towns early period. The materials and style of design including the roof form were purposely designed to complement the existing streetscape. We feel that we have achieved this by including a 30 degree roof pitch and colours chosen for this build are of a modern minimalistic fashion. The building bulk and building height of this project is in line with the City allowable heights and percentages."</i></p>
Officer technical comment:	<p>The proposed roof pitch complies with the Performance Criteria as it does not unduly increase the bulk of the building, with the roof pitch being in keeping with the Alma Road streetscape as there is a range of pitched and flat roofs within the immediate locality.</p> <p>As the building height complies with the Performance Criteria provisions of Clause BDPC 5 'Building Height' of the City's Policy No. 3.2.1 relating to Residential Design Elements and Clause 2.2 'Building Height' of the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones, it is considered that the proposal will not have an undue impact on the existing and desired future streetscape.</p> <p>It is also noted that the overshadowing complies with the Deemed-to-comply provisions of Clause 6.4.2 'Solar Access for Adjoining Sites' of the R-Codes; with the overshadowing being clear of the adjoining properties as it falls over the street setback area and road reserve for Alma Road.</p>

Issue/Design Element:	Front Fence
Requirement:	<p>Residential Design Elements SADC 13 Street walls and fences within the primary street setback area, including along the side boundaries, and front walls and fences to new infill dwellings fronting a right of way or dedicated road to be as follows:</p> <ul style="list-style-type: none"> • Maximum height of 1.8 metres above adjacent footpath level; and • Maximum height of piers with decorative capping to be 2 metres above adjacent footpath level; • Maximum height of solid portion of wall to be 1.2 metres above adjacent footpath level and a minimum of fifty percent visually permeable above 1.2 metres; and • Posts and piers are to have a maximum width 355 millimetres and a maximum diameter of 500 millimetres; and • The distance between piers should not be less than the height of the piers except where pedestrian gates are proposed.
	<p>Street walls and fences to incorporate visual truncations that comply with the Town's Policy relating to Truncations.</p> <ul style="list-style-type: none"> • Walls and fences truncated or no higher than 0.65 metres within 1.5 metres of where walls and fences adjoin vehicle access points where a driveway meets a public street and where two streets intersect.
Applicants Proposal:	Piers are maximum width 600 millimetres within the 1.5 metre by 1.5 metre truncation area.
Performance Criteria:	<p>Residential Design Elements SPC 13 Street walls and fences are to be designed so that:</p> <ul style="list-style-type: none"> • Buildings, especially their entrances, are clearly visible from the primary street; • A clear line of demarcation is provided between the street and development; • They are in keeping with the desired streetscape; and • Provide adequate sightlines at vehicle access points.
Applicant justification summary:	No justification provided.
Officer technical comment:	<p>The proposed 600 millimetres width of the posts within the visual truncation area does not comply with the Performance Criteria as it does not provide adequate sightlines for vehicles accessing the subject site.</p> <p>It is recommended that the City's standard advice note requiring that any new street/front wall, fence and gate within the Alma Road setback area, shall comply with the City's Policy provisions relating to Street Walls and Fences, be placed on any approval.</p>

Issue/Design Element:	Front Setback
Requirement:	<p>Residential Design Elements SADC 5 <u>Upper Floors</u> A minimum of 2 metres behind each portion of the ground floor setback.</p>
Applicants Proposal:	<p><u>First Floor</u> 0.3 metres to 0.6 metres in front of the ground floor.</p>
Performance Criteria:	<p>Residential Design Elements SPC 5 Development is to be appropriately located on site to:</p> <ul style="list-style-type: none"> • Maintain streetscape character; • Ensure the amenity of neighbouring properties is maintained; • Allow for the provision of landscaping and space for additional tree plantings to grow to maturity; • Facilitate solar access for the development site and adjoining properties; • Protect significant vegetation; and • Facilitate efficient use of the site. <p>Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.</p>
Applicant justification summary:	<p><i>“We have provided some streetscapes of existing dwellings located on either side of the proposed dwelling to prove that our setback variation actually fits in with the existing streets multiple distanced set out. We feel that the proposed setback harmonises with the existing streetscape and that without the setback to remain as is the streetscape would look a little miss matched. The streetscape needed a join or transition to create a harmonious attractive street frontage. Please take time to look at the colour perspective provide it will be clear to see that most dwellings are not inline with each other and that our proposed dwelling actually merges the neighbouring properties to suit one another.</i></p> <p><i>On Page 20 of the City’s LLP Residential Design Element Policy it states that “the primary street is to reflect the predominant streetscape pattern for the immediate locality which is defined as being the average setback of the adjoining 5 properties on each side of the development, given that a few dwellings are at nil we feel our proposed setback achieves enough justification to apply for the variation to have the plans assessed with the proposed setback.</i></p> <p><i>We also feel that our proposal fits in with the criteria of VINCENT VISION 2024. We feel that this project also meets ALL of the objectives stated in the LLP No. 3.4.8 for multiple dwellings.”</i></p>

Issue/Design Element:	Front Setback
Officer technical comment:	<p>The proposal complies with the Performance Criteria of Clause SPC 5 'Street Setbacks' of the City's Policy No. 3.2.1 relating to Residential Design Elements in this instance as it is considered to maintain the streetscape character of Alma Road.</p> <p>The proposal is considered to maintain the existing streetscape, as there are properties with the upper floors and balconies flush with the ground floor within the immediate streetscape. It is also noted that the adjoining eastern dwelling has an upper floor that projects 1 metre to 2.5 metres forward of the ground floor.</p> <p>In light of the above, the proposal is considered to maintain the amenity of neighbouring properties and the streetscape, as the proposed upper floor setback variation results in is keeping with the evolving Alma Road streetscape.</p>

Issue/Design Element:	Boundary Wall
Requirement:	<p>Residential Design Codes Clause 6.1.4 C4.1 A wall built to one side boundary has a maximum height and average height as set out in table 4 and a maximum length of two-thirds the length of the boundary.</p> <p>Maximum height: 3.5 metres Average height: 3 metres</p>
Applicants Proposal:	<p><u>Western boundary</u> Length: 11.493 metres Maximum height: 3.1 metres Average height: 3 metres</p> <p><u>Northern boundary</u> Length: 11.13 metres Maximum height: 2.8 metres Average height: 2.8 metres</p> <p><u>Eastern boundary</u> Length: 12.06 metres Maximum height: 6.1 metres Average height: 5.83 metres</p>
Performance Criteria:	<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:	No justification provided.
Officer technical comment:	The proposal complies with the Design Principles of the R-Codes in this instance for the reasons outlined below.

Issue/Design Element:	Boundary Wall
	<p>The two-storey eastern boundary wall abuts the boundary wall to the adjoining property therefore having no adverse impact on access to light or ventilation or resulting in building bulk on the adjoining property.</p> <p>The northern and western boundary walls are considered to comply with the Design Principles in this instance as they do not restrict access to light or ventilation on the adjoining properties due to their location and height. Further to this it is also noted that the overshadowing complies with the Deemed-to-comply provisions of Clause 6.4.2 'Solar Access for Adjoining Sites' of the R-Codes; with the overshadowing being clear of the adjoining properties as it falls over the street setback area and road reserve for Alma Road.</p> <p>As the northern and western boundary walls individually comply with the Deemed-to-comply provisions of the R-Codes they are not considered to result in any undue building bulk on the adjoining properties.</p> <p>It is noted that the proposal complies with the Deemed-to-comply provisions of Clause 6.4.1 'Visual Privacy' C1.1 of the R-Codes, therefore having no impact on privacy between the subject site and adjoining properties.</p>

Issue/Design Element:	Building Height
Requirement:	<p>Residential Design Elements BDADC 5 Top of external wall (roof above): 6 metres</p>
Applicants Proposal:	Top of external wall (roof above): 6.1 metres
Performance Criteria:	<p>Residential Design Elements BDPC 5 Building height is to be considered to:</p> <ul style="list-style-type: none"> • Limit the height of dwellings so that no individual dwelling dominates the streetscape; • Limit the extent of overshadowing and visual intrusion on the private space of neighbouring properties; and • Maintain the character and integrity of the existing streetscape.
Applicant justification summary:	No justification provided.
Officer technical comment:	<p>The proposed building height complies with the Performance Criteria in this instance as it does not result in the building dominating the streetscape, as the portion of the building which exceeds the 6 metre wall height by 0.1 metres occupies 0.8 metres (being 3.98 percent) of the eastern elevation.</p> <p>It is also noted that the proposed building height does not result in any undue overshadowing as the proposed overshadowing complies with the Deemed-to-comply provisions of Clause 6.4.2 'Solar Access for Adjoining Sites' of the R-Codes; with the overshadowing being clear of the adjoining properties as it falls over the street setback area and road reserve for Alma Road.</p>

Issue/Design Element:	Bicycles
Requirement:	Residential Design Codes Clause 6.3.3 C3.2 1 bicycle space to each 3 dwellings for residents; and 1 bicycle space to each 10 dwellings for visitors, and designed in accordance with AS2890.3 (as amended). Residents: 2 spaces Visitors: 1 space
Applicants Proposal:	An area for bicycle parking is indicated on the plans; however the number of bicycle spaces has not been provided.
Performance Criteria:	Residential Design Codes Clause 6.3.3 P3.1 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 on-site parking; and • The proximity of the proposed development in relation to public transport and other facilities.
Applicant justification summary:	No justification provided.
Officer technical comment:	Bicycle parking for residents and visitors is required to be provided in accordance with the Deemed-to-comply provisions of the R-Codes.

Issue/Design Element:	Outbuildings
Requirement:	Residential Design Codes Clause 6.4.4 C4 iv Outbuildings do not exceed a wall height of 2.4 metres
Applicants Proposal:	Wall height: 2.8 metres
Performance Criteria:	Residential Design Codes Clause 6.4.4 P4 Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.
Applicant justification summary:	No justification provided.
Officer technical comment:	The 2.8 metre wall height of the outbuildings complies with the Design Principles in this instance as they are located to the rear of the subject site; therefore do not detract from the streetscape. As the proposed outbuildings are located on the boundary, which comply with the provisions of Clause 6.1.4 'Lot Boundary Setbacks' of the R-Codes, they are considered to not have an adverse impact on the visual amenity of the adjoining properties.

Car Parking	
Residents car parking requirement	Proposed
<ul style="list-style-type: none"> • Small (<75 square metres or 1 bedroom) 0.75 spaces per dwelling 4 dwellings = 3 spaces • Medium (75 square metres – 110 square metres) 1 space per dwelling Nil • Large (>110 square metres) 1.25 spaces per dwelling Nil 	= 3 car bays
Total car bays required = 3 car bays	

Car Parking	
Visitors car parking requirement	Proposed
<ul style="list-style-type: none"> • Visitors <li style="padding-left: 20px;">0.25 spaces per dwelling <li style="padding-left: 20px;">4 dwellings = 1 car bay 	
Total car bays required = 1 car bay	= 1 spaces

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Comments Period:	23 August 2013 to 6 September 2013
Comments Received:	Nil; however two (2) supports submitted by the applicant.

Design Advisory Committee:

Referred to Design Advisory Committee: 3 April 2013

Summary of Design Advisory Committee Comments:

"Mandatory:

The current design requires the removal of a street tree, it is unlikely this will be supported by the City of Vincent. This along with the points noted above and below will result in the re-organisation of houses on the site.

Design Considerations:

1. *Consider flipping plan to get better amenity.*
2. *Ground floor units have front and back courtyards – consider this in redesign and have access from unit into both courtyards.*
3. *Redesign to meet policy requirements, particularly northern light.*

Technical:

1. *Parking not permitted forward of building.*
2. *Front setback non compliant.*
3. *Not enough parking bays.*
4. *Lot boundary should be manipulated to alleviate problems as street tree cannot be removed and sewer line to be considered.*
5. *Apartments do not address northern light to living areas.*
6. *Need cross ventilation for all apartments.*
7. *Natural light and ventilations to bathrooms."*

The Applicant has met with the City's officer to address the Design Advisory Committee's (DAC) comments and have provided amended plans to reflect the required changes. The following Officer comments are provided in light of the above mandatory DAC comments of 3 April 2013:

1. The proposed vehicular accessway has been amended to provide for the retention of the street tree. Further to this the following changes have been made:
 - Northern courtyard have been provided for each of the dwellings;
 - All dwellings achieve northern light;
 - Parking is located behind the dwellings;
 - Four (4) car parking spaces have been provided in accordance with the Deemed-to-comply provisions of Clause 6.3.3 'Parking' C3.1 of the R-Codes;
 - Cross ventilation has been increased for each of the dwellings; and
 - Natural light and ventilation has been provided to each of the bathrooms.

LEGAL/POLICY:

The following legislation and policies apply to the proposed construction of two (2) two-storey buildings comprising four (4) two bedroom multiple dwellings at No. 134 Alma Road, North Perth:

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2013;
- City of Vincent Town Planning Scheme No. 1;
- Norfolk Precinct Policy No. 3.1.10;
- 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 has the right to have the decision reviewed in accordance with Part 14 of the *Planning and Development Act*.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

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

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

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

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

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

Plot ratio and building height contribute to the bulk and scale of a development; however in this instance, the proposal is not considered to have an undue impact on the amenity of the locality as complies with the Performance Criteria of Clause BDPC 5 'Building Height' of the City's Policy No. 3.2.1 relating to Residential Design Guidelines and the Deemed-to-comply provisions of Clause 6.1.1 'Building Size' C1 of the R-Codes.

Alma Road comprises a varying streetscape of single-storey and two-storey dwellings, with the two-storey dwellings within the immediate locality comprising upper floors which are flush with the ground floor along with the upper floors projecting forward of the ground floor. In light of this, the proposal is considered to be in keeping with the streetscape and the existing and desired future development of the locality.

CONCLUSION:

In view of the above, proposed construction of two (2) two-storey buildings comprising four (4) two bedroom multiple dwellings, is supportable in this instance as it complies with the Residential Design Codes of Western Australia 2013, the City of Vincent Town Planning Scheme No. 1, the City's Policy No. 3.2.1 relating to Residential Design Elements. Accordingly and the City's policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones. It is recommended that the proposal be approved subject to standard and appropriate conditions and advice notes.

9.1.6 Amendment No. 116 to Planning and Building Policies – Rescission of Policy Nos. 3.4.1 relating to Ancillary Accommodation; and 3.4.6 relating to Residential Subdivisions

Ward:	Both Wards	Date:	13 September 2013
Precinct:	All Precincts	File Ref:	PLA0259
Attachments:	001 – Policy No. 3.4.1 – Ancillary Accommodation 002 – Policy No. 3.4.6 – Residential Subdivisions 003 – Summary of Submissions		
Tabled Items:	Nil		
Reporting Officer:	T Elliott, Planning Officer (Strategic)		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RESCINDS** the following Planning and Building Policies:
 - 1.1 **Policy No. 3.4.1 relating to Ancillary Accommodation;**
 - 1.2 **Policy No 3.4.6 relating to Residential Subdivisions; and**
2. **AUTHORISES** the Chief Executive Officer to advertise the rescission of Policy Nos. 3.4.1 and 3.4.6 in accordance with Clause 47(6) of the City's Town Planning Scheme No. 1.

COUNCIL DECISION ITEM 9.1.6

Moved Cr Maier, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (6-0)

(Cr McGrath and Cr Topelberg were on approved leave of absence.)
(Cr Wilcox was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to present to the Council the outcomes of the formal advertising period for the Rescission of Policy Nos. 3.4.1 relating to Ancillary Accommodation and 3.4.6 relating to Residential Subdivisions.

BACKGROUND:

State Planning Policy No. 3.1 otherwise known as the Residential Design Codes of Western Australia (R Codes) provides a comprehensive framework guiding the design of residential development. The Western Australian Planning Commission have reviewed the R Codes and made various amendments to the document. To ensure that the City's Planning and Building Policies align with the amended R Codes, which came into effect 2 August 2013, the City's Officers have reviewed the Policies relating to residential development and have proposed the rescission of Policy Nos. 3.4.1 and 3.4.6.

History:

Policy No. 3.4.1 - Ancillary Accommodation

Date	Comment
11 June 2002	The Council at its Ordinary Meeting resolved to adopt the new Policy No. 3.4.1 relating to Ancillary Accommodation.
14 February 2009	The Council at its Ordinary Meeting authorised the Chief Executive Officer to investigate an amendment to Policy No. 3.4.1 to allow non-familial accommodation.
14 April 2009	The Council at its Ordinary Meeting resolved to endorse the Draft Local Planning Strategy which draws reference to the opportunities to encourage the provision of non-familial ancillary accommodation to facilitate greater affordable housing options in the City.
28 April 2009	The Council at its Ordinary Meeting held on 28 April 2009 considered the Draft Amended Policy No. 3.4.1 relating to Ancillary Accommodation and approved the amendments for advertising.
14 July 2009	The City resolved to adopt amendments to Policy No. 3.4.1 relating to Ancillary Accommodation.
11 October 2011	The Council at its Ordinary Meeting resolved to forward the draft amended Policy No. 3.4.1 to the Western Australian Planning Commission (WAPC) for their approval as their approval is required to vary certain elements such as size and allowing non-family members.
7 November 2011	The City wrote to the WAPC requesting their approval for the proposed variations to the R Codes.
10 April 2012	The WAPC wrote to the City advising that they have refused to grant approval to the City for the variations to the Policy.
9 July 2013	The Council at its Ordinary Meeting approved the advertising of the rescission of Policy No. 3.4.1 relating to Ancillary Accommodation.
2 August 2013	The amendments to the Residential Design Codes of Western Australia were gazetted, removing the requirement of family members to reside in Ancillary Accommodation.

Policy No. 3.4.6 - Residential Subdivisions

Date	Comment
5 February 2008	The Chief Executive Officer adopted Policy No. 3.4.6 under delegated authority during the Council's recess period.
9 July 2013	The Council at its Ordinary Meeting approved the advertising for the rescission of Policy No 3.4.6 relating to Residential Subdivisions.
2 August 2013	The Western Australian Planning Commission gazetted Development Control Policy No. 2.2 relating to Residential Subdivision. The requirements in the State's Development Control Policy No. 2.2 prevail over the City's Planning Policy, therefore rescission is recommended.

Previous Reports to Council:

This matter was previously reported to the Council on 9 July 2013.

The Minutes of Item 9.1.4 from the Ordinary Meeting of Council held on 9 July 2013 relating to this report is available on the City's website at the following link:
http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes.

DETAILS:

Following the advertising period endorsed at the Ordinary Meeting of Council on 9 July 2013, the City's Officers propose that Policy Nos. 3.4.1 and 3.4.6 of the City's Planning and Building Policy Manual, be rescinded as it is considered that they are no longer consistent with State Planning Policy No. 3.1 – Residential Design Codes of Western Australia.

CONSULTATION/ADVERTISING:

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

Consultation Period: 28 days, 30 July 2013 – 27 August 2013.

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

A total of nine (9) submissions were received during the four week consultation period as follows:

Authority and Organisation Submissions

Position	Number Received	Percentage
Support	-	-
Object	-	-
Not Stated	8	100%
Total	8	100%

Community Submissions

Position	Number Received	Percentage
Support	-	-
Object	1	100%
Not Stated	-	-
Total	1	100%

Total Submissions Received

Position	Number Received	Percentage
Support	-	-
Object	1	11.11%
Not Stated	8	88.88%
Total	9	100%

Comments with Position: 'Object'

The landowner response to Policy Amendment No. 116 relates entirely to the amendments made to the minimum lot size requirements contained in the Residential Design Codes of Western Australia, particularly affecting lots zoned R80. The resident's main concern is loss of amenity due to increased subdivision.

The City is currently engaging with the affected landowners to resolve the abovementioned concern. Firstly, a community forum was held 3 August 2013 to attain the residents' opinion and to establish an appropriate course of action for the City to take. The City has reviewed the results of the forum and a report relating to a course of action was presented to the Council at its Ordinary Meeting held on 27 August 2013.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

Medium: It is important that the City's Local Planning Policies are reviewed regularly to ensure that they are consistent with the requirements of the Western Australian Planning Commission, and align with the City's strategic direction. It is also important that a Local Planning Policy provides a clear and transparent planning tool when assessing and determining applications for Planning Approval.

STRATEGIC IMPLICATIONS:

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

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

SUSTAINABILITY IMPLICATIONS:

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

SOCIAL
Various provisions included in the new R Codes provide the City with more scope to improve social sustainability. An example of this is the removal of the requirement for a family member to reside in ancillary accommodation.

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

FINANCIAL/BUDGET IMPLICATIONS:

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

Town Planning Scheme Amendments and Policies

Budget Amount: \$73,000
Spent to Date: \$ 2,264
Balance: \$70,736

COMMENTS & CONCLUSION:

As of 2 August 2013 the amendments to the Residential Design Codes (R Codes) of Western Australia took full force and effect. To ensure the City's Policies align with the State's new R Codes the City must amend its Policies relating to residential development.

In light of the above, it is requested that the Council approve the final rescission of Policy No. 3.4.1 relating to Ancillary Accommodation and Policy No. 3.4.6 relating to Residential Subdivisions in accordance with the Officer Recommendation.

9.3.1 Investment Report as at 31 August 2013

Ward:	Both	Date:	13 September 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:	B Tan, A/Director Corporate Services		

OFFICER RECOMMENDATION:

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

COUNCIL DECISION ITEM 9.3.1

Moved Cr Maier, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (6-0)

(Cr McGrath and Cr Topelberg were on approved leave of absence.)
(Cr Wilcox was an apology for 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 August 2013 were \$21,411,000 compared with \$9,611,000 at 31 July 2013. At 31 August 2012, \$30,511,000 was invested.

Investment comparison table:

	2012-2013	2013-2014
July	\$18,211,000	\$9,611,000
August	\$30,511,000	\$21,411,000

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

	Annual Budget	Budget Year to Date	Actual Year to Date	%
Municipal	\$281,340	\$50,608	\$31,681	11.26
Reserve	\$386,610	\$77,445	\$49,504	12.80

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 2.75% in the last 12 months.

Rates revenue has been received during this month which has resulted in surplus monies be available for investment.

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 August 2013

Ward:	Both	Date:	13 September 2013
Precinct:	All	File Ref:	FIN0032
Attachments:	001 – Creditors Report		
Tabled Items:	-		
Reporting Officers:	O Wojcik, Accounts Payable Officer; B Wong, A/Manager Financial Services		
Responsible Officer:	B Tan, A/Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **CONFIRMS** the;

1. **Schedule of Accounts for the period 1 August – 31 August 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 Maier, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (6-0)

(Cr McGrath and Cr Topelberg were on approved leave of absence.)

(Cr Wilcox was an apology for 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 August – 31 August 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	74666 - 74835	\$617,621.10
Transfer of Creditors by EFT Batch	1560, 1562, 1564–1566, 1568, 1569, 1572	\$1,859,366.87
Transfer of PAYG Tax by EFT	August 2013	\$454,188.42
Transfer of GST by EFT	August 2013	
Transfer of Child Support by EFT	August 2013	\$2,904.19
Transfer of Superannuation by EFT:		
• City of Perth	August 2013	63,244.33
• Local Government	August 2013	231,465.34
Total		\$3,228,790.25
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$14,083.42
Lease Fees		\$7,553.53
Corporate MasterCards		\$17,503.30
Loan Repayment		\$194,101.70
Rejection fees		\$82.50
Total Bank Charges & Other Direct Debits		\$233,324.45
Less GST effect on Advance Account		0.00
Total Payments		\$3,462,114.70

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.

9.3.3 Financial Statements as at 31 July 2013

Ward:	Both	Date:	13 September 2013
Precinct:	All	File Ref:	FIN0026
Attachments:	001 – Financial Reports		
Tabled Items:	002 – Significant Accounting Policies		
Reporting Officers:	B Wong, A/Manager Financial Services; N Makwana, Accounting Officer		
Responsible Officer:	B Tan, A/Director Corporate Services		

OFFICER RECOMMENDATION:

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

COUNCIL DECISION ITEM 9.3.3

Moved Cr Maier, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (6-0)

**(Cr McGrath and Cr Topelberg were on approved leave of absence.)
(Cr Wilcox was an apology for the Meeting.)**

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

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

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

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

DETAILS:

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

Note	Description	Page
1.	Summary of Income and Expenditure by Service Areas	1-30
2.	Statement of Financial Activity by Programme Report	31
3.	Statement of Financial Activity by Nature or Type Report	32
4.	Statement of Financial Position	33
5.	Statement of Changes in Equity	34
6.	Capital Works Schedule	35-41
7.	Restricted Cash Reserves	42
8.	Sundry Debtors Report	43
9.	Rate Debtors Report	44
10.	Beatty Park Leisure Centre Report – Financial Position	45
11.	Major Variance Report	46-48
12.	Monthly Financial Positions Graph	49-51

1. SIGNIFICANT ACCOUNTING POLICIES AND NOTES

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

Comments on the financial performance are set out below:

2. As per Appendix 9.3.3.

3. Statement of Financial Activity by Programme Report

Operating Revenue excluding Rates

YTD Actual	\$2,174,605
YTD Revised Budget	\$2,031,052
YTD Variance	\$143,553
Full Year Budget	\$28,176,497

Summary Comments:

The total operating revenue is currently 107% of the year to date Budget estimate.

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

General Purpose Funding – 19% under budget;
 Governance – 1041% over budget;
 Law, Order, Public Safety – 10% over budget;
 Health – 32% under budget;
 Education and Welfare – 5% under budget;
 Community Amenities – 5% over budget;
 Recreation and Culture – 25% over budget;
 Transport – 13% over budget;
 Economic Services – 14% under budget;
 Other Property and Services – 24 under budget; and
 General Administration (Allocated) – 64% under budget.

Operating Expenditure

YTD Actual	\$3,643,395
YTD Revised Budget	\$3,673,066
YTD Variance	\$29,671
Full Year Budget	\$48,927,550

Summary Comments:

The total operating expenditure is currently 99% of the year to date Budget estimate.

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

General Purpose Funding – 2% under budget;
 Governance – 29% under budget;
 Law and Order – 5% under budget;
 Health – 12% under budget;
 Education and Welfare – 2% under budget;
 Community Amenities – 10% over budget;
 Transport – 7% under budget;
 Economic Services – 6% under budget;
 Other Property & Services – 45% over budget; and
 General Administration (Allocated) – 29% under budget.

Net Operating and Capital Excluding Rates

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

YTD Actual	\$1,497,816
YTD Revised Budget	\$2,143,430
Variance	\$(645,614)
Full Year Budget	\$29,136,897

4. Statement of Financial Activity by Nature and Type Report

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

5. Statement of Financial Position and

6. Statement of Changes in Equity

The statement shows the current assets of \$39,042,450 and non-current assets of \$205,954,499 for total assets of \$244,996,949.

The current liabilities amount to \$12,186,362 and non-current liabilities of \$19,400,907 for the total liabilities of \$31,587,269.

The net asset of the City or Equity is \$213,409,680.

7. Net Current Funding Position

	31 July 2013 YTD Actual \$
Current Assets	
Cash at Bank	150,051
Cash Restricted	8,222,315
Receivables – Rates and Waste	26,585,893
Receivables – Others	3,865,869
Inventories	207,322
	39,031,450
Less: Current Liabilities	
Trade and Other Payables	(8,495,772)
Provisions	(2,694,304)
	(11,190,076)
Less: Restricted Cash Reserves	(8,222,315)
Net Current Funding Position	19,619,059

8. Capital Expenditure Summary

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

	Budget	Year to date Revised Budget	Actual to Date	%
Furniture & Equipment	\$201,750	\$666	\$0	0%
Plant & Equipment	\$3,269,666	\$0	\$0	0%
Land & Building	\$1,229,000	\$8,000	\$36	0%
Infrastructure	\$12,198,585	\$973,260	\$276,754	28%
Total	\$16,899,001	\$981,926	\$276,790	28%

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

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

9. Restricted Cash Reserves

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

The balance as at 31 July 2013 is \$8.2m. The balance as at 31 July 2012 was \$16.3m.

10. Sundry Debtors

Other Sundry Debtors are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts. Sundry Debtors of \$876,328 is outstanding at the end of July 2013.

Out of the total debt, \$377,458 (43.1%) relates to debts outstanding for over 60 days, which is related to Cash in Lieu Parking. The Cash in Lieu Parking debtors have special payment arrangement for more than one year.

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

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

11. Rate Debtors

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

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

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

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

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

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

Rates outstanding as at 31 July 2013 including deferred rates was \$21,782,908 which represents 84.20% of the outstanding collectable income compared to 85.10% at the same time last year.

12. Beatty Park Leisure Centre – Financial Position Report

As at 31 July 2013 the operating deficit for the Centre was \$248,991 in comparison to the year to date budgeted deficit of \$357,477.

The cash position showed a current cash deficit of \$184,874 in comparison year to date budget estimate of a cash deficit of \$309,141. The cash position is calculated by adding back depreciation to the operating position.

13. Major Variance Report

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

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

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2011-2016:

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

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

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENT:

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

9.4.2 Mount Hawthorn Hub – Late Night Shopping Events

Ward:	North Ward	Date:	13 September 2013
Precinct:	Mt Hawthorn Centre (2); Mt Hawthorn (1)	File Ref:	CMS0110
Attachments:	Confidential Attachment - Event Proposal		
Tabled Items:	Nil		
Reporting Officers:	Y Coyne, Coordinator Arts and Creativity J Anthony, Manager of Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** the proposal from the Mount Hawthorn Hub to use the City's sponsorship of \$45,000 to deliver two smaller events;
2. **AUTHORISES** the following two 'Up Late in Mt Hawthorn' events to take place on Friday, 6 December 2013 and Friday, 11 April 2014; and
3. The events detailed in clause 2 above shall be subject to the following conditions:
 - 3.1 the sponsorship contribution shall be paid to the festival organisers on a reimbursement basis of expenditure incurred through the provision of tax invoices;
 - 3.2 'event fees' for the festivals shall be waived;
 - 3.3 a bond of \$3,000 shall be retained by the City as security for any damage to or clean-up of the event area;
 - 3.4 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;
 - 3.5 the event organisers shall:
 - 3.5.1 comply with the conditions of use and fees imposed, including Environmental Health and other conditions; and
 - 3.5.2 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 festival is representative of and attuned to the local businesses;
 - 3.6 the activities and programme offered as part of the events shall be accessible, inclusive and targeted to a broad range of residents;
 - 3.7 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 signed off in the sponsorship agreement with the City;
 - 3.8 the funds received from the City shall be acquitted together with a full evaluation report on the festival being provided no later than three (3) months after the event; and
 - 3.9 full compliance with the City's Policy 1.1.5 'Donations, Sponsorship and Waiving of Fees and Charges', Policy 1.1.8 'Festivals' and Policy 3.8.3 'Concerts and Events';

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 9.4.2

Moved Cr Maier, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (6-0)

**(Cr McGrath and Cr Topelberg were on approved leave of absence.)
(Cr Wilcox was an apology for the Meeting.)**

PURPOSE OF REPORT:

The purpose of this report is to seek Council's approval of the proposal from the newly formed community group, the Mount Hawthorn Hub. Relevant supporting documentation, including detailed proposal and budget reports are included as confidential attachments to this report.

BACKGROUND:

At the Ordinary Meeting of Council held on 28 May 2013, the Council resolved the following:

That the Council;

1. *APPROVES the following festival events funding as part of the Festivals programme for 2012/2013:*

<i>Event</i>	<i>Date</i>	<i>Amount Allocated</i>
<i>Mt Hawthorn: Festival</i>	<i>Early September 2013</i>	<i>\$ 45,000</i>
<i>Vincent Fashion Event</i>	<i>5 September 2013</i>	<i>\$ 20,000</i>
<i>Pride Festival 2013</i>	<i>November 2013</i>	<i>\$ 15,000</i>
<i>Beaufort Street Festival</i>	<i>16 November 2013</i>	<i>\$ 75,000</i>
<i>Electric Relaxation</i>	<i>30 November 2013</i>	<i>\$ 5,500</i>
<i>Light Up Leederville</i>	<i>December 2013</i>	<i>\$ 60,500</i>
<i>Hyde Park Fair</i>	<i>March 2 & 3 2014</i>	<i>\$ 27,500</i>
<i>St Patrick's Day Parade</i>	<i>15 March 2014</i>	<i>\$ 20,000</i>
<i>Angove Street Festival</i>	<i>April 2014</i>	<i>\$ 45,000</i>
<i>Revelation Film Festival 2014</i>	<i>July 2014</i>	<i>\$ 10,000</i>
<i>Festival D'Femme</i>	<i>March 8 2014</i>	<i>\$ 15,000</i>
<i>WA Youth Jazz Orchestra</i>	<i>TBC</i>	<i>\$ 6,500</i>
<i>EID/End of Hajj</i>	<i>August/October 2013</i>	<i>\$ 7,500</i>
<i>Hawkers Market</i>	<i>TBC</i>	<i>\$ 9,400</i>
<i>Harmony Week</i>	<i>March 2014</i>	<i>\$ 15,000</i>
	TOTAL	\$ 376,900

2. *AUTHORISES the following festivals to take place in 2012/2013:*
 - 2.1 *the Mt Hawthorn Business and Community Group to hold a street fair at a date to be confirmed;*
 - 2.2 *a fashion event run by City Officers showcasing local emerging fashion designers and independent boutique stores on Thursday 5 September in Leederville;*

- 2.3 *contribute to Pride WA parade and Pride Family Day to take place in Hyde Park in February 2014;*
 - 2.4 *the Beaufort Street Network Inc. to organise the "Beaufort Street Festival" to be held on 16 November 2013, from 12noon to 10pm with Festival Bars until midnight;*
 - 2.5 *Think Twice to run Electric Relaxation music festival at Hyde Park to take place at a date to be advised;*
 - 2.6 *Leederville Connect to organise the second Light Up Leederville Carnival a date to be confirmed between November and December 2013;*
 - 2.7 *the WAYJO Big Band Festival to be an addition to the City of Vincent Summer Concert series in January/February 2014;*
 - 2.8 *the North Perth Rotary Club to organise the Hyde Park Fair at Hyde Park on 2 and 3 March 2014 at Hyde Park;*
 - 2.9 *Irish Families in Perth to organise the St Patrick's Day parade and family fun day on 15 March 2014 in Leederville;*
 - 2.10 *the North Perth Business and Residents Group to organise the Angove Street Festival on April 6, 2013, from 10am to 5pm;*
 - 2.11 *the Revelation Film Festival to take place in July 2014; and*
 - 2.12 *HMS Pop Up Productions to organise Festival D'Femme at a time and place to be determined.*
3. *The festival events detailed in clause 2 above shall be subject to the following conditions:*
- 3.1 *the sponsorship contribution shall be paid to the festival organisers on a reimbursement basis of expenditure incurred through the provision of tax invoices;*
 - 3.2 *'event fees' for the festivals shall be waived;*
 - 3.3 *a bond of \$3,000 shall be retained by the City as security for any damage to or clean-up of the event area;*
 - 3.4 *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;*
 - 3.5 *the event organisers shall comply with the conditions of use and fees imposed, including Environmental Health and other conditions;*
 - 3.6 *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 festival is representative of and attuned to the local businesses;*
 - 3.7 *the activities and programme offered as part of the events shall be accessible, inclusive and targeted to a broad range of residents;*

- 3.8 *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;*
- 3.9 *the funds received from the City shall be acquitted together with a full evaluation report on the festival being provided no later than three (3) months after the event; and*
- 3.10 *full compliance with the City's Policy 1.1.5 'Donations, Sponsorship and Waiving of Fees and Charges', Policy 1.1.8 'Festivals' and Policy 3.8.3 'Concerts and Events';*

to the satisfaction of the Chief Executive Officer."

DETAILS:

On 7 February 2013, the City's Officers attended the first group meeting of Mount Hawthorn retailers and businesses. The aim of the meeting came about from Tina Burkett's interest in holding a street festival to enliven the area, and draw more attention to the shopping precinct. The meeting had over thirty (30) attendees and the group decided that they should become an incorporated group and hold regular meetings. This incorporation is now complete and they will trade under the name of 'Mt Hawthorn Hub'.

The 'Mt Hawthorn Hub' was then formed as a local business alliance. 'Up Late In Mt Hawthorn' is a debut concept with the objective of revitalising the Mount Hawthorn district and showcasing local business to the City of Vincent community through the means of a late night trading event.

The Group originally submitted a family fun day festival application, but have since re-evaluated their focus towards a series of late night shopping events with entertainment. This change is due to the Group wanting to start with smaller events and then build up to the festival.

The events will activate the area of Scarborough Beach Road between Braithwaite Park and Axford Park. The event will run from 4pm to 9pm, and will be managed by Coveted Events with the support of the Mount Hawthorn Hub. Local businesses will be encouraged to participate in the event and contribute to the program. 'Up Late In Mt Hawthorn' will embrace the spirit of Carnivale with an explosion of colour, light and music. The program will include a late night shopping precinct, pop up fashion parade featuring Mount Hawthorn retailers, outdoor bar and food stalls presenting Mt Hawthorn bars and restaurants, mini makeover sessions inside Mount Hawthorn beauty salons, live model window displays, in store promotions and discounts, community sausage sizzle supporting Mount Hawthorn Primary School and Mount Hawthorn Playgroup, children's entertainment, live music and street performers.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Policy No. 1.1.5 – Donations, Sponsorship and Waiving of Fees and Charges;
Policy No. 1.1.8 – Festivals; and
Policy No. 3.8.3 – Concerts and Events.

STRATEGIC IMPLICATIONS:

The City of Vincent's Plan for the Future, *Strategic Plan 2011 – 2016*:

"Key Result Area Three – Community Development – Objective 3.1: Enhance and Promote Community Development and Wellbeing:

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: Being a first time event, there may be some challenges with attendance levels and providing a point of difference as compared to other festivals.

FINANCIAL/BUDGET IMPLICATIONS:

The amount of \$45,000 is allocated to the Mount Hawthorn Group in the 2013/2014 Budget for the festival programme.

COMMENTS:

The City's Officers have continued to consult with the Mount Hawthorn businesses from their initial group meeting. The 'Mt Hawthorn Hub' has been incorporated and the organisers feel more confident to start with smaller events and build up towards a larger festival in the future.

9.5.3 Information Bulletin

Ward:	-	Date:	13 September 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 13 September 2013, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.5.3

Moved Cr Maier, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (6-0)

(Cr McGrath and Cr Topelberg were on approved leave of absence.)
(Cr Wilcox was an apology for the Meeting.)

DETAILS:

The items included in the Information Bulletin dated 13 September 2013 are as follows:

ITEM	DESCRIPTION
IB01	Thank you Letter received from Leanne Curwood regarding the planting of the trees along Brady Street
IB02	Unconfirmed Minutes of the Design Advisory Committee held on 7 August 2013
IB03	Unconfirmed Minutes of the Design Advisory Committee held on 21 August 2013
IB04	WALGA State Council Minutes, Meeting held on 4 September 2013
IB05	Mindarie Regional Council Minutes of the Ordinary Council Meeting held on 5 September 2013

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

Ward:	North	Date:	13 September 2013
Precinct:	Mount Hawthorn; P1	File Ref:	PRO6022; 5.2013.136.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Additional Information from Applicant dated 10 July 2013 Confidential – Letter from City's Solicitors		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Planning Officer (Statutory)		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

FURTHER OFFICER RECOMMENDATION:

That the Council;

EITHER:

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

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

OR ALTERNATIVELY;

ALTERNATIVE 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 T Quach on behalf of T Quach & S Quach for the Demolition of Existing Single House and Construction of a One (1) Two-Storey and One (1) Single-Storey Grouped Dwellings at No. 58 (Lot 6; D/P 3798) Hobart Street, Mount Hawthorn, as shown on amended plans stamp dated 13 May 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. 60 Hobart Street, Mount Hawthorn, in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork; and
2. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City.

ADVICE NOTES:

1. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site;
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 London or Hobart Streets;
3. Any new street/front wall, fence and gate within the London or Hobart Streets 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 verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning;
5. With regard to condition 1, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls; and
6. The above lot is known to be subject to flood risk during a 1 in 5 year storm event. It is therefore recommended that the applicant seek assessment from a Hydraulics Consultant to review the risk factors and set an appropriate minimum finished floor level (FFL) for the development.

Moved Cr Maier, Seconded Cr Buckels

That the alternative recommendation be adopted.

Debate ensued.

ALTERNATIVE MOTION PUT AND CARRIED (4-2)

For: Mayor Hon. MacTiernan, Cr Buckels, Cr Carey and Cr Maier
Against: Cr Harley and Cr Pintabona

(Cr McGrath and Cr Topelberg were on approved leave of absence.)
(Cr Wilcox was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.1.1

ALTERNATIVE 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 T Quach on behalf of T Quach & S Quach for the Demolition of Existing Single House and Construction of a One (1) Two-Storey and One (1) Single-Storey Grouped Dwellings at No. 58 (Lot 6; D/P 3798) Hobart Street, Mount Hawthorn, as shown on amended plans stamp dated 13 May 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. 60 Hobart Street, Mount Hawthorn, in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork; and
2. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City.

ADVICE NOTES:

1. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site;
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 London or Hobart Streets;
3. Any new street/front wall, fence and gate within the London or Hobart Streets 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 verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning;
5. With regard to condition 1, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls; and
6. The above lot is known to be subject to flood risk during a 1 in 5 year storm event. It is therefore recommended that the applicant seek assessment from a Hydraulics Consultant to review the risk factors and set an appropriate minimum finished floor level (FFL) for the development.

FURTHER REPORT:

The application was previously considered at the Ordinary Meeting of Council on the 9 July 2013 whereby the Council resolved the following *"That the item be DEFERRED for further clarification"*. It was further considered on the 27 August 2013 when the Council resolved *"That the item be DEFERRED for further consideration and to obtain legal advice as to what zoning should be applied"*. Additional consideration was made on the 10 September 2013, when the Council resolved *"That the item be DEFERRED so comment about minimum lot size and whether the Council has the legal power to approve can be provided"*.

In order to provide further clarity for the Council the following information is provided:

Draft Town Planning Scheme No.2

According to the City's Draft Town Planning Scheme No. 2, the subject lot is proposed to be coded Residential R40. Under the provisions of a Residential R40 coded lot, the average lot area required would be 220 square metres and the minimum lot area would be 180 square metres. This is noted below as follows:

Design Element:	Density
Requirement:	<p>Residential Design Codes Clause 6.1.1 A1.1 Site Area Requirements Residential R40 Zoning Minimum – 180 square metres Average – 220 square metres</p> <p>The subject lot is 645 square metres</p>
Applicants Proposal:	<p>Two (2) dwellings on site Both Lots proposed to be 314 square metres each</p>

Authority to Determine

Under the provisions of the City of Vincent Town Planning Scheme No. 1 Clause 20 (5) *The Council will consider variations to the Residential Planning Codes where it considers that acceptable levels of residential amenity can be achieved.* Therefore, if the Council deems the proposed development of two (2) dwellings on site acceptable they have the ability to approve the application. Furthermore, the Council can also consider and approve the application according to the provisions of Clause 40 *Determination of Non-Complying Applications* whereby if satisfied by an Absolute Majority that the development is consistent with *orderly and proper planning, conservation of amenities in the locality, the statement of intent in the Scheme Map* and addition to the development not having *undue adverse impact to the occupiers of the development, the property and its inhabitants and the future development of the locality.*

Lot Size and Configuration

According to the Residential Design Codes of WA 2013, if a proposed lot configuration does not comply with the *Deemed to Comply requirements of Clause 5.1.1 Site Area, P1.1* the WAPC may vary the development of the type and density as permitted in the relevant Town Planning Scheme applicable to the Local Authority. In this particular case the presence of Clause 40 and Clause 20 of the City's Town Planning Scheme No.1 allows for the density coding to be varied from the present Residential R20.

Based on the above information, it is considered that whilst the Council has the ability to approve a non complying development in relation to Density with the provisions of the Town Planning Scheme No. 1 and Residential Design Codes of WA 2013, the previous recommendation for refusal of the application is maintained, on the basis that the current zoning has reverted back to Residential R20.

The Minutes of Item 9.1.3 from the Ordinary Meetings of Council held on 9 July 2013, Item 9.1.4 of 27 August 2013 and Item 9.1.3 of 10 September 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

9.1.2 Nos. 484 & 488/492 (Lots 51 & 52) Beaufort Street, Highgate – Proposed Change of Use from Eating House to Tavern

Ward:	South	Date:	13 September 2013
Precinct:	Mount Lawley Centre, P11	File Ref:	PRO1151; 5.2013.255.1
Attachments:	001 – Property Information Report and Development Application Plans		
Tabled Items:	Nil		
Reporting Officer:	A. Dyson, 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 S Taylor, on behalf of the owner, Benjamin & Co Pty Ltd, for Proposed Change of Use from Eating House to Tavern (Beaufort Street Merchant) at Nos. 484 & 488/492 (Lots 51 and 52) Beaufort Street, Highgate, and as shown on plans stamp-dated 20 June 2013 and amended plans dated 12 July 2013, subject to the following conditions:

1. The maximum patronage for the combined premises shall be subject to an assessment in accordance with the Health (Public Buildings) Regulations 1992;
2. The windows, doors and adjacent floor area facing Beaufort Street shall maintain an active and interactive frontage to this street;
3. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION**, the following shall be submitted to and approved by the City:
 - 3.1 **Schedule of External Finishes**
A detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted;
 - 3.2 **Refuse and Recycling Management Plan**
Bin numbers, collection and stores shall meet with the City's minimum service provision;
 - 3.3 **Acoustic Report**
An Acoustic Report in accordance with the City's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted to the City for approval. The recommended measures of the approved Acoustic Report shall be implemented and certification from an Acoustic Consultant that the measures have been undertaken, prior to the first occupation of the development;
 - 3.4 **Amalgamation**
The subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the submission of a Building Permit the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the City, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the City's solicitors or other solicitors agreed upon by the City, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Permit. All costs associated with this condition shall be borne by the applicant/owner(s). Amalgamation of the lots is not required if it can be demonstrated that the proposed development complies with the relevant requirements of the National Construction Code Series;

4. **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the City:**
- 4.1 **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;
- 4.2 **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; 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 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 Beaufort Street;
2. Any new street/front wall, fence and gate within the Beaufort Street setback area, including along the side boundaries within this street setback area, shall comply with the City's Policy provisions relating to Street Walls and Fences;
3. The proposed alfresco area outside the premises, is not part of this application and subject to an Alfresco Dining Permit; and
4. 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.

Moved Cr Maier, Seconded Cr Harley

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

- “1. The maximum patronage for the combined premises is to be 154 patrons and shall be subject to an assessment in accordance with the Health (Public Buildings) Regulations 1992. Any further increase to the patrons or public floor area will require further approval;...
5. The proposed offices shown on the proposed plans for both properties, shall only be used for purposes ancillary to the provision of the tavern; and
- ~~5-6.~~ 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.”

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (5-1)

For: Mayor Hon. MacTiernan, Cr Buckels, Cr Carey, Cr Harley, Cr Pintabona

Against: Cr Maier

(Cr McGrath and Cr Topelberg were on approved leave of absence.)
(Cr Wilcox was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.1.2

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 S Taylor, on behalf of the owner, Benjamin & Co Pty Ltd, for Proposed Change of Use from Eating House to Tavern (Beaufort Street Merchant) at Nos. 484 & 488/492 (Lots 51 and 52) Beaufort Street, Highgate, and as shown on plans stamp-dated 20 June 2013 and amended plans dated 12 July 2013, subject to the following conditions:

1. The maximum patronage for the combined premises is to be 154 patrons and shall be subject to an assessment in accordance with the Health (Public Buildings) Regulations 1992. Any further increase to the patrons or public floor area will require further approval;
2. The windows, doors and adjacent floor area facing Beaufort Street shall maintain an active and interactive frontage to this street;
3. PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:

3.1 Schedule of External Finishes

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

3.2 Refuse and Recycling Management Plan

Bin numbers, collection and stores shall meet with the City's minimum service provision;

3.3 Acoustic Report

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

3.4 Amalgamation

The subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the submission of a Building Permit the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the City, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the City's solicitors or other solicitors agreed upon by the City, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Permit. All costs associated with this condition shall be borne by the applicant/owner(s). Amalgamation of the lots is not required if it can be demonstrated that the proposed development complies with the relevant requirements of the National Construction Code Series;

4. **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the City:**
- 4.1 **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;
- 4.2 **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; and
5. The proposed offices shown on the proposed plans for both properties, shall only be used for purposes ancillary to the provision of the tavern; and
6. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City's Chief Executive Officer."

ADVICE NOTES:

1. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Beaufort Street;
2. Any new street/front wall, fence and gate within the Beaufort Street setback area, including along the side boundaries within this street setback area, shall comply with the City's Policy provisions relating to Street Walls and Fences;
3. The proposed alfresco area outside the premises, is not part of this application and subject to an Alfresco Dining Permit; and
4. 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.

ADDITIONAL INFORMATION

The following additional information is provided:

The proposal is principally for a change of use from Eating House to Tavern in the southern tenancy (No. 484 Beaufort Street), the former Eating House (Raah Restaurant). This tenancy will accommodate additional seating areas for patrons as well as the main kitchen, additional toilets, staff rooms and offices for the use.

The existing Beaufort Street Merchant tenancy, at Nos. 488/492 Beaufort Street is unchanged in terms of its use (approved as a Tavern on 1 September 2008), but is being altered internally with new layout and a more extensive "alfresco" area, located inside the property boundary. The new layout has been created to allow for the expansion of the use into the No. 484 Beaufort Street tenancy, with a new opening proposed to be included between the two tenancies.

The Beaufort Street Merchant at No. 488/492 Beaufort Street, currently has approval according to the Planning Approval issued on 26 October 2009, for 67 patrons. The current proposal has been assessed on the provisions of the City's Policy 3.7.1 relating to Parking and Access, for a Tavern based on 1 space per 3.8 square metres rather than the 1 space per 4.5 persons of the maximum number of persons approved for the site. This is due to the fact a finalised floor plan is not submitted until the applicant has applied for the first occupation of building. It is noted that whilst One-Hundred and Fifty-Four (154) patrons would still allow for compliance with the car parking calculation this would still be subject to a full Public Building assessment by the City's Health Services.

PURPOSE OF REPORT:

The report is referred to a meeting of Council as the proposal is for a Tavern.

BACKGROUND:

History:

Date	Comment
12 April 1999	The Council at its Ordinary Meeting conditionally approved the Change of Use of the Vacant Ground Floor Tenancy to an eating house subject to conditions at No. 484 Beaufort Street.
4 November 2003	The Council at its Ordinary Meeting approved a Change of Use from Shop to Eating House and Residential Dwelling and Associated Signage, Alterations at 484 Beaufort Street, Highgate.
27 April 2004	The Council at its Ordinary Meeting approved a Change of Use from Shop to Eating House and Residential Dwelling and Associated Signage, Alterations at 484 Beaufort Street, Highgate, for a reconsideration of condition.
13 December 2005	The Council at its Ordinary Meeting approved a Development Application for a Change of Use from Shop to Shop and Eating House under Delegated Authority at Nos. 488/492 Beaufort Street.
11 May 2010	The Council at its Ordinary Meeting approved an application for a Liquor Control Act Section 40 Certificate at No. 484 Beaufort Street.

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

DETAILS:

The proposal is for a change of use from the existing Eating House (Raah Restaurant) into a Tavern for the proposed expansion of the existing Beaufort Street Merchant at 488/492 Beaufort Street, Highgate. The proposed new tenancy will be reworked to include additional seating as well as a new kitchen and toilet amenities. The existing tenancy at No. 488/492 Beaufort Street, the current space for the Beaufort Street Merchant, will also be redesigned to accommodate a reconfigured seating area and internal alfresco area.

Landowner:	Benjamin & Co Pty Ltd
Applicant:	S Taylor
Zoning:	Commercial
Existing Land Use:	Eating House
Use Class:	Tavern
Use Classification:	"SA"
Lot Area:	501 square metres and 501 square metres, respectively.
Right of Way:	N/A

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
Mount Lawley Centre Precinct	✓		
Boundary Wall	✓		
Building Height	✓		
Building Storeys	✓		
Bicycles	✓		
Access & Parking	✓		

Town Planning Scheme Detailed Assessment

Car Parking Calculation	
Proposed Car Parking requirement (nearest whole number) – a). Tavern Use 488/492 (Current Beaufort Street Merchant Tenancy – (Tavern -1 bay per 3.8 square metres of Public Floor Area) – 94.84m ² (24.96 car bays) 484 Tenancy - (Tavern -1 bay per 3.8 square metres of Public Floor Area) – 18.75m ² (4.9 car bays) (Total Area - 113.59m ²)	Required = 30.00 car bays
Total – 29.82 car bays	
Apply the adjustment factors. <ul style="list-style-type: none"> ▪ 0.85 (The proposed development is within 400 metres of a bus stop/station) ▪ 0.95 (The proposed development is within 400 metres of one or more existing public car parking places with in excess of a total of 25 car parking bays) 	(0.8075) = 24.225 car bays
Minus the car parking provided on-site. 2.0 Car Bays (488/492 Beaufort) 6.0 Car Bays (484 Beaufort)	8.0 car bays
Minus the most recently approved on-site car parking shortfall 1.23 car bays (OMC 4.11.03) -484 Beaufort Street 2.522 <u>38</u> car bays (OMC 4.11.03 <u>6.12.05</u>) 488 Beaufort 15.00 car bays (Memorandum dated 1/09/2008) – 488 Beaufort Street 0.765 car bays (Delegated Authority - 1.09.08) – 488 Beaufort 0.1925 car bays (Delegated Authority - 26.10.09) – 488/492 Beaufort Street	19.7 5675 car bays
New Surplus	3.475 <u>3,425</u> car bays

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

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Comments Period:	30 July 2013 – 20 August 2013
Comments Received:	Four (4) comments were received, supporting the development.

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1;
- Mount Lawley Centre Precinct (Precinct 11); and
- Policy No. 3.7.1 relating to Parking and Access.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

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

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

ENVIRONMENTAL	
Issue	Comment
Nil.	

SOCIAL	
Issue	Comment
Provides a place for interaction for the local community.	

ECONOMIC	
Issue	Comment
Short term employment opportunities related to the building and related industries.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS & CONCLUSION:

Mount Lawley Centre Precinct (Precinct 11)

Within the Mount Lawley Centre Precinct, it is considered that careful consideration is given to the nature of commercial uses and their layout to ensure levels of noise, visual amenity and privacy are appropriate to any adjacent residences. In addition, it is also required that sufficient car parking be provided on-site for the use provided.

The proposal itself meets the objectives of the Precinct Policy as the utilisation of the premises will be no greater in terms of impact on amenity than previously as was the case for the former Raah Restaurant (484 Beaufort Street). It is also noted the proposed parking layout and prior shortfalls in parking, approved for both sites, provide for a compliant development, with eight (8) car bays provided at the rear of the site.

Conclusion

Overall, it is considered the proposed change of use of the existing eating house into the extended Beaufort Street Merchant will fit appropriately into the Beaufort Street location and be of an appropriate scale to not impact the residential uses at the rear of the property.

In light of the above, the proposed development is recommended subject to the conditions listed above.

PROCEDURAL MOTION

Moved Cr Harley, Seconded Cr Pintabona

That Standing Orders be suspended to allow a procedural motion to change the Order of Items for the Notice of Motion 10.2 to be brought forward to be discussed, as majority of the Public have attended the Meeting for this item.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (6-0)

(Cr McGrath and Cr Topelberg were on approved leave of absence.)
(Cr Wilcox was an apology for the Meeting.)

10.2 NOTICE OF MOTION: Cr John Carey Rescission Motion to Change Part of the Council decision concerning Merredin Street, Mount Hawthorn, Partial Road Closure Trial

That the Council;

1. NOTES that at the Ordinary Meeting of Council held on 9 October 2012 (Item 9.2.4) in Clause 1 it resolved (in part);

"That the Council;

2. *APPROVES conducting three (3) month a 'half road closure' trial at the intersection of Merredin Street and Green Street as shown on attached Plan No 2980-CP-01 and advises all affected residents of the trial;*
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 Councillors Carey, Maier and Buckles, being one third of the number of offices of members of the Council, SUPPORT this motion to change the Council decision;
3. Councillor Carey MOVES a motion to CHANGE the decision by amending clause 1 (as 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 1 be amended to; and

"4.1 AUTHORISES the Chief Executive Officer to;

- 4.1.1 immediately discontinue the Merredin Street, Mount Hawthorn partial road closure trial and remove the 'trial' obstruction at the intersection of Merredin Street and Green Street, Mount Hawthorn;
- 4.1.2 undertake an area wide Traffic Study in the area bounded by Green Street, Matlock Street and Scarborough Beach Road, as listed in the 2013/2014 budget; and
- 4.1.3 works with the City of Stirling and Main Roads WA to progress/finalise the design for the upgrade of the Green Street, Main Street and Scarborough Beach Road intersection, including exploring Commonwealth and State funding opportunities".

COUNCIL DECISION ITEM 10.2

Moved Cr Carey, Seconded Cr Maier

That the motion be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (6-0)

(Cr McGrath and Cr Topelberg were on approved leave of absence.)
(Cr Wilcox was an apology for the Meeting.)

PROCEDURAL MOTION

Moved Cr Pintabona, Seconded Cr Harley

That Standing Orders be resumed.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (6-0)

(Cr McGrath and Cr Topelberg were on approved leave of absence.)
(Cr Wilcox was an apology for the Meeting.)

9.2.1 On Road Cafes in Shopping Precincts - Consideration of Submissions and Approval to Enter into Legal Agreements – Progress Report No. 5

Ward:	Both	Date:	13 September 2013
Precinct:	ALL	File Ref:	PLA0084
Attachments:	001 – Applicants Assessment 002 – Photos of Proposed Locations		
Tabled Items:	Nil		
Reporting Officers:	R Lotznicker, Director Technical Services C Wilson, Manager Asset and Design		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

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 some of the applicants have indicated that they would be willing to contribute financially to the fabrication/installation of the ORC; and
- 1.2 as previously adopted by installation of an ORC is to be for a maximum period of nine (9) months;

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	128-130 Oxford Street, Leederville
2.1.3	Northbridge Hotel	210 Lake Street, Northbridge
2.1.4	The Red Teapot Restaurant & Centurion Sea Food WA P/L	411-415 William Street, Northbridge
2.1.5	Mary Street Bakery – (subject to the ORC being able to be universally accessible);	507 Beaufort Street, Mount Lawley
2.1.6	Cosmo’s Kebabs –(subject to alternative locations for existing motorcycle parking being found);	129 Oxford Street, Leederville
2.1.7	The Ladder Cafe and Deli	167 Scarborough Beach Road, Mount Hawthorn

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

Item	Name	Address
2.2.1	Kailis Brothers	99-101 Oxford Street, Leederville
2.2.2	Siena’s	115 Oxford Street, Leederville

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

Moved Cr Maier, Seconded Cr Buckels

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

“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 some of the applicants have indicated that they would be willing to contribute financially to the fabrication/installation of the ORC; and**

1.2 **as previously adopted by installation of an ORC is to be for a maximum period of nine (9) months;**

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	Northbridge Hotel	210 Lake Street, Northbridge
2.1.4-3	The Red Teapot Restaurant & Centurion Sea Food WA P/L	411-415 William Street, Northbridge
2.1.5-4	Mary Street Bakery – (subject to the ORC being able to be universally accessible);	507 Beaufort Street, Mount Lawley
2.1.6-5	Cosmo's Kebabs –(subject to alternative locations for existing motorcycle parking being found);	129 Oxford Street, Leederville
2.1.7-6	The Ladder Cafe and Deli	167 Scarborough Beach Road, Mount Hawthorn

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

Item	Name	Address
2.2.1	Kailis Brothers	99-101 Oxford Street, Leederville
2.2.2	Siena's	115 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

; and

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

Cr Carey departed the Chamber at 7.08pm.

Debate ensued.

Cr Carey returned to the Chamber at 7.09pm.

Debate ensued.

AMENDMENT 1

Moved Cr Harley, Seconded Cr Buckels

"That a new clause 1.2 be inserted to read as follows and the remaining clauses be renumbered:

"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;"

"1.2 3 as previously adopted by the Council, installation of an ORC is to be for a maximum period of nine (9) months; and"

Debate ensued.

AMENDMENT 1 PUT AND CARRIED UNANIMOUSLY (6-0)

(Cr McGrath and Cr Topelberg were on approved leave of absence.)

(Cr Wilcox was an apology for the Meeting.)

AMENDMENT 2

Moved Cr Harley, Seconded Cr Pintabona

“That Clause 2 be amended to delete Foam Coffee Bar as follows:

Item	Name	Address
2.1.2	Foam Coffee Bar (one bay only)	128-130 Oxford Street, Leederville

”

Debate ensued.

**MOTION PUT AND LOST ON THE
CASTING VOTE OF THE PRESIDING MEMBER (3-4)**

For: Cr Carey, Cr Harley and Cr Pintabona

Against: Presiding Member, Mayor Hon. Alannah MacTiernan (two votes – deliberative and casting vote), Cr Buckels and Cr Maier

(Cr McGrath and Cr Topelberg were on approved leave of absence.)

(Cr Wilcox was an apology for the Meeting.)

AMENDMENT 3

Moved Cr Harley, Seconded Cr Maier

“That Clause 2 be amended to include Siena’s as follows:

Item	Name	Address
2.1.3	Siena’s	115 Oxford Street, Leederville

Debate ensued.

AMENDMENT 3 PUT AND CARRIED UNANIMOUSLY (6-0)

(Cr McGrath and Cr Topelberg were on approved leave of absence.)

(Cr Wilcox was an apology for the Meeting.)

MOTION AS AMENDED PUT AND CARRIED (5-1)

For: Mayor Hon. MacTiernan, Cr Buckels, Cr Carey, Cr Harley and Cr Maier

Against: Cr Pintabona

(Cr McGrath and Cr Topelberg were on approved leave of absence.)

(Cr Wilcox was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.2.1

That the Council;

1. **NOTES** that;

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

2. **AUTHORISES** the Chief Executive Officer to;

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

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

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

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

; 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

; and

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

PURPOSE OF REPORT:

The purpose of this report is to update the Council on the recent Expression of Interest (EOI) submissions received.

BACKGROUND:

Ordinary Meeting of Council held on 11 June 2013:

The Council considered a further report on the ORC trial in Oxford Street where the following decision was made:

“That the Council;

1. *AUTHORISES the Chief Executive Officer to;*
 - 1.1 *invite businesses, community members or groups in the following streets to submit an Expression of Interest (EOI) to be considered for a temporary On Road Cafe (ORC) to be located adjacent to their business (following the adoption of the 2013/2014 Budget);*
 - *Oxford Street (between Vincent Street and Leederville Parade);*
 - *Scarborough Beach Road (between The Boulevard and Fairfield Street);*
 - *Chelmsford Road or Raglan Road - nodes off Beaufort Street);*
 - *William Street (south of Brisbane Street);*
 - *Angove Street (between Woodville Street and Fitzgerald Street);*
 - *Brisbane Street (between Lake Street and William Street);*
 - *Bulwer Street (embayed parking area near lake Street); and*

any other suitable location with protected embayed on street parking in a commercial strip;
 - 1.2 *following receipt of the EOI's undertake a detailed assessment on the suitability of each requested location; and*
 - 1.3 *given the success of the trial, priority should be given to an Oxford Street, Leederville location;*
 - 1.4 *give priority to locations that can demonstrate a wide span of operation seven (7) days a week, day and evening to maximize usage either under the responsibility of one (1) business or a collaboration of businesses;*
 - 1.5 *The installation to be for a maximum period of nine (9) months;*
 - 1.6 *Include in the EOI the possibility of the City providing fixed bench seating in the facility; and*
 - 1.7 *provides a report to the Council in August/September 2013 with the recommended locations; and*
2. *NOTES that;*
 - 2.1 *the business adjacent to a successful location will be required to enter into a formal agreement and agree to the conditions as outlined in this report; and*
 - 2.2 *one part of the agreement will be for the business to either provide seating/shade or the ORC being fitted with bench seating by the City (dependant on location).”*

DETAILS:

Expression of Interest (EOI):

On 5 July 2013 the following information was sent to the locations outline in clause 1.1 of the Council decision (OMC 11 June 2013), advertised and posted on the City's website:

"You may be aware that in late 2012, the Council requested that a trial for an 'On-Road Café' (ORC) be undertaken in Oxford Street Leederville and Vincent's first ORC was subsequently installed in December 2012 (and is still currently located there if you wish to view the installation).

At the 'formal' conclusion of the trial (April 2013) due to the great success of the first ORC trial in Leederville and following community consultation, the Council gave the green light to expand this popular initiative to other suitable areas in the City of Vincent.

What is an On-Road Café?

The 'On Road Café' (ORC) is a public space which can be used by all. The concept is part of Council's 'alternative uses for car bays'. The purpose of the ORC is to encourage people to linger longer either for coffee, a bite to eat, or to just take time out between shopping.

The City wants to provide more outdoor public seating, especially in areas where narrow footpaths make alfresco seating difficult. The ORC is a removable structure which can be dismantled and reinstalled in other suitable 'on road' locations.

Are you keen for a temporary On-Road Café in your precinct?

We'd like to give the local business community an opportunity to apply for an ORC adjacent to their premises. This can be done by submitting an Expression of Interest (EOI) by no later than 4.00 pm Monday 29 July 2013.

After the EOI's are received a detailed assessment on the suitability of each requested location will be undertaken and a report presented to the Council sometime in August/September 2013.

This invitation is being sent to all businesses in the streets nominated by the Council and the matter is also being advertised (newspapers, facebook, e-newsletters) and posted on the Community Consultation section of City's web site.

What locations are most suitable?

The ORCs will not suit every location; we'll assess each location on a case-by-case basis and will depend on factors such as traffic speeds and the necessary protection that can be incorporated into the ORC's fit-out. Please also note that the installation of the ORC is temporary and will be for a maximum period of nine (9) months.

What is required to 'host' an ORC?

The host business(es) adjacent to a successful location will be required to enter into a formal agreement with the City, agreeing to conditions such as keeping it cleaned and maintained, prohibiting smoking and alcohol and others as outlined in the project brief. The Council will provide the structure itself (most likely a timber decked area similar to the Leederville ORC) but the 'host' business(es) would be required to provide the furniture, which will remain the property of business(es) at the conclusion of the ORC.

The Council will give priority to businesses that can demonstrate a wide span of operations, which are those that are open seven days during the day and evening. The ORC can be either under the responsibility of one business, or a group of local businesses that are willing to collaborate and work together to take advantage of this unique opportunity to enhance their local area."

EOI's received:

At the close of the EOI period (29 July 2013) thirteen (13) EOI submissions were received as follows:

Foam Coffee Bar	128-130 Oxford St
Northbridge Hotel	210 Lake St
The Red Teapot Restaurant & Centurion Sea Food WA P/L	411-415 William St
Metrio and Co.	36-38 Angove St
Mary Street Bakery	507 Beaufort St
The Edge of Sahara	3/451 William St
Cosmo's Kebabs	129 Oxford St
The Ladder Cafe and Deli	167 Scarb Bch Road
Kailis Bros	99-101 oxford St
Siena's	115 Oxford St
Little Caesars	127 Oxford St
Caffissimo	7/595 Beaufort St
Azure at the Mezz Cafe	148 Scarb Bch Road

Assessment:

The EOI documentation indicated that all EOI's received will be assessed by the City based on the following:

- *Traffic / Pedestrian safety at the requested location;*
- *Existing availability of parking;*
- *Current parking demand;*
- *Respondent agreeing to enter into a Formal Agreement with the City;*
- *Type of suitable ORC e.g. fixed seating/Respondent to provide seating (based on location);*
- *Available funding in the City's 2013/2014 budget.*
- *Other factors may also be considered prior to making a recommendation to the Council*

	Description	Respondent to complete
1	Proposed Location of ORC:	
2	I agree to enter into a Formal Agreement with the City of Vincent (as per clause 3) (please tick)	Yes <input type="checkbox"/> No <input type="checkbox"/>

3	I can demonstrate a wide span of operation seven (7) days per week; day and evening (please tick and provide additional information specifying your hours of business etc).	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4	I may be willing to make a financial contribution towards the establishment of the ORC in addition to providing shade/seating (please tick and provide additional information specifying the amount?)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
5	I acknowledge that the ORC will be a public space and not for the exclusive use of my business (please tick)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
6	Reason for requesting an 'ORC (please provide additional information if not enough space avail		

Based on the above the following assessment table was developed. Each respective site was inspected and the information provided was included and scored out of 100.

	Criteria	Score
1	Existing on road car parking: Yes= 5, No = 0	5
2	Protected embayed parking: Yes = 10, semi = 5, no = 0	10
3	Existing Parking bay width: 2.5 to 2.3m = 10; less than 2.3m = 5	10
4	Carriageway width: greater than or equal to 3.5 = 5, less than 3.5 = 2.5	5
6	Accident history: NO recorded accidents = 10; recorded accidents = 0	10
7	Risk assessment: High risk= 0, medium risk = 5, Low risk = 10	10
5	Road geometry = Straight = 5; curved = 2.5	5
8	Agree to enter into a formal agreement: yes = 5; No = 0	5
9	Can Demonstrate a wide span of operation 7 days per week: yes = 5, No = 0	5
10	Willing to make a financial contribution: Yes = 5, Part = 2.5, No = 0	5
11	Acknowledge the ORC will be a 'public space': Yes = 5, No = 0	5
12	Posted speed: less than or equal to 40kph = 5; 40 kph to 50kph = 2.5; greater than 50kph = 0	5
13	Existing traffic calming: yes = 5; no = 0	5
14	Existing on road parking availability: Good = 5, medium = 2.5; poor = 0	5
15	Licensed premises: No =5, Yes = 0	5
16	Vertical Road alignment: Flat = 5, sloping = 2.5, V Steep = 0	5
	Total	100

Results:

Summary/Recommendations:

4. 4. Metrio and Co. – 36-38 Angove Street, North Perth:

- Score ~~85~~ 80, Ranking ~~4th~~ 4th
- Suitable location
- Meets criteria

Recommended to be invited to enter into a Formal Agreement.

2. 1. Foam Coffee Bar – 128-130 Oxford Street, Leederville:

- Score ~~80~~ 85, Ranking ~~2nd~~ 1st
- Existing ORC
- Existing agreement
- Willing to contribute

Recommendation: To be invited to re-enter into a Formal Agreement.

3. 2. Northbridge Hotel – 210 Lake Street, Northbridge:

- Score 82.5, Ranking ~~3rd~~ 2nd
- Suitable location
- Meets criteria
- Licensed

*Recommended to be invited to enter into a Formal Agreement: **Subject to No Alcohol permitted.***

4. 3. The Red Teapot Restaurant & Centurion Sea Food WA P/L – 411-415 William Street, Northbridge:

- Score 82.5, Ranking 3rd (equal)
- Suitable location
- Willing to contribute \$5,000
- Meets criteria

Recommended to be invited to enter into a Formal Agreement.

5. Mary Street Bakery – 507 Beaufort Street, Mount Lawley:

- Score ~~82.5~~ 77.5, Ranking ~~3rd (equal)~~ 5th
- Suitable location
- Meets criteria
- Willing to contribute \$5,000
- Wanted two locations however only one is recommended

Recommended to be invited to enter into a Formal Agreement.

6. The Edge of Sahara – 3/451 William Street, Northbridge

- Score 77.5, Ranking ~~4th~~ 5th (equal)
- Suitable location
- Meets criteria
- Not willing to contribute financially

Doesn't exist as yet, currently a pop up art space (to be listed as reserve project).

7. Cosmo's Kebabs – 129 Oxford Street, Leederville:

- Score 75, Ranking ~~5th~~ 6th
- Suitable location
- Meets criteria
- Willing to contribute (amount not specified)
- Currently motor cycle bays in front
- Additional location for motor cycle bays would need to be found

Recommended to be invited to enter into a Formal Agreement subject to alternative location/s for motorcycle parking being found without adversely impacting on available parking.

8. The Ladder Cafe and Deli – 167 Scarborough Beach Road, Mount Hawthorn:

- Score 75, Ranking ~~5th~~ 6th (equal)
- Suitable location
- Meets criteria
- Willing to contribute (amount not specified)

Recommended to be invited to enter into a Formal Agreement.

9. Kailis Brothers – 99-101 Oxford Street, Leederville:

- Score ~~70~~ 75, Ranking 6th (equal)
- Suitable location
- Meets criteria
- Not willing to contribute financially.

Recommended to be invited to enter into a Formal Agreement – second round of offers 2014/2015.

10. Little Caesars – 127 Oxford Street, Leederville:

- Score 62.5, Ranking ~~7th~~ 8th
- Unsuitable location
- Does not meet criteria (no stopping in front of premises)

Not Recommended to be invited to enter into a Formal Agreement.

11. Siena's – 115 Oxford Street, Leederville:

- Score ~~60~~ 70, Ranking ~~8th~~ 7th
- Suitable location
- Meets criteria
- Not stated if willing to contribute financially.
- Not stated if willing to enter into a formal agreement

Recommended to be invited to enter into a Formal Agreement – second round of offers 2014/2015.

12. Caffissimo – 7/595 Beaufort Street, Mount Lawley:

- Score ~~55~~ 60, Ranking 9th
- High risk location (near intersection with vehicles entering).
- Meets some of the criteria.
- Willing to contribute financially (amount not specified).
- 6 day operation.

Not Recommended to be invited to enter into a Formal Agreement.

13. Azure at the Mezz Cafe – 148 Scarborough Beach Road, Mount Hawthorn:

- Score 57.5, Ranking 10th
- Requested on footpath
- No on road parking
- Meets part of the criteria only

Not Recommended to be invited to enter into a Formal Agreement.

RISK MANAGEMENT IMPLICATIONS:

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

CONSULTATION/ADVERTISING:

Businesses will 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 2011-2016* 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:

Raise 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:

A total of \$30,000 has been listed for consideration in the 2013/2014 Budget for ORC's.

COMMENTS:

It is recommended that the Council authorises the Chief Executive Officer to enter in formal agreements with the applicants as outlined in the report to establish an on road cafe.

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

9.4.3 “Crab Riders” – Acceptance of Artwork Loan, Approval of Location at Birdwood Square and Funding for Installation

Ward:	South	Date:	13 September 2013
Precinct:	Forrest (14)	File Ref:	CVC0008
Attachments:	001 – Artwork images 002 – Proposed location		
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. the recommendation of the Art Advisory Group to locate “Crab Riders” by artist Gillie and Marc as shown in Appendix 9.4.3A, at locations on Birdwood Square, as shown in Appendix 9.4.3B; and
2. BY AN ABSOLUTE MAJORITY to allocate additional estimated funding of up to \$10,500 towards the freight and installation of “Crab Riders”, from a source to be identified by the Chief Executive Officer.

Moved Cr Buckels, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT 1

Moved Cr Carey, Seconded Cr Maier

“That Clause 1 be amended to read as follows:

1. the recommendation of the Art Advisory Group to locate “Crab Riders” by artist Gillie and Marc as shown in Appendix 9.4.3A, at locations on Beaufort Street adjacent to Birdwood Square, in consultation with the Acting Mayor, as shown in Appendix 9.4.3B; and

AMENDMENT 1 PUT AND CARRIED (5-1)

For: Mayor Hon. MacTiernan, Cr Buckels, Cr Carey, Cr Maier and Cr Pintabona

Against: Cr Harley

(Cr McGrath and Cr Topelberg were on approved leave of absence.)

(Cr Wilcox was an apology for the Meeting.)

AMENDMENT 2

Moved Cr Maier, Seconded Cr Carey

That clause 2 be amended to read as follows;

“2. BY AN ABSOLUTE MAJORITY to allocate additional estimated funding of up to \$10,500 towards the freight and installation of “Crab Riders”, from the ‘Arts Workshops’ expenditure which is listed as a total of \$16,000 in the 2013/14 Budget. ~~a source to be identified by the Chief Executive Officer.~~”

AMENDMENT 2 PUT AND CARRIED (5-1)

For: Mayor Hon. MacTiernan, Cr Buckels, Cr Carey, Cr Maier and Cr Pintabona
Against: Cr Harley

**(Cr McGrath and Cr Topelberg were on approved leave of absence.)
(Cr Wilcox was an apology for the Meeting.)**

MOTION AS AMENDED PUT AND CARRIED (5-1)

For: Mayor Hon. MacTiernan, Cr Buckels, Cr Carey, Cr Maier and Cr Pintabona
Against: Cr Harley

**(Cr McGrath and Cr Topelberg were on approved leave of absence.)
(Cr Wilcox was an apology for the Meeting.)**

COUNCIL DECISION ITEM 9.4.3

That the Council APPROVES;

1. the recommendation of the Art Advisory Group to locate “Crab Riders” by artist Gillie and Marc as shown in Appendix 9.4.3A, at locations on Beaufort Street, adjacent to Birdwood Square, in consultation with the Acting Mayor, as shown in Appendix 9.4.3B; and
2. **BY AN ABSOLUTE MAJORITY to allocate additional estimated funding of up to \$10,500 towards the freight and installation of “Crab Riders”, from the ‘Arts Workshops’ expenditure which is listed as a total of \$16,000 in the 2013/14 Budget.**

ADDITIONAL INFORMATION:

At the Beaufort Street Enhancement Working Group meeting held on 18 September 2013, the “Crab Riders” loan and location was discussed by the members. The members were of the view that the artwork loan should not be accepted for a number of reasons. Having another set of work with similar characters could be deemed to dilute the original “Tandem Riders” which is featured prominently at the intersection of Beaufort and Vincent Streets.

Other reasons discussed by the members include that the “Crab Riders” have also been offered to other Councils and the money for the installation would be better utilised for other projects. The Group made a recommendation that the “Crab Riders” not be accepted for these reasons.

PURPOSE OF REPORT:

The purpose of this report is to seek Council approval to determine the location of the artworks "Crab Riders", gifted to the City by Gillie and Marc and additional funding for installation costs.

BACKGROUND:

In May 2013, a Gillie and Marc sculpture entitled 'Tandem Riders' was installed on the corner of Beaufort and Vincent Streets as part of the Beaufort Street Enhancement project. The public reaction to the 'Tandem Riders' sculpture has been very positive with people stopping to photograph the sculpture.

DETAILS:

In July 2013, Artists Gillie and Marc contacted the City Officers offering a long term loan of the works. The images of the sculptures entitled "Crab Riders" as shown in Appendix 9.4.3A were presented to the Arts Advisory Group at the meeting held on 22 July 2013. The Group resolved to accept the loan of artwork and suggested Birdwood Square on the corner of Beaufort and Bulwer Streets as a possible location, as shown in Appendix 9.4.3B.

There are three separate sculpture components:

- 'Dogman on Crab' Length 215cm x Width 270cm x Height 236cm, Weight 450kgs;
- 'Rabbit Girl on Crab' Length 200cm x Width 230cm x Height 240cm, Weight 350kgs; and
- Small Crab Length 160cm x Width 210cm x Height 110cm, Weight 245kgs.

It is the Artist's intention that the sculptures be placed together.

The area of turf at Birdwood Square will need to be prepared with a concrete slab, due to the weight of the works. The installation process will involve the placement of the sculptures via cranes onto the site.

The Arts Advisory Group suggested Birdwood Square as the location for the artwork, on the corner of Beaufort Street and Bulwer Street, to keep within the theme of the Gillie and Marc sculpture 'Tandem Riders' further along Beaufort Street.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

RISK MANAGEMENT IMPLICATIONS:

Moderate: Given the amount of interaction the previous Gillie & Marc sculpture has received, one of these pieces are at a height where they may be climbed upon by children.

STRATEGIC IMPLICATIONS:

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The sculptures are currently in Sydney. The condition of the loan is that the freight and installation of the works be at the City's cost.

A quote has been received from Grace Removals Group for \$10,120. Two more quotes are being sourced.

The works are listed for sale for \$90,000 on the artist's website:
http://www.gillieandmarc.com/sculptures_for_sale5.html

COMMENTS:

The Artist's work, 'Tandem Riders' is a popular sculpture within the City, with people often stopping to take photographs with it. It is believed that the 'Crab Riders' will be similarly well received by the community, especially with one of the pieces being of the height for children to climb on.

9.1.3 No. 18 (Lot 7; D/P 7426) Wellman Street, Perth – Change of Use from Recreational Facility, Office and Storage to Lodging House

Ward:	South	Date:	13 September 2013
Precinct:	Beaufort; P13	File Ref:	PRO3564; 5.2013.214.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Details of operation conditions, room schedule and lodger facilities		
Tabled Items:	Nil		
Reporting Officer:	S Radosevich, 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, REFUSES the application submitted by V Lien on behalf of the owner, Tekwise Pty Ltd for Proposed Change of Use from Recreational Facility, Office and Storage to Lodging House at No. 18 (Lot 7; D/P 7426) Wellman Street, Perth, and as shown on plans stamp-dated 31 May 2013 and amended plans stamp-dated 10 June 2013, for the following reasons:

1. The proposed development does not satisfy Clause 6 (3) (b) of the City of Vincent Town Planning Scheme No. 1 as the development does not protect and enhance the health, safety and general welfare of the City's inhabitants and the social, physical and cultural environment and would have an undue adverse impact on the likely future development of the locality;
2. The proposed development does not satisfy Clause 6 (3) (c) of the City of Vincent Town Planning Scheme No. 1 as the development does not ensure that the use and development of the land is managed in an effective and efficient manner within a flexible framework which recognises the individual character and needs of the locality with respect to the nature of the use;
3. The proposal does not satisfy Clause 38 (5) (b) as the development does not comply with the development standards and general provisions in relation to Council Policy No. 3.4.5 relating to Temporary Accommodation and Policy No. 3.7.1 relating to Parking and Access;
4. The proposal does not satisfy Clause 38 (5) (g) as the development is not in the interest of orderly and proper planning of the locality;
5. The proposal does not satisfy Clause 38 (5) (i) as the development is not compatible with the existing buildings within the locality with respect to the nature of the use;
6. Non-compliance with the City's Policy No. 3.4.5 relating to Temporary Accommodation, with respect to Clause 2.4.3 'Communal Open Space' relating to no external communal open space being provided;
7. The proposed development does not comply with the following objectives of the City's Policy No. 3.4.5 relating to Temporary Accommodation:
 - 7.1 Ensure properties used for temporary accommodation purposes do not have an undue impact on the residential amenity of the area;

8. **Non-compliance with the City's Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations, with respect to Clause 2 "Variations to Standards or Requirements Prescribed Under a Local Planning Policy" for the following reasons:**
 - 8.1 The proposed development is detrimental to the amenity of the locality;
 - 8.2 The proposed development is not consistent with the objectives of the City of Vincent Town Planning Scheme No. 1; and
 - 8.3 The proposed development is not consistent with the City's Policy No. 3.7.1 relating to Parking and Access;
9. **Non-compliance with the City's Policy No. 3.7.1 relating to Parking and Access, with respect to Clause 11 'Cash-in-lieu' relating to the 10.7025 on-site car parking bay shortfall;**
10. **The proposed development does not comply with the following objectives of the City's Policy No. 3.7.1 relating to Parking and Access:**
 - 10.1 To ensure the adequate provision of parking for various services, facilities and residential developments and to efficiently manage parking supply and demand; and
 - 10.2 To ensure that the environmental and amenity objectives of the City of Vincent Town Planning Scheme No. 1 are not prejudiced;
11. **The proposed change of use from recreational facility, office and storage to lodging house would create an undesirable precedent and have a significant impact on the amenity of surrounding lots, which is not in the interests of orderly and proper planning for the locality; and**
12. **Consideration of the objections received.**

ITEM RECOMMITTED PLEASE REFER TO PAGE 103

Moved Cr Maier, Seconded Cr Buckels

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

- "9. Non-compliance with the City's Policy No. 3.7.1 relating to Parking and Access, with respect to Clause 7 'Provision of Parking' 11 '~~Cash-in-lieu~~' relating to the 10.7025 on-site car parking bay shortfall;"**
- 2. That clause 8 be deleted and the remaining clauses be renumbered accordingly.**
- ~~8. Non-compliance with the City's Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations, with respect to Clause 2 "Variations to Standards or Requirements Prescribed Under a Local Planning Policy" for the following reasons:~~
 - ~~8.1 The proposed development is detrimental to the amenity of the locality;~~
 - ~~8.2 The proposed development is not consistent with the objectives of the City of Vincent Town Planning Scheme No. 1; and~~
 - ~~8.3 The proposed development is not consistent with the City's Policy No. 3.7.1 relating to Parking and Access;~~

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Buckels

“That the following Clauses be inserted as follows:

- 13. Within Twenty Eight (28) days of the issue of this refusal the owner(s) or the applicant on behalf of the owners are to:**
 - 13.1 Remove the unauthorised rear addition at No.18 (Lot: 7 D/P: 7426) Wellman Street, Perth; and**
 - 13.2 Reinstate the three car bays at the rear of the Existing Recreational Facility; and**
- 14. Authorise Chief Executive Officer to commence legal proceedings for non-compliance with condition 13 above and the written directions issued under the Planning and Development Act 2005, dated 22 February 2013 should it not be complied with.”**

Debate ensued.

Cr Carey departed the Chamber at 8.05pm.

Debate ensued.

Cr Carey returned to the Chamber at 8.06pm.

AMENDMENT PUT AND CARRIED (6-0)

(Cr McGrath and Cr Topelberg were on approved leave of absence.)

(Cr Wilcox was an apology for the Meeting.)

MOTION AS AMENDED PUT AND CARRIED (5-1)

For: Mayor Hon. MacTiernan, Cr Buckels, Cr Carey, Cr Harley and Cr Maier

Against: Cr Pintabona

(Cr McGrath and Cr Topelberg were on approved leave of absence.)

(Cr Wilcox was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.1.3

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by V Lien on behalf of the owner, Tekwise Pty Ltd for Proposed Change of Use from Recreational Facility, Office and Storage to Lodging House at No. 18 (Lot 7; D/P 7426) Wellman Street, Perth, and as shown on plans stamp-dated 31 May 2013 and amended plans stamp-dated 10 June 2013, for the following reasons:

- 1. The proposed development does not satisfy Clause 6 (3) (b) of the City of Vincent Town Planning Scheme No. 1 as the development does not protect and enhance the health, safety and general welfare of the City’s inhabitants and the social, physical and cultural environment and would have an undue adverse impact on the likely future development of the locality;**
- 2. The proposed development does not satisfy Clause 6 (3) (c) of the City of Vincent Town Planning Scheme No. 1 as the development does not ensure that the use and development of the land is managed in an effective and efficient manner within a flexible framework which recognises the individual character and needs of the locality with respect to the nature of the use;**
- 3. The proposal does not satisfy Clause 38 (5) (b) as the development does not comply with the development standards and general provisions in relation to Council Policy No. 3.4.5 relating to Temporary Accommodation and Policy No. 3.7.1 relating to Parking and Access;**
- 4. The proposal does not satisfy Clause 38 (5) (g) as the development is not in the interest of orderly and proper planning of the locality;**

5. The proposal does not satisfy Clause 38 (5) (i) as the development is not compatible with the existing buildings within the locality with respect to the nature of the use;
6. Non-compliance with the City's Policy No. 3.4.5 relating to Temporary Accommodation, with respect to Clause 2.4.3 'Communal Open Space' relating to no external communal open space being provided;
7. The proposed development does not comply with the following objectives of the City's Policy No. 3.4.5 relating to Temporary Accommodation:
 - 7.1 Ensure properties used for temporary accommodation purposes do not have an undue impact on the residential amenity of the area;
8. Non-compliance with the City's Policy No. 3.7.1 relating to Parking and Access, with respect to Clause 7 'Provision of Parking' relating to the 10.7025 on-site car parking bay shortfall;
9. The proposed development does not comply with the following objectives of the City's Policy No. 3.7.1 relating to Parking and Access:
 - 9.1 To ensure the adequate provision of parking for various services, facilities and residential developments and to efficiently manage parking supply and demand; and
 - 9.2 To ensure that the environmental and amenity objectives of the City of Vincent Town Planning Scheme No. 1 are not prejudiced;
10. The proposed change of use from recreational facility, office and storage to lodging house would create an undesirable precedent and have a significant impact on the amenity of surrounding lots, which is not in the interests of orderly and proper planning for the locality;
11. Consideration of the objections received;
12. Within Twenty Eight (28) days of the issue of this refusal the owner(s) or the applicant on behalf of the owners are to:
 - 12.1 Remove the unauthorised rear addition at No.18 (Lot: 7 D/P: 7426) Wellman Street, Perth; and
 - 12.2 Reinstate the three car bays at the rear of the Existing Recreational Facility; and
13. Authorise Chief Executive Officer to commence legal proceedings for non-compliance with condition 13 above and the written directions issued under the Planning and Development Act 2005, dated 22 February 2013 should it not be complied with.

PURPOSE OF REPORT:

The application is referred to Council for determination given the proposal relates to an 'SA' use whereby ten (10) objections were received.

BACKGROUND:

History:

Date	Comment
22 August 2006	The Council at its Ordinary Meeting conditionally approved a development application for the proposed change of use from Warehouse to Recreation Facility (Martial Arts Fitness Centre).
5 December 2012	The development was discussed at a Safer Vincent Crime Prevention Partnership Meeting.
12 February 2013	The Council at its Ordinary Meeting refused part and conditionally approved part of a development application for the proposed change of use from recreational facility to recreational facility, office, storage, and private club and caretaker's residence. The refusal related to the proposed private club and caretaker's residence, with the recreational facility, office and storage being conditionally approved.

DETAILS:

The proposal is for the change of use from recreational facility, office and storage to lodging house at No. 18 Wellman Street, Perth.

The proposed change of use application proposes a maximum of seventy (70) lodgers residing within the building and two (2) employees. The statement of operation outlines that the business operating hours are 7:00am to 11:00pm seven (7) day a week, including public holidays.

Landowner:	Tekwise Pty Ltd
Applicant:	V Lien
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Commercial
Existing Land Use:	Warehouse
Use Class:	Lodging House
Use Classification:	"SA"
Lot Area:	541 square metres
Right of Way:	North-eastern side, 5 metres wide, sealed

ASSESSMENT:

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

Design Element	Complies 'Deemed-to-comply' or TPS Clause	OR	'Design Principles' Assessment or TPS Discretionary Clause
Density/Plot Ratio	N/A		
Streetscape	N/A		
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			✓
Access & Parking			✓
Privacy	N/A		
Solar Access	N/A		

Design Element	Complies 'Deemed-to-comply' or TPS Clause	OR	'Design Principles' Assessment or TPS Discretionary Clause
Site Works	N/A		
Essential Facilities	N/A		
Street Surveillance	N/A		
Communal Open Space			✓

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

Issue/Design Element:	Communal Open Space
Requirement:	<p>Temporary Accommodation Policy No. 3.4.5 Clause 2.4.3 Communal Open Space for Lodging Houses shall be provided in accordance with the following:</p> <p>a) 20 square metres is to be provided outside the building for external recreational and to have a minimum dimension of 4 metres.</p> <p>b) Design and location of external communal space to be easily accessible by guests.</p>
	<p>c) Appropriate landscaping demonstrating the use of water conservation measures and paving to be provided that meets the needs of guests and enhances security, safety and amenity of the development and adjoining properties.</p> <p>d) Landscaping to be provided to screen communal spaces from adjoining properties and/or adjoining public areas and to enhance the amenity of the property.</p> <p>e) External communal space should be designed to gain solar access.</p> <p>f) Communal space shall be located adjacent to commonly used spaces, such as kitchen, lobby entry area, managers office etc, or adjacent to the communal outdoor open space.</p> <p>g) Sufficient area is to be provided inside the building for the purpose of passive recreation.</p>
Applicants Proposal:	No communal open space is provided.
Performance Criteria:	Not applicable.
Applicant justification summary:	No justification provided.
Officer technical comment:	The proposal does not comply with the requirements of the City's Policy No. 3.4.5 relating to Temporary Accommodation as no external communal open space has been provided, which has the potential to have a significant adverse impact on the amenity of the locality.

Car Parking	
<p>Car parking requirement (nearest whole number):</p> <ul style="list-style-type: none"> Hotel – 1 space per bedroom or 1 space per 3 beds provided, whichever is the greater. <p>Number of bedrooms: 19 bedrooms = 19 spaces Number of beds: 70 beds = 23.33 spaces</p>	= 23 car bays

Car Parking	
Total car bays required = 49 <u>23</u> car bays	
Apply the adjustment factors. • 0.85 (within 400 metres of a bus stop)	(0.85) = 19.55 car bays
Minus the car parking provided on-site	5 car bays
Minus the most recently approved on-site car parking shortfall	3.8475 car bays
Resultant shortfall	10.7025 car bays

The subject site is only able to provide five (5) compliant car parking bays on site; therefore resulting in a shortfall of 10.7025 car bays. An adjustment factor of 0.85 has been taken into consideration due to the subject sites proximity to public transport; however on-site parking has not been provided at a rate that adequately meets the demands of the proposed use.

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

The City's Policy No. 3.7.1 relating to Parking and Access provides for cash-in-lieu to be considered for the proposed shortfall to provide and/or upgrade parking bays in a nearby existing or proposed public parking facility, which may include on-street parking. Clause 11 "Cash-in-lieu" of the Policy states:

"This policy provision is not to be seen to be replacing the developer's responsibility to provide on-site parking, but rather as a mechanism to enable otherwise desirable developments, for which the full amount of parking cannot be provided on site, to proceed."

It is considered in this instance, that approving a lodging house, which may accommodate up to seventy (70) lodgers, with five (5) car parking spaces on-site replaces the developer's responsibility to provide car parking.

Further to the above, Clause 22 "Minimum Parking Requirements" of the City's Policy No. 3.7.1 relating to Parking and Access, provides a guide when determining whether a development should be refused on car parking grounds. Clause 22 (i) and (ii) states:

- "i) If the total parking requirement for a development (after adjustment factors have been taken into account) is 10 bays or less, cash in lieu may be provided for any shortfall.*
- ii) If the total requirement (after adjustment factors have been taken into account) is between 11 – 40 bays, a minimum of 15 per cent of the required bays is to be provided."*

The proposal comprises a shortfall of 10.7025 car bays therefore Clause 22 (ii) needs to be considered. A minimum of 2.93 car bays, being fifteen (15) per cent of the required bays, are required to be provided on-site for the City to consider accepting cash-in-lieu for the remaining 10.7025 car bays. As there are five (5) compliant car bays provided on-site, the proposed variation is able to be considered, subject to compliance with Clause 11.

Bicycle Parking	
Residential Building (Number of bedrooms: 19 bedrooms):	
<ul style="list-style-type: none"> • 1 space per 4 lodging rooms (class 1 or 2) = 4.75 spaces • 1 space per 16 lodging rooms (class 3) = 1.1875 spaces 	
<u>Required</u>	
5.9375 spaces = 6 spaces	
<u>Provided</u>	
Nil	

Bicycle parking is required to be provided in accordance with the City's Policy No. 3.7.1 relating to Parking and Access.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Comments Period:	5 August 2013 to 26 August 2013
Comments Received:	Ten (10) objections and One (1) support

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Retrospective works</p> <ul style="list-style-type: none"> The rear of the building has been constructed without permission. The proposed lodging house is allowing the owners to keep the rear illegal structure. 	<p>Not supported. <u>Noted. If the Council refuse the application as recommended, the matter will be referred to the City's Compliance Services for action.</u></p>
<p>Issue: External communal area</p> <ul style="list-style-type: none"> There is no external communal area provided which is unacceptable for the establishment. 	<p>Supported. As there is no communal space provided for the lodging house it does not comply with the requirements of the City's Policy No. 3.4.5 relating to Temporary Accommodation.</p>
<p>Issue: Parking</p> <ul style="list-style-type: none"> The location is inappropriate. 70 lodgers close to the quiet residential street will result in problems such as traffic and noise. The parking shortfall will lead to congestion in Wellman and Brookman Streets. 	<p>Supported. The proposed lodging house is not in keeping with the City's Policy No. 3.7.1 relating to Parking and Access.</p>
<p>Issue: Anti-social behaviour</p> <ul style="list-style-type: none"> Potential anti-social behaviour The premises has been fire bombed before and there are concerns regarding the safety of residents if this were to happen again. 	<p>Not supported. This is not a valid planning objection.</p>
<p>Issue: Potential land use</p> <ul style="list-style-type: none"> There are suspicions that the premises would be used as a brothel because of its affiliations. 	<p>Not supported. This is not a valid planning objection.</p>

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

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

The following legislation and policies apply to the proposed change of use from recreational facility, office and storage to lodging house at No. 18 Wellman Street, Perth:

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1;
- Beaufort Precinct Policy No. 3.1.13;
- Temporary Accommodations Policy No. 3.4.5;
- Exercise of Discretion for Development Variations Policy No. 3.5.11; 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*.

Should the Council approve the application for development approval; the proposal will be in conflict with the City of Vincent Town Planning Scheme No. 1; the City's Policy No. 3.4.5 relating to Temporary accommodation and the City's Policy No. 3.7.1 relating to Parking and Access, therefore creating an undesirable precedent for development on surrounding lots.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Natural and Built Environment

- 1.1 *Improve and maintain the natural and built environment and infrastructure.*
 - 1.1.2 *Enhance and maintain the character and heritage of the City.*

Economic Development

- 2.1 *Progress economic development with adequate financial resources*
 - 2.1.1 *Promote business development and the City of Vincent as a place for investment appropriate to the vision for the City."*

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

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

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

ENVIRONMENTAL	
Issue	Comment
The proposal uses an existing building for the proposed lodging house. The adaptive re-use of this existing space has a lower environmental impact compared to constructing a new building for this purpose.	

SOCIAL	
Issue	Comment
The application provides for diversity of affordable accommodation within the locality; however the scale of the development will have a negative impact on the amenity of the adjoining residential properties, as outlined in the tables above.	

ECONOMIC	
Issue	Comment
The proposed land use provides opportunities for both short term and long term employment.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The proposed lodging house results in a significant departure of the City's Policy No. 3.4.5 relating to Temporary Accommodation and the City's Policy No. 3.7.1 relating to Parking and Access which will have an undue impact on the amenity of the locality, as there is not an adequate provision of communal open space, car parking or bicycle parking provided for the development.

In light of the above, it is considered that the proposed change of use from recreational facility, office and storage to lodging house would create an undesirable precedent and have a significant impact on the amenity of surrounding lots. In light of this, the proposed lodging house is not in the interest of orderly and proper planning for the locality.

CONCLUSION:

Due to the application's significant departure from the City of Vincent Town Planning Scheme No. 1, ~~the City's Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations,~~ the City's Policy No. 3.4.5 relating to Temporary Accommodation and the City's Policy No. 3.7.1 relating to Parking and Access; it is recommended that the application be refused for the reasons outlined above.

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

9.1.5 Amendment No. 113 to Planning and Policy Policies – Adoption of Policy No. 3.1.9 Relating to North Perth Centre Precinct – Scheme Map 9

Ward:	Both Wards	Date:	13 September 2013
Precinct:	North Perth Centre (P9)	File Ref:	PLA0256
Attachments:	001 – Policy 3.1.9 – North Perth Centre Precinct – Scheme Map 9 002 – Summary of Submissions		
Tabled Items:	Nil.		
Reporting Officer:	R Marie, Planning Officer (Strategic)		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **ADOPTS** the final amended version of Policy No. 3.1.9 relating to North Perth Centre Precinct – Scheme Map 9 as shown in Appendix 9.1.5; and
2. **AUTHORISES** the Chief Executive Officer to advertise the final amended version of Policy No. 3.1.9 relating to North Perth Centre Precinct – Scheme Map 9 in accordance with Clause 47(6) of the City's Town Planning Scheme No. 1.

Moved Cr Carey, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Carey, Seconded Cr Buckels

“That a new Clause 3 be inserted to read as follows:

3. **Express concern about the delays to the implementation of the light rail project and SEEKS urgent advice from the Department of Transport on the structure planning for the area.”**

AMENDMENT PUT AND CARRIED UNANIMOUSLY (6-0)

(Cr McGrath and Cr Topelberg were on approved leave of absence.)
(Cr Wilcox was an apology for the Meeting.)

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (6-0)

(Cr McGrath and Cr Topelberg were on approved leave of absence.)
(Cr Wilcox was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.1.5

That the Council;

1. **ADOPTS** the final amended version of Policy No. 3.1.9 relating to North Perth Centre Precinct – Scheme Map 9 as shown in Appendix 9.1.5;
2. **AUTHORISES** the Chief Executive Officer to advertise the final amended version of Policy No. 3.1.9 relating to North Perth Centre Precinct – Scheme Map 9 in accordance with Clause 47(6) of the City's Town Planning Scheme No. 1; and
3. **Express concern about the delays to the implementation of the light rail project and SEEKS urgent advice from the Department of Transport on the structure planning for the area.**

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the outcomes of the community consultation relating to Amendment No. 113 relating to North Perth Centre Precinct – Scheme Map 9 and to endorse the proposed changes to the Policy.

BACKGROUND:

The Council at its Ordinary Meeting held on 12 February 2013 adopted the North Perth Master Plan to guide future development in the North Perth Town Centre. Amendment No. 113 proposes to incorporate the recommendations of the Master Plan into the North Perth Centre Precinct Policy.

History:

Date	Comment
12 February 2013	The Council adopted the North Perth Master Plan.
25 June 2013	The Council endorsed the Draft Amended Policy relating to the North Perth Centre Precinct – Scheme Map 9 for advertising.

Previous Reports to Council:

This matter was previously reported to the Council on 25 June 2013.

The Minutes of Item 9.1.7 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:

This Policy Amendment was initiated to incorporate the recommendations of the North Perth Master Plan. The Master Plan is a high level strategic document which provides a vision for how the North Perth Town Centre should develop into the future. The recommendations of the Master Plan have been incorporated to best align with the existing Town Planning Scheme zones and Policy.

The Policy was advertised for public comment from 16 July 2013 to 27 August 2013. Following the consultation, the following changes are proposed to the Policy:

1. The following new paragraph has been included at the end of clause 1. General.

“The Council has adopted a North Perth Master Plan which applies to a large area of the North Perth Centre Precinct area. The Master Plan provides a long term vision for the Town Centre. As the centre develops and changes, the planning framework applicable to the centre will continue to be reviewed.”

A comment was received during the consultation stating that the Master Plan notes that heights will be reviewed if the MAX light rail proceeds and this provision should be stated in the Policy. The Master Plan is a strategic document and is considered to provide a long term vision for the area. However the Policy is a statutory document and must provide clear and concise provisions. Whilst it is not considered appropriate to include this comment in the height requirements, a new paragraph can be included in the general Policy introduction to make reference of the North Perth Master Plan and the potential future development of the centre.

2. Amend Clause 3.3.1 Provisions for District Centre Zone

Affected Area	Setbacks to a street(s)
The lots on the east side of Fitzgerald Street, between Burt Street and Alma Road	The predominant setback to a street(s) is nil**. The maximum setback is two metres. Heights above two <u>three</u> storeys are to be setback a minimum of four metres behind the ground floor/first storey building line.
The lots on the west side of Fitzgerald Street, between Angove Street and View Street	The predominant setback to a street(s) is nil**. The maximum setback is two metres. Heights above two <u>three</u> storeys are to be setback a minimum of four metres behind the ground floor/first storey building line.

An amendment was made at the Council Meeting held on 25 June 2013 to allow three storeys to the street rather than two, for the District Centre zoned lots on the east side of Fitzgerald Street, between Burt Street and Alma Road (Clause 3.3.1, row two, column six of the Policy) and the lots on the west side of Fitzgerald Street, between Angove Street and View Street (Clause 3.3.1, row four, column six). However, no amendments were made in relation to the upper floor setback (Clause 3.3.1, row two and four, column seven of the Policy). The Policy is proposed to be amended to ensure that the upper floor setbacks align correctly with the permitted heights to the street.

3. Additional clarification of Clause 3.3.5 – Upper Floor Frontages

One of the submissions received made comments in relation to the wording of this clause stating that units at the rear, without street frontage, will be unable to comply with this clause. It was the intention that only where the unit addresses the street, it must provide surveillance to the street, therefore additional text has been included to further clarify that the clause applies when the tenancy or residential dwelling has a frontage to the street.

4. Further information included in Commercial Zone – General provisions

One of the submissions received noted that there are other methods that can be used other than upper floor setbacks to ensure that additions are sympathetic to existing character buildings. As a result, additional text has been included to suggest other mechanisms as follows:

“Future development of this strip is to respect this character and ensure that any additions to these buildings are sympathetic to the character by using mechanisms such as providing appropriate upper floor setbacks and the use of materials and architectural techniques that minimise the bulk and scale of new additions.”

5. Minor amendments

Other minor amendments have been made to the Policy to ensure that the Policy reads clearly.

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period: 16 July 2013 – 27 August 2013

Consultation Type: Letters were sent to affected land owners, those who commented on the North Perth Master Plan, Precinct Groups and relevant Government agencies. The Policy was advertised on the City's website and displayed at the Administration and Civic Centre and the Library and Local History Centre and a notice was published in the Guardian Express and displayed at the Administration and Civic Centre.

A total of 13 submissions were received as follows:

Authority and Organisation Submissions

Position	Number Received	Percentage
Support	1	11.11%
Object	0	-
Not Stated	1	11.11%
No objection/ Comment only	7	77.78%
Total	9	100%

Community Submissions

Position	Number Received	Percentage
Support	1	25%
Object	1	25%
Not Stated	2	50%
Total	4	100%

Total Submissions Received

Position	Number Received	Percentage
Support	2	15.38%
Object	1	7.69%
Not Stated	3	23.08%
No objection/ Comment only	7	53.85%
Total	13	100%

The total number of submissions received was counted as one submission per property/agency.

A summary of the key issues raised during the consultation are outlined below. A full copy of the comments received and an officer response can be viewed in Appendix 9.1.5.

Summary of Comments Received:	Officers Comment:
<p>Issue: Parking</p> <p>Comments were provided in relation to the need to ensure there is sufficient car parking within the Town Centre, particularly if greater development is being promoted.</p>	<p>The North Perth Master Plan promotes greater use of public transport which has been translated through to the North Perth Centre Precinct Policy No. 3.1.9.</p>

Summary of Comments Received:	Officers Comment:
<p>One submission suggested the option of a multi storey car par.</p>	<p>Notwithstanding the above, the City has recently engaged consultants to undertake a survey of the occupancy rates of public car parks within the North Perth Town Centre. In addition, the City has adopted a Car Parking Strategy and associated Precinct Parking Management Plans. One of the actions for North Perth is '<i>Commission an initial design and feasibility study for a deck car park.</i>' It is noted that this is currently a low priority (2018+) however this should align with the proposed operation of the light rail.</p>
<p>Issue: Height</p> <p>A comment was provided in relation to the proposal to lower some heights.</p> <p>A request for additional height was also requested for a property on the eastern side of Fitzgerald Street from four storeys to five storeys.</p>	<p>Noted. The heights prescribed in the Policy generally align with the heights prescribed in the Master Plan. Some of the heights have been reduced from the Master Plan where it is considered the current zonings are not high enough to accommodate development of a greater height.</p> <p>Not supported. The height in the Policy has been determined in accordance with the North Perth Master Plan which considered four storeys to be appropriate for this area. As noted in the Policy, greater heights can be considered subject to compliance with the City's Policy 3.5.11 – Exercise of Discretion for Development Variations. In addition, the property directly abuts a Residential R40 area that is generally characterised by single houses. It is essential that the residential amenity of the surrounding area has been taken into consideration.</p>
<p>Issue: Upper floor setbacks</p> <p>Comments were raised in relation to an inconsistency in relation to the heights permitted to the street and the upper floor setback.</p>	<p>An amendment was made at the Council Meeting held on 25 June 2013 to allow three storeys to the street rather than two for the District Centre zoned lots on the east side of Fitzgerald Street, between Burt Street and Alma Road (Clause 3.3.1, row two, column six of the Policy) and the lots on the west side of Fitzgerald Street, between Angove Street and View Street (Clause 3.3.1, row four, column six). No amendments were made in relation to the upper floor setback (Clause 3.3.1, row two and four, column seven of the Policy). The Policy is proposed to be amended to ensure that the upper floor setbacks align correctly with the permitted heights to the street.</p>
<p>Issue: Potential to promote greater development</p> <p>Comments were received suggesting that the Policy amendment did not take into account the full potential of the Master Plan and fell short in some areas where it could recommend greater intensity of development.</p>	<p>The North Perth Precinct Policy has been amended to best align with the North Perth Master Plan within the constraints of the existing zonings under Town Planning Scheme No. 1. The Master Plan does note the following: '<i>In the medium term it is anticipated that the state government will construct and operate light rail along</i></p>

Summary of Comments Received:	Officers Comment:
	<p><i>Fitzgerald Street through this precinct. This would trigger the need for the precinct policy to be reviewed in terms of greater height and greater development density.'</i></p> <p>Therefore in the future there may be scope for greater intensity of development, however in the mean time, the current zonings and codings do place some limitations on the extent to which the Master Plan can be implemented.</p>
	<p>The North Perth Precinct Policy refers to the City's Policy 3.5.11 – Exercise of Discretion for Development Variations, which provides the guidelines for considering greater heights. In the future the City may also investigate the opportunity to develop an Activity Centres Structure Plan.</p>

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

LEGAL/POLICY:

- City of Vincent Town Planning Scheme No. 1 and associated Policies; and
- Policy No. 4.1.5 Community Consultation.

RISK MANAGEMENT IMPLICATIONS:

Medium: The Policy is being amended to align with the Strategic Planning vision for the area. The North Perth Master Plan has already been endorsed by the Council and therefore it is important that the Policy also be amended to ensure consistency amongst the City's planning documents.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

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

SUSTAINABILITY IMPLICATIONS:

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

'Encourage, empower and support the City's community to live in an environmentally sustainable manner.'

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

ENVIRONMENTAL	
Issue	Comment
The North Perth Master Plan promotes sustainable development and the retention and enhancement of vegetation. This has been further promoted through the Precinct Policy.	

SOCIAL	
Issue	Comment
The Draft North Perth Precinct Policy strongly references the importance and the retention of the character and heritage buildings which were noted as being valued by the community.	

ECONOMIC	
Issue	Comment
The Draft North Perth Precinct Policy encourages a mix of uses to create a vibrant Town Centre.	

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: \$ 2,265
Balance: \$70,735

COMMENTS & CONCLUSION:

The Council has endorsed the North Perth Master Plan. The changes to Policy No. 3.1.9 North Perth Centre Precinct – Scheme Map 9 are considered to best incorporate the recommendations of the Master Plan, in light of the current zonings and densities in the Precinct. The changes following the advertising are considered to be minor.

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

9.2.2 Britannia Reserve Masterplan – Consideration of Submissions and Adoption - Progress Report No. 5

Ward:	South	Date:	13 September 2013
Precinct:	Leederville (3)	File Ref:	RES0117
Attachments:	001 – Dog Off Leash Area Option 1 & Option 2 002 – Britannia Reserve Masterplanning: Consultation and Design Development Report		
Tabled Items:	Nil		
Reporting Officers:	A Birch, Senior Community Development Officer J Anthony, Manager Community Development		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **CONSIDERS** the thirty seven (37) submissions received concerning the Britannia Reserve Master Plan;
2. **ADOPTS** the Britannia Reserve Master Plan as outlined in the consultant’s report, as shown in Attachment 9.2.2, including Option 1 - which maintains the existing Dog Off Leash Area with improved signage and delineation as being the most appropriate/suitable; and
3. **NOTES** that a further report on a ‘Britannia Reserve’ Long Term Implementation Plan based on the adopted Britannia Reserve Master Plan will be submitted to the Council by December 2013.

Moved Cr Buckels, Seconded Cr Harley

That the recommendation be adopted.

Debate ensued.

AMENDMENT 1

Moved Cr Buckels, Seconded Cr Maier

“That Clause 3 be inserted to read as follows:

3. **NOTES** that a further report on a ‘Britannia Reserve’ Long Term Implementation Plan based on the adopted Britannia Reserve Master Plan will be submitted to the Council by December 2013, subsequent to referral of the Long Term Implementation Plan (only) to the Working Group in November 2013;

Debate ensued.

AMENDMENT 1 PUT AND CARRIED (5-1)

For: Mayor Hon. MacTiernan, Cr Buckels, Cr Carey, Cr Maier and Cr Pintabona
Against: Cr Harley

(Cr McGrath and Cr Topelberg were on approved leave of absence.)
 (Cr Wilcox was an apology for the Meeting.)

AMENDMENT 2

Moved Cr Harley, Seconded Cr Buckels

“That Clause 2 be amended to read as follows:

That the Council;

- 2. ADOPTS the Britannia Reserve Master Plan as outlined in the consultant’s report, as shown in Attachment 9.2.2, including Option 1 2 - which ~~maintains the existing Dog Off Leash Area with improved signage and delineation as being the most appropriate/suitable;~~ 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; and**

Debate ensued.

AMENDMENT 2 PUT AND CARRIED (5-1)

For: Mayor Hon. MacTiernan, Cr Buckels, Cr Carey, Cr Harley and Cr Pintabona

Against: Cr Maier

(Cr McGrath and Cr Topelberg were on approved leave of absence.)

(Cr Wilcox was an apology for the Meeting.)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (6-0)

(Cr McGrath and Cr Topelberg were on approved leave of absence.)

(Cr Wilcox was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.2.2

That the Council;

- 1. CONSIDERS the thirty seven (37) submissions received concerning the Britannia Reserve Master Plan;**
- 2. 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; and**
- 3. NOTES that a further report on a ‘Britannia Reserve’ Long Term Implementation Plan based on the adopted Britannia Reserve Master Plan will be submitted to the Council by December 2013, subsequent to referral of the Long Term Implementation Plan (only) to the Working Group in November 2013.**

REASONS FOR SIGNIFICANTLY CHANGING THE OFFICER RECOMMENDATION:

That there is community support for Option 2.

PURPOSE OF REPORT:

To advise the Council of the submissions of the consultation with the primary stakeholder group and wider community on the Britannia Reserve Sketch Plan and to adopt the plan.

BACKGROUND:

Previous progress reports have been presented to the Council over the past years in relation to the Britannia Reserve Master planning process; as follows:

Ordinary Meeting of Council held on 12 June 2012:

Progress Report No. 2 was presented where the Terms and Scope of Works within the Britannia Reserve Masterplan Request for Quotation were approved to be advertised for a period of twenty-one (21) days.

Ordinary Meeting of Council held on 28 August 2012

Progress Report No. 3 was presented where the submission by Place Scape for the development of the Britannia Reserve Master Plan was accepted.

Community and Stakeholder Consultation

Community Workshop – 9 December 2012:

A community workshop was held on Sunday 9 December 2012 at Britannia Reserve Clubrooms from 1pm to 4:30pm.

Over 750 residents in surrounding streets were sent an Expression of Interest (EOI) to attend the workshop, as well as representatives of sporting clubs and organisations that use the reserve throughout the year. The EOI included a short survey to complete to ensure that if residents or representatives were unable to attend, that their thoughts and views on the masterplanning process were still able to be considered.

The workshop had a total of twenty-three (23) attendee's, including two (2) Council Members, five (5) City of Vincent Officers, five (5) representatives from organisations that utilise the Reserve and eleven (11) residents from surrounding streets and Leederville Gardens Retirement Village.

The workshop aimed to develop concept plans by determining the Reserve users' realistic needs and wants. This was done by discussing the current use and potential future use of the reserve, a site assessment and survey, the discussion of results and the development of concept plans.

Britannia Reserve Working Group Meeting – 13 February 2013:

The consultants made a presentation to the Britannia Reserve Working Group (BRWG) with outcomes of the workshop and an Indicative Masterplan Option. The BRWG members provided immediate comments and were also given one (1) week to respond with further comments for the consultants to consider.

Council Forum – 19 March 2013:

Upon receipt of feedback from BRWG members, the consultants refined the Indicative Masterplan Option and presented this to Council Forum on Tuesday 19 March, 2013. Feedback from Council Members at this Forum highlighted general consent for the overall concept of the plan, with a variety of options for the amount of dog off leash area to be considered for approval.

Britannia Reserve Working Group Meeting – 29 April 2013:

Final Concept Plans were presented to the BRWG by the consultants, with a final Proposed Overall Sketch Plan presented and two (2) options for Dog Off Leash Area.

Ordinary Meeting of Council held on 28 May 2013

Progress Report No. 4 was presented where it was resolved:

“That the Council;

1. *APPROVES IN PRINCIPLE the Plan for the Britannia Reserve Master Planning process, as shown on Attachment 9.2.1A including the two (2) options for Dog Off Leash Areas, as outlined in Option 1 and Option 2 below:*

<i>Option</i>	<i>Item</i>	<i>Attachment No.</i>
<i>Option 1</i>	<i>Maintain Dog Off Leash Area as is, with improved signage and delineation</i>	<i>9.2.1B</i>
<i>Option 2</i>	<i>Increase Dog Off Leash Area to include entire reserve with some time/activity restrictions</i>	<i>9.2.1C</i>

2. *CONSULTS for a period of twenty-one (21) days, in accordance with the City's Consultation Policy, with the Community regarding the proposal/s outlined in clause 1 above, with residents and all other users of the park, including the attendees at the community workshop held on 9 December 2012; and*
3. *RECEIVES a further report in July 2013, at the conclusion of the consultation period.”*

DETAILS:

Community Consultation:

After being 'Adopted in Principle' at the Ordinary Meeting of Council held on 28 May 2013, the Britannia Reserve Draft Sketch Plan was distributed for community consultation on Friday, 14 June 2013 for a period of twenty-one (21) days, closing at 4pm on Thursday, 4 July 2013.

Simultaneously, the consultants, Place Scape, undertook a final consultation in the form of an online survey. This online survey detailed the Draft Sketch Plan in the form of questions and, as such, invited those who completed the survey to note what they did and did not like of the Draft Sketch Plan. This survey was promoted and made available on the City of Vincent website and notified to residents along with the community consultation.

Significant community consultation has been completed to date with respect to the Britannia Reserve Masterplanning process with clear feedback received by consultants, Place Scape and City's Officers. This feedback has been used to develop the Britannia Reserve Masterplanning: Consultation and Design Development Report at Appendix 9.2.2

Results:

In total, the City received thirty-seven (37) submission forms; thirty-one (31) were in support of the Draft Concept Plan, and six (6) submissions opposed the Draft Concept Plan.

Consultation	
In Support: Thirty-one (31)	
Comments Received	Officer Comments
<ul style="list-style-type: none"> No mention regarding the existing vegetation, do not remove the gum trees 	<ul style="list-style-type: none"> There is no current plan to remove the gum trees
<ul style="list-style-type: none"> Most dogs are off leash regardless of where you are on the oval, no one polices it so no one abides by it 	<ul style="list-style-type: none"> Noted
<ul style="list-style-type: none"> Careful consideration needs to be given to the direction of lights. 	<ul style="list-style-type: none"> Any lights that are installed will take into consideration the area in which they will illuminate.
<ul style="list-style-type: none"> Do not place the pathway too close to the fence line 	<ul style="list-style-type: none"> Noted
<ul style="list-style-type: none"> Limit the pathway to pedestrians and prams 	<ul style="list-style-type: none"> Signage will be in place to explain it is not a cycle path
<ul style="list-style-type: none"> Agree with all except lighting the pathway, it will not be used at night and the light will just be a nuisance to residents 	<ul style="list-style-type: none"> Any lights that are installed will take into consideration the area in which they flood
Objections: Six (6)	
Comments Received:	Officer Comments
<ul style="list-style-type: none"> I strongly do not support the proposals to develop a skate park or structures, downgrade the Bourke St end to a pedestrian focus, or have public toilets at the Southern end of the reserve. 	<ul style="list-style-type: none"> Noted
<ul style="list-style-type: none"> Opposed to the installation of BBQ facilities at picnic areas adjacent to the Leederville Gardens Retirement Village fence lines, or the fence line of any other residential areas 	<ul style="list-style-type: none"> Noted
<ul style="list-style-type: none"> The proposed pathways would only be used by cyclists 	<ul style="list-style-type: none"> Signage will be in place to explain it is not a cycle path
<ul style="list-style-type: none"> Recreation nodes on the eastern side would not be compatible with the residencies 	<ul style="list-style-type: none"> Noted
<ul style="list-style-type: none"> Unjustifiable costs in this economic environment 	<ul style="list-style-type: none"> \$200,000 has already been allocated in the 2013/2014 Budget for Britannia Reserve Masterplan Implementation Stage 1
<ul style="list-style-type: none"> Bus drop-off area suggests a huge increase in crowds and antisocial behaviour 	<ul style="list-style-type: none"> The bus drop-off area is designed to alleviate some of the parking issues as well as to increase safety for parents dropping off their children
<ul style="list-style-type: none"> Nothing wrong with how it currently is 	<ul style="list-style-type: none"> Noted

With respects to the specific question of whether to maintain the dog off leash area as is and install clear signage and marker points or increase dog off leash area to entire reserve, at restructured times or when sport/training is in play, the following responses were received through the survey:

Consultation	
Maintain dog off leash area as is and install clear signage and marker points:	<p>Yes – 65% (34 out of 52 responses) <u>Yes - 65.5% (38 out of 58 responses)</u></p> <p>No – 35% (18 out of 52 responses) <u>No - 34.5% (20 out of 58 responses)</u></p>
Increase dog off leash area to entire reserve, at structured times or when sport is in play:	<p>Yes – 56% (32 out of 57 responses) <u>Yes – 54.8% (34 out of 62 responses)</u></p> <p>No – 44% (25 out of 57 responses) <u>No – 45.2% (28 out of 62 responses)</u></p>

Conclusion/Discussion:

As a result of the feedback received from community members, it is recommended to conduct the redevelopment of the reserve in several stages. These are as follows:

Stage One: Improve path network and lighting

A priority stage of the reserves redevelopment is to improve its overall useability. This can be achieved with the following works:

- Installation of a new perimeter pathway with entry points from Britannia Road and Bourke Street as well as a connection to Brentham Street;
- Installation of low level lighting adjacent to the perimeter pathway; and
- Improved floodlighting to the sports pitches.

Stage Two: Improve amenity and diversity of experience

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

To complement the works in stage one, increasing the aesthetics, appeal, diversity of experience and amenity is the following stage for redevelopment of the reserve. These works include:

- Revegetation works to the perimeter of the reserve;
- Improve the northern recreational node with shaded nature play area, seating and picnic facilities;
- Install recreation nodes along the perimeter path, including shaded seating and informal play spaces; and
- Enhancement of southern recreational node with a focus on improving the opportunity for personal or small group exercise.

Stage Three: Improve external connections and traffic management

The final stage will enhance integration and connection of the reserve to adjacent areas. Completion of these works will require further consultation with adjacent stakeholders and residents. This final stage incorporates the following:

- Reconfiguration of the carpark and drop off zone along Britannia Road; and
- Integration and redevelopment of Bourke Street as a shared use zone connecting Leederville Tennis Club with Britannia Reserve.

City officers will develop a long term implementation plan reflecting these recommended stages of redevelopment, to report back to Council by November 2013.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

- City of Vincent Town Planning Scheme No. 1 and associated Policies; and
- Community Consultation Policy No. 4.1.5

RISK MANAGEMENT IMPLICATIONS:

Low: The recommendations of the study will improve the amenity and useability of the reserve for structured and unstructured recreation.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2011-2016*, 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 *Take action to improve transport and parking in the City and mitigate the effects of traffic.*

1.1.6 *Enhance and maintain the City's parks, landscaping and the natural environment."*

Objective 3 states:

"Community Development and Wellbeing

3.1 *Enhance and promote community development and wellbeing.*

3.1.2 *Promote and foster community safety and security.*

3.1.3 *Promote health and wellbeing in the community.*

3.1.4 *Continue to implement the principles of universal access.*

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

SUSTAINABILITY IMPLICATIONS:

The Master Plan concepts are based on sustainable and eco- friendly design principles with the inclusion of natural vegetation, nature play principles and increase diversity of experience within the reserve.

FINANCIAL/BUDGET IMPLICATIONS:

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

Britannia Reserve Masterplan Implementation Stage 1:

Budget Amount:	\$200,000
Spent to Date:	\$ 0,000
Balance:	\$200,000

COMMENTS:

The Britannia Reserve Masterplanning: Consultation and Design Development Report aims to create a strategically planned and shared reserve facility. Preparing a comprehensive plan to coordinate the current and future uses for the various stakeholder and community users is essential to ensure the valuable space is maximised and coordinated to achieve the most effective use of space, and maximise the benefits to the community.

It is therefore recommended that the Council adopts the Britannia Reserve Master Plan as outlined in the consultant's report, shown in Attachment 9.2.2, including Option 1 which maintains the existing Dog Off Leash Area with improved signage and delineation as being the most appropriate/suitable and receives a further report on a 'Britannia Reserve' long term implementation plan based on the adopted Britannia Reserve Master Plan by December 2013.

9.4.1 Artist in Residence Programme – ‘Big Trouble in Little Asia’

Ward:	South Ward	Date:	13 September 2013
Precinct:	Hyde Park (12); Beaufort (13)	File Ref:	CMS0070
Attachments:	001 – FORM proposal Confidential		
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. The recommendation of the Art Advisory Group to collaborate with FORM to present the Digital Arts Festival; and
2. BY AN ABSOLUTE MAJORITY to allocate \$40,000 of the Artist in Residence funds listed in the 2013/2014 Budget to FORM, to present seven Artists in Residence as part of the Digital Arts Festival.

COUNCIL DECISION ITEM 9.4.1

Moved Cr Carey, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY
BY AN ABSOLUTE MAJORITY (6-0)**

(Cr McGrath and Cr Topelberg were on approved leave of absence.)
(Cr Wilcox was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to seek Council approval to collaborate with FORM.

BACKGROUND:

At the Ordinary Meeting of Council held on 27 September 2011, the following recommendation was adopted;

“That the Council APPROVES the recommendation of the Arts and Culture Advisory Group and proceeds with the implementation plan for the establishment of an Artist in Residence programme in the City.”

Following the above resolution, the implementation plan proceeded in accordance with the time frame as detailed in the report to the Council on 27 September 2011. The Artists’ Brief was advertised in October 2011, with the closing date for applications being 16 December 2011.

Sixty-one applications were received from local, national and international artists. A wide variety of art forms were represented in the applications ranging from musicians, sound artists through to film makers and traditional fine artists.

The Arts Officer reviewed the applications, making a short list of fifteen (15) artists which were presented to the Art Advisory Group meeting held on 8 February 2012 for selection.

The criterion for the short list was based on the following:

- the quality of the artist's past work;
- strength of the application; and
- the suitability of the proposal for community engagement.

The Art Advisory Group selected the German Artists Martin Keil and Henrik Mayer who work as a team known as REINIGUNGSGESELLSCHAFT.

REINIGUNGSGESELLSCHAFT (RG) work in the tradition of Conceptual Art, where the emphasis is on ideas expressed through the artist's activities rather than the resulting art objects. RG's main themes concern social involvement and community engagement.

RG's proposal for the City of Vincent involved:

"To carry out an artistic project that puts the human society in relationship to urban structures. Martin Keil and Henrik Mayer plan a project in three steps:

1. *Dialogue with the inhabitants*
2. *Transformation of the captured stories and images into graphics*
3. *Display of the graphics in public space."*

At the Ordinary Meeting of Council held on 13 March 2012, the Arts Advisory Group's recommendation was approved;

"That the Council;

1. *RECEIVES Progress Report No. 1 on the Implementation Plan for the Artist in Residence Programme; and*
2. *APPROVES the recommendation of the Arts Advisory Group to appoint artists Martin Keil and Henrik Mayer known as REINIGUNGSGESELLSCHAFT (RG) to deliver a programme with the theme "A Day in the Life of Vincent" for the Artist in Residence Programme, in accordance with the adopted Artists Brief, as shown in Appendix 9.4.1."*

DETAILS:

FORM is an independent, not for profit organisation dedicated to advocating for and developing creativity in Western Australia. The focus on the festival will be on William Street which will be the beneficiary of artistic engagement with a number of ethnic groups represented.

FORM proposes to curate a programme of site-based artistic projects drawing from the history and community of northern William Street. FORM will curate a residency programme between January and March 2014 in which artists will spend time on William Street engaging with the community and developing works. The timeframe will incorporate one of Northbridge's most vibrant times of the year, Chinese New Year (on 31 January 2014). The Artists in Residence's resulting artworks will be showcased in April 2014 via a range of public outcomes.

The artists will comprise of local and international creatives whose practices specifically engage with localised communities and ethnic subcultures. The Artists in Residence will be a mix of both local and international artists, whose residencies will range from ten (10) days (for higher profile artist who are in high demand) to three (3) months.

Further information of the artists and examples of their work can be found in Appendix 9.4.1.

The six artists that will be in residence during the Digital Arts Festival are:

International Artists

El Seed is a French-Tunisian street artist who specialises in impressive large format murals in a style that incorporates traditional Arabic calligraphy and graffiti. El Seed is a high profile artist and therefore is expected to be in residency for ten days. The expected outcome of this residency will be a large scale public mural on William Street.

Nigel Bennet is a British artist based in Rome, Italy, whose work often involves significant amounts of travel, and the types of human connections involved. Nigel's practice is primarily concerned with portraiture in which the subject significantly determines their own representation and the artwork's composition. Nigel will spend time in William Street working with the shop owners and capture their engagement with William Street. The expected outcome will be large scale portraits of community members in an exhibition format.

Local Artists

Abdul Addullah is a younger artist from Perth, of Islamic background with a growing professional reputation. Abdul specialises in portraits, photography and installations. The expected outcome of this residency will be a series of intimate installations within William Street.

Casey Ayres is a young local Perth artist who works with photography, print, sculpture and video, focusing on the rituals of masculinity who will work with Nathan, Casey and Abdul. The expected outcome of this residency will be a collaborative outcome of the creative partnership.

Nathan Beard is a WA based interdisciplinary artist whose recent work investigates the influences of his Thai-Australian cultural heritage alongside pop culture iconography. The expected outcome of this residency, which will be in collaboration with Abdul and Casey, is yet to be identified but all three artists have considerable skills across a range of mediums. They will actively engage with the broader community under the curatorial direction of Andrew Nichols, senior curator of FORM.

Hamida Novakovich is an emerging curator and founder of Alif Creative Perth. Since 2004. She has been involved in a number of Muslim community activities. The initial focus of the engagement with young Muslim women will be fashion. The expected outcome of this residency will be a pop up space on William Street to house the outcomes of the engagement.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

RISK MANAGEMENT IMPLICATIONS:

Low: The Artists will be covered under public liability insurance arranged by FORM.

STRATEGIC IMPLICATIONS:

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

“3.1.1 (b) Encourage and promote cultural and artistic expression throughout the City.”

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The budget for Artists in Residence is \$50,000. With the allocation of \$40,000 towards FORM to administer this project, this leaves \$10,000 for the City to use towards advertising and marketing.

COMMENTS:

The collaboration with FORM to present the Artist in Residence program as part of the Digital Arts Festival is highly recommended. The value is the City receive a diverse range of artists, as opposed to featuring one artist and the collaboration event will be a high profile event in the local arts calendar.

Cr Pintabona asked the Presiding Member Mayor Hon. Alannah MacTiernan if Item 9.1.3 could be recommitted, as he wished his recording on the Item to be corrected.

PROCEDURAL MOTION

Moved Cr Harley, Seconded Cr Maier

That Item 9.1.3 be recommitted to correctly record Cr Pintabona voting on the Item.

PROCEDURAL MOTION PUT AND CARRIED (6-0)

(Cr McGrath and Cr Topelberg were on approved leave of absence.)
(Cr Wilcox was an apology for the Meeting.)

9.1.3 No. 18 (Lot 7; D/P 7426) Wellman Street, Perth – Change of Use from Recreational Facility, Office and Storage to Lodging House

Ward:	South	Date:	13 September 2013
Precinct:	Beaufort; P13	File Ref:	PRO3564; 5.2013.214.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Details of operation conditions, room schedule and lodger facilities		
Tabled Items:	Nil		
Reporting Officer:	S Radosevich, 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, REFUSES the application submitted by V Lien on behalf of the owner, Tekwise Pty Ltd for Proposed Change of Use from Recreational Facility, Office and Storage to Lodging House at No. 18 (Lot 7; D/P 7426) Wellman Street, Perth, and as shown on plans stamp-dated 31 May 2013 and amended plans stamp-dated 10 June 2013, for the following reasons:

1. The proposed development does not satisfy Clause 6 (3) (b) of the City of Vincent Town Planning Scheme No. 1 as the development does not protect and enhance the health, safety and general welfare of the City’s inhabitants and the social, physical and cultural environment and would have an undue adverse impact on the likely future development of the locality;
2. The proposed development does not satisfy Clause 6 (3) (c) of the City of Vincent Town Planning Scheme No. 1 as the development does not ensure that the use and development of the land is managed in an effective and efficient manner within a flexible framework which recognises the individual character and needs of the locality with respect to the nature of the use;
3. The proposal does not satisfy Clause 38 (5) (b) as the development does not comply with the development standards and general provisions in relation to Council Policy No. 3.4.5 relating to Temporary Accommodation and Policy No. 3.7.1 relating to Parking and Access;
4. The proposal does not satisfy Clause 38 (5) (g) as the development is not in the interest of orderly and proper planning of the locality;
5. The proposal does not satisfy Clause 38 (5) (i) as the development is not compatible with the existing buildings within the locality with respect to the nature of the use;

6. **Non-compliance with the City's Policy No. 3.4.5 relating to Temporary Accommodation, with respect to Clause 2.4.3 'Communal Open Space' relating to no external communal open space being provided;**
7. **The proposed development does not comply with the following objectives of the City's Policy No. 3.4.5 relating to Temporary Accommodation:**
 - 7.1 **Ensure properties used for temporary accommodation purposes do not have an undue impact on the residential amenity of the area;**
8. **Non-compliance with the City's Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations, with respect to Clause 2 "Variations to Standards or Requirements Prescribed Under a Local Planning Policy" for the following reasons:**
 - 8.1 **The proposed development is detrimental to the amenity of the locality;**
 - 8.2 **The proposed development is not consistent with the objectives of the City of Vincent Town Planning Scheme No. 1; and**
 - 8.3 **The proposed development is not consistent with the City's Policy No. 3.7.1 relating to Parking and Access;**
9. **Non-compliance with the City's Policy No. 3.7.1 relating to Parking and Access, with respect to Clause 11 'Cash-in-lieu' relating to the 10.7025 on-site car parking bay shortfall;**
10. **The proposed development does not comply with the following objectives of the City's Policy No. 3.7.1 relating to Parking and Access:**
 - 10.1 **To ensure the adequate provision of parking for various services, facilities and residential developments and to efficiently manage parking supply and demand; and**
 - 10.2 **To ensure that the environmental and amenity objectives of the City of Vincent Town Planning Scheme No. 1 are not prejudiced;**
11. **The proposed change of use from recreational facility, office and storage to lodging house would create an undesirable precedent and have a significant impact on the amenity of surrounding lots, which is not in the interests of orderly and proper planning for the locality; and**
12. **Consideration of the objections received.**

Moved Cr Maier, Seconded Cr Buckels

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

- “9. **Non-compliance with the City's Policy No. 3.7.1 relating to Parking and Access, with respect to Clause 7 'Provision of Parking' 11 '~~Cash-in-lieu~~' relating to the 10.7025 on-site car parking bay shortfall;”**
2. **That clause 8 be deleted and the remaining clauses be renumbered accordingly.**

~~8. — Non-compliance with the City's Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations, with respect to Clause 2 "Variations to Standards or Requirements Prescribed Under a Local Planning Policy" for the following reasons:~~

~~8.1 — The proposed development is detrimental to the amenity of the locality;~~

~~8.2 — The proposed development is not consistent with the objectives of the City of Vincent Town Planning Scheme No. 1; and~~

~~8.3 — The proposed development is not consistent with the City's Policy No. 3.7.1 relating to Parking and Access;~~

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Buckels

"That the following Clauses be inserted as follows:

13. Within Twenty Eight (28) days of the issue of this refusal the owner(s) or the applicant on behalf of the owners are to:

13.1 Remove the unauthorised rear addition at No.18 (Lot: 7 D/P: 7426) Wellman Street, Perth; and

13.2 Reinstate the three car bays at the rear of the Existing Recreational Facility; and

14. Authorise Chief Executive Officer to commence legal proceedings for non-compliance with condition 13 above and the written directions issued under the Planning and Development Act 2005, dated 22 February 2013 should it not be complied with."

Debate ensued.

Cr Carey departed the Chamber at 8.05pm.

Debate ensued.

Cr Carey returned to the Chamber at 8.06pm.

AMENDMENT PUT AND CARRIED (6-0)

(Cr McGrath and Cr Topelberg were on approved leave of absence.)
(Cr Wilcox was an apology for the Meeting.)

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (6-0)

(Cr McGrath and Cr Topelberg were on approved leave of absence.)
(Cr Wilcox was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.1.3

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by V Lien on behalf of the owner, Tekwise Pty Ltd for Proposed Change of Use from Recreational Facility, Office and Storage to Lodging House at No. 18 (Lot 7; D/P 7426) Wellman Street, Perth, and as shown on plans stamp-dated 31 May 2013 and amended plans stamp-dated 10 June 2013, for the following reasons:

1. The proposed development does not satisfy Clause 6 (3) (b) of the City of Vincent Town Planning Scheme No. 1 as the development does not protect and enhance the health, safety and general welfare of the City's inhabitants and the social, physical and cultural environment and would have an undue adverse impact on the likely future development of the locality;

2. The proposed development does not satisfy Clause 6 (3) (c) of the City of Vincent Town Planning Scheme No. 1 as the development does not ensure that the use and development of the land is managed in an effective and efficient manner within a flexible framework which recognises the individual character and needs of the locality with respect to the nature of the use;
 3. The proposal does not satisfy Clause 38 (5) (b) as the development does not comply with the development standards and general provisions in relation to Council Policy No. 3.4.5 relating to Temporary Accommodation and Policy No. 3.7.1 relating to Parking and Access;
 4. The proposal does not satisfy Clause 38 (5) (g) as the development is not in the interest of orderly and proper planning of the locality;
 5. The proposal does not satisfy Clause 38 (5) (i) as the development is not compatible with the existing buildings within the locality with respect to the nature of the use;
 6. Non-compliance with the City's Policy No. 3.4.5 relating to Temporary Accommodation, with respect to Clause 2.4.3 'Communal Open Space' relating to no external communal open space being provided;
 7. The proposed development does not comply with the following objectives of the City's Policy No. 3.4.5 relating to Temporary Accommodation:
 - 7.1 Ensure properties used for temporary accommodation purposes do not have an undue impact on the residential amenity of the area;
 8. Non-compliance with the City's Policy No. 3.7.1 relating to Parking and Access, with respect to Clause 7 'Provision of Parking' relating to the 10.7025 on-site car parking bay shortfall;
 9. The proposed development does not comply with the following objectives of the City's Policy No. 3.7.1 relating to Parking and Access:
 - 9.1 To ensure the adequate provision of parking for various services, facilities and residential developments and to efficiently manage parking supply and demand; and
 - 9.2 To ensure that the environmental and amenity objectives of the City of Vincent Town Planning Scheme No. 1 are not prejudiced;
 10. The proposed change of use from recreational facility, office and storage to lodging house would create an undesirable precedent and have a significant impact on the amenity of surrounding lots, which is not in the interests of orderly and proper planning for the locality;
 11. Consideration of the objections received;
 12. Within Twenty Eight (28) days of the issue of this refusal the owner(s) or the applicant on behalf of the owners are to:
 - 12.1 Remove the unauthorised rear addition at No.18 (Lot: 7 D/P: 7426) Wellman Street, Perth; and
 - 12.2 Reinstate the three car bays at the rear of the Existing Recreational Facility; and
 13. Authorise Chief Executive Officer to commence legal proceedings for non-compliance with condition 13 above and the written directions issued under the Planning and Development Act 2005, dated 22 February 2013 should it not be complied with.
-

**9.4.4 The Good Shepherd Bar, Shop 11, No. 663 (Lot 10; STR 10630)
Newcastle Street, Leederville – Renewal of Ongoing Extended Trading
Permit**

Ward:	South	Date:	13 September 2013
Precinct:	Oxford Centre; P4	File Ref:	PHI0334; ENS0053
Attachments:	002 – Map of Licensed Premises		
Tabled Items:	001 - Public Interest Assessment		
Reporting Officers:	C D'Agostino, Environmental Health Officer L Di Nella, Senior Environmental Health Officer		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the report regarding the renewal and variation of the Extended Trading Permit (ETP) – ongoing hours for The Good Shepherd Bar, located at Shop 11, No. 663 Newcastle Street, Leederville;
2. **DOES NOT OBJECT** to the:
 - 2.1 application for renewal of the ETP – ongoing hours for The Good Shepherd Bar given the premises' ongoing history of compliance; and
 - 2.2 variation of the ETP – ongoing hours to allow trade until 2:00am (0200 hours) on Wednesday, Thursday, Friday and Saturday nights; and
3. **AUTHORISES** the Chief Executive Officer to submit a formal letter advising that the Council has no objection for the ETP – ongoing hours to the Director of Liquor Licensing, Department of Racing, Gaming and Liquor.

Moved Cr Buckels, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Harley, Seconded Cr Maier

“That clause 2.2 be deleted and a new Clause 3 be inserted to read as follows:

~~2.2 — variation of the ETP — ongoing hours to allow trade until 2:00am (0200 hours) on Wednesday, Thursday, Friday and Saturday nights; and~~

3. **AUTHORISES** the Chief Executive Officer to submit a formal letter advising that the Council cannot comment on the significant variation to the ETP before it has the opportunity to engage in Community Consultation.

Debate ensued.

AMENDMENT PUT AND CARRIED (5-1)

For: Mayor Hon. MacTiernan, Cr Carey, Cr Harley, Cr Maier and Cr Pintabona

Against: Cr Buckels

(Cr McGrath and Cr Topelberg were on approved leave of absence.)

(Cr Wilcox was an apology for the Meeting.)

MOTION AS AMENDED PUT AND CARRIED (5-1)

For: Mayor Hon. MacTiernan, Cr Carey, Cr Harley, Cr Maier and Cr Pintabona

Against: Cr Buckels

(Cr McGrath and Cr Topelberg were on approved leave of absence.)

(Cr Wilcox was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.4.4

That the Council;

1. **RECEIVES** the report regarding the renewal and variation of the Extended Trading Permit (ETP) – ongoing hours for The Good Shepherd Bar, located at Shop 11, No. 663 Newcastle Street, Leederville;
2. **DOES NOT OBJECT** to the application for renewal of the ETP – ongoing hours for The Good Shepherd Bar given the premises' ongoing history of compliance; and
3. **AUTHORISES** the Chief Executive Officer to submit a formal letter to the Director of Liquor Licensing, Department of Racing, Gaming and Liquor advising that the Council;
 - 3.1 **cannot comment on the significant variation to the ETP before it has the opportunity to engage in Community Consultation; and**
 - 3.2 **has no objection for the ETP – ongoing hours.**

PURPOSE OF REPORT:

The purpose of this report is to advise the Council that The Good Shepherd Bar located at Shop 11, No. 663 Newcastle Street, Leederville has applied to the Department of Racing, Gaming and Liquor (DRGL) for renewal and a variation of their ETP – ongoing hours. It has been requested that this ETP is renewed for the maximum five year term permissible under the Liquor Control Act 1988 and further, seeks to extend the previously approved hours of trade allowing a later close.

BACKGROUND:

The Good Shepherd Bar currently holds an ETP - ongoing hours, which is due to expire on 19 September 2013. The Permit currently allows the following extended hours:

- Between 12:00 MIDNIGHT and 1:00AM on Friday and Saturday nights.

The application seeks the renewal and variation of the ETP – ongoing hours to:

- Between 12:00 MIDNIGHT and 2:00AM on Wednesday, Thursday, Friday and Saturday nights.

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

In support of the applicants application to DRGL a Public Interest Assessment is required as shown in Appendix 9.4.4A. Key points contained in this report are:

- The venue is in a well known entertainment and hospitality precinct comprising a mix of retail and food and beverages uses.
- There is strong support for the extension of trading hours; this is based on a Public Questionnaire which received 226 responses.
- There is no intention to trade in any different manner during the extended hours.
- During the ETP hours, there will only be DJ or pre-recorded music playing in the venue.
- The applicant will rely on its tried and proven policies, practices and procedures, which apply equally when the permit operates to facilitate compliance and encourage responsible drinking.
- Harm minimisation initiatives required and/or recommended by Liquor licensing, such as CCTV, the provision of free water and low strength alcohol options, a 30 minute lock out prior to the end of trade etc, will continue.

The premises is located within the Leederville entertainment precinct as shown in Appendix 9.4.4B. The suburb of Leederville contains 33 licensed premises including:

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

14 of the above licensed premises are located within a 150metre radius of The Good Shepherd Bar, five of which are within 60metres. The closing times and the maximum number of patrons allowed on those premises at any one time are listed below;

Premises Name	Maximum Patron Numbers	Closing Times
Leederville Hotel and the Garden	1949	- Wednesday to Friday: 12.00am - Saturday: 1.00am
Niche Bar	300	- Wednesday: 2.00am - Friday and Saturday: 3.00am
Hip-E	542	- Tuesday to Saturday: til late
Duende	115	- 7 days: til late
Fibber McGees	200	- Monday to Thursday: 11.00pm - Friday to Saturday: 1.00am - Sunday: 10.00pm

It should be noted that many of the unlicensed cafes in the vicinity of the premises also have closing times past midnight.

DETAILS:

Complaint History

A search of the City's records revealed that the City has not received any complaints relating to noise or anti-social behaviour for The Good Shepherd Bar since it opened in November 2012. The Applicant has also stated in their PIA that they have not been issued any Infringements or received any complaints from other authorities.

Dating back to 2008, the premises traded as Honey Lounge and Double Lucky and the City did not receive any complaints relating to noise or anti-social behaviour during this period.

Noise Impact

Although Sound Level Measurements have never been taken in relation to this premises, the ambient noise in this location will be higher than the levels assigned in the *Environmental Protection (Noise) Regulations 1997*. The area by nature of its entertainment and hospitality focus generates more noise to a later hour than that of other residential based areas. This venue is enclosed within other commercial premises, thus providing a natural acoustic barrier. The closest noise sensitive premises are located in Carr Street around 100metres away, behind other commercial premises and therefore highly unlikely to be affected by noise from this premises.

Amenity of the Area

The immediate vicinity of this venue includes purely commercial activities. The patrons attracted to the venue, in its current mode of operation, are low key in line with the ambience of the fit out and nature of the entertainment provided. The closing times sought in the ETP would potentially result in a maximum number of people leaving the venue at the proposed later time by 120.

CONSULTATION/ADVERTISING:

In accordance with *Community Consultation Policy 4.1.5*, Director Community Services and Acting Manager Health and Compliance Services used discretion in that Community Consultation was not undertaken due to the lack of complaints received over the past six years.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

LOW: The proposed renewal of the ongoing extension of hours may contribute to noise and antisocial behaviour complaints in the local area. However, given the venues compliance over recent years, a renewal and variation of their existing approval is not expected to have a significant negative effect on the local community.

STRATEGIC IMPLICATIONS:

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

“Economic Development

2.1.3 *Promote business development*

Community Development and Wellbeing

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

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

9.4.5 Weld Square Redevelopment Project – Progress Report No. 7

Ward:	South	Date:	13 September 2013
Precinct:	Forrest (14)	File Ref:	RES0102
Attachments:	001 – Letter from MRA		
Tabled Items:	Nil		
Reporting Officer:	J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **NOTES** the progress report regarding the procurement of artwork in Weld Square;
2. **APPROVES** the artwork to be funded for a total of ~~\$80,000~~ **\$77,455 (ex GST)**, with **\$52,000 (ex GST)** being allocated from the Weld Square Redevelopment listed in the 2013/2014 Budget and ~~\$28,000~~ **\$25,455 (ex GST)** from the financial contribution by the Metropolitan Redevelopment Authority (MRA);
3. **AUTHORISES** the Chief Executive Officer to:
 - 3.1 write to the Metropolitan Redevelopment Authority accepting the conditions of the financial contribution and informing them of the City’s planned direction for the procurement of artwork in Weld Square; and
 - 3.2 invite relevant stakeholders and City Officers as listed in the report to the Aboriginal Liaison and Reconciliation Advisory Group to oversee the project; and
4. **NOTES** a progress report will be submitted to the Council on the project by no later than December 2013.

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

Moved Cr Maier, Seconded Cr Carey

That the recommendation be adopted.

Debate ensued.

AMENDMENT 1

Moved Cr Maier, Seconded Cr Carey

That clause 2 be deleted and new clauses 2 and 5 be added as follows;

- ~~2. **APPROVES** the artwork to be funded for a total of \$80,000, with \$52,000 being allocated from the Weld Square Redevelopment listed in the 2013/2014 Budget and \$28,000 from the financial contribution by the Metropolitan Redevelopment Authority (MRA);~~
- ~~“2. **NOTES** the offer from the Metropolitan Redevelopment Authority of up to \$28,000 (inclusive of GST) as a contribution towards an alternative item within Weld Square.~~
- ~~5. **APPROVES** the appointment of Helen Curtis to coordinate the selection and installation of the Weld Square artwork and requests that she does this with input from the relevant stakeholders identified within the report.”~~

Debate ensued.

AMENDMENT 1 PUT AND CARRIED UNANIMOUSLY (6-0)

(Cr McGrath and Cr Topelberg were on approved leave of absence.)
(Cr Wilcox was an apology for the Meeting.)

AMENDMENT 2

Moved Cr Maier, Seconded Cr Pintabona

“That Clause 3.2 be deleted as follows:

~~3.2 — invite relevant stakeholders and City Officers as listed in the report to the Aboriginal Liaison and Reconciliation Advisory Group to oversee the project; and”~~

Debate ensued.

Cr Carey departed the Chamber at 9.00pm.

Debate ensued.

AMENDMENT 2 PUT AND CARRIED UNANIMOUSLY (5-0)

(Cr McGrath and Cr Topelberg were on approved leave of absence.)

(Cr Wilcox was an apology for the Meeting.)

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

Cr Carey returned to the Chamber at 9.04pm.

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (6-0)

(Cr McGrath and Cr Topelberg were on approved leave of absence.)

(Cr Wilcox was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.4.5

That the Council;

1. **NOTES** the progress report regarding the procurement of artwork in Weld Square;
2. **NOTES** the offer from the Metropolitan Redevelopment Authority of up to \$28,000 (inclusive of GST) as a contribution towards an alternative item within Weld Square.
3. **AUTHORISES** the Chief Executive Officer to write to the Metropolitan Redevelopment Authority accepting the conditions of the financial contribution and informing them of the City’s planned direction for the procurement of artwork in Weld Square;
4. **NOTES** a progress report will be submitted to the Council on the project by no later than December 2013; and
5. **APPROVES** the appointment of Helen Curtis to coordinate the selection and installation of the Weld Square artwork and requests that she does this with input from the relevant stakeholders identified within the report.

PURPOSE OF REPORT:

The purpose of this report is to seek Council approval for the artwork proposal for the Weld Square Redevelopment project, and to seek approval on the consultation and procurement processes as outlined within the report.

BACKGROUND:

- 14 July 2009 Progress Report No. 1: The Council approved in principle locating the "Vietnamese Boat People Monument of Gratitude" in Weld Square subject to:-
- (a) the proposal meeting the requirements of Section 18 of the Aboriginal Heritage Act 1972 depending on authorisation received from Main Roads and/or the Department for Indigenous Affairs;
 - (b) the proposal being assessed by the Town's Heritage Officers in accordance with the principles of The Burra Charter and relevant policies and provisions; and
 - (c) all costs associated with design and construction of the Monument and any other costs associated with locating the monument on the site, being borne by the Vietnamese Community of Western Australia.
- 27 July 2010 Progress Report No. 2: The Council approved in principle the amended landscape design for the park (which deleted the "Vietnamese Boat People Monument of Gratitude" from the original plan).
- The amended Weld Square plan was then to be further developed following consultation with EPRA and other stakeholders before going out to consultation to the local community and business owners.
- It was also decided to further investigate an alternative location for the Vietnamese Boat People Monument of Gratitude at either the Wade Street Reserve or within Robertson Park.
- 21 December 2010 Progress Report No. 3: The Council approved the staged Redevelopment of Weld Square to be implemented over three (3) financial years.
- 19 April 2011 Progress Report No. 4: The Council approved to progress with the construction of the paths, soil mounding, planting, mulching, and reticulation and places all other works 'on hold' pending the outcome of the Central TAFE designs for park furniture and lighting components.
- 14 February 2012 Progress Report No. 5: The Council approved in principle the co-naming of Weld Square to include the Nyoongar name '*Wongi Park*,' and to undertake community consultation with regards to the naming of the park and the provision of basketball facilities on the site.
- 24 April 2012 Co-naming and installation of mini-basketball court: The Council approved the installation of a mini-basketball court at Weld Square and co-naming of the park subject to approval from the Geographic Names Committee.

9 April 2013 Progress Report No. 6: The following was adopted;

"That the Council;

1. *NOTES that;*

1.1 *following several meetings over the past two (2) years and repeated requests to Central TAFE, the City is yet to receive any detailed designs/costings for lighting or park furniture components for Weld Square;*

1.2 *with the recent installation of the mini basketball court and events held at the park, recommend that some components of the original plan, including the playground, shade sails and gazebo should be reviewed; and*

2. *APPROVES BY AN ABSOLUTE MAJORITY;*

2.1 *The COMPLETION of the remaining works listed below as part of the Weld Square Redevelopment Project;*

No.	Item	Indicative Cost
2.1.1	<i>Path Lighting;</i>	<i>\$110,000</i>
2.1.2	<i>Park Benches/Rubbish Bins;</i>	<i>\$34,800</i>
2.1.3	<i>Exercise Equipment;</i>	<i>\$50,000</i>
2.1.4	<i>Outdoor Table Tennis Table;</i>	<i>\$18,000</i>
2.1.5	<i>Electric Barbeque; and</i>	<i>\$15,000</i>
2.1.6	<i>Drink fountains x two (2);</i>	<i>\$7,000</i>
2.1.7	<i>Indigenous Artwork</i>	<i>\$52,000</i>
<i>TOTAL</i>		<i>\$286,800</i>

2.2 *The DELETION of the following works;*

No.	Item	Indicative Cost
2.2.1	<i>Playground</i>	<i>\$55,000</i>
2.2.2	<i>Gazebo</i>	<i>\$28,000</i>
2.2.3	<i>Sail Shades</i>	<i>\$18,000</i>
<i>TOTAL</i>		<i>\$101,000</i>

3. *REQUESTS the Chief Executive Officer to write to the Metropolitan Redevelopment Authority requesting that their offer of funding (\$28,000) for the proposed gazebo be reallocated to another item of infrastructure within the park."*

DETAILS:

A number of consultations with Aboriginal stakeholders at Weld Square have indicated that the statue of a woman and child, which used to be situated within the offices of the Aboriginal Advancement Council at No. 201 Beaufort Street, Perth, is of cultural and historical significance.

Discussions have taken place with the Aboriginal Advancement Council and Peedac on the background of this particular piece that has a social and cultural identity with the various Aboriginal community members that the City's Officers have engaged with.

The statue was initially made for the movie 'Confessions of a Head Hunter' and the fibreglass replica is currently at Daydawn Advocacy Centre.

The bronze version of the statue, along with another of an Aboriginal young boy, is located at Minim Cove in Mosman Park. The sculptor, Greg James collaborated with prominent Aboriginal Artist, Sandra Hill on this project. He has given an indicative quote of \$65,000 to make another statue in bronze.

The Metropolitan Redevelopment Authority (MRA) has since written to the City agreeing to the City's offer to re-allocate the previous financial contribution for a gazebo, to an alternative item within in Weld Square, which may be the Aboriginal artwork.

At the Arts Advisory Group meeting held on 9 September 2013, the members discussed the artwork possibilities as well as the additional funding from MRA. It was suggested that the funding from MRA be combined with the City's allocation of \$52,000 to procure an Aboriginal artwork/sculpture for Weld Square.

It was recommended that a committee be set up of relevant stakeholders such as the Chief Executive Officer of Peedac, Chairperson of Aboriginal Advancement Council, Barry Maguire (Aboriginal elder) and City's Officers to progress the project.

The City's Officers who would be required to be part of this stakeholder committee would be as follows;

- Director Community Services;
- Director Technical Services;
- Manager Parks and Property Services;
- Manager Community Development; and
- Community Development Officer.

Alternatively, the City has an Aboriginal Liaison and Reconciliation Advisory Group that could be the reference group to oversee this project, inviting the listed stakeholders to advise on protocols and progress the project.

CONSULTATION/ADVERTISING:

The local community and business owners will be advised of any artwork plans should this be approved by the Council.

LEGAL/POLICY:

In accordance with Section 18 of the Aboriginal Heritage Act 1972, consent to use an Aboriginal Registered Site is required from the Minister for Health; Indigenous Affairs. Failure to receive consent is likely to result in a breach of Section 17 of the Aboriginal Heritage Act 1972.

The City, as the owner of the land, submitted a Section 18 Notice dated 15 April 2010 and the Minister for Health; Indigenous Affairs granted approval for the City to use the land for the purpose outlined in the Notice, subject to a series of conditions detailed in a letter to the City dated 22 June 2010.

RISK MANAGEMENT IMPLICATIONS:

Low: Little or no impact if this project does not proceed as proposed.

STRATEGIC IMPLICATIONS:

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

“Objective 1.1.6 Enhance and maintain the City's parks, landscaping and the natural environment.”

“Objective 3.1.1 Celebrate, acknowledge and promote the City's cultural and social diversity.”

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

There is \$52,000 allocated to the Aboriginal artwork as part of the Weld Square Redevelopment listed in the 2013/2014 Budget.

The MRA has offered a financial contribution of \$28,000 towards the project, subject to conditions listed in the letter in Appendix 9.4.5.

COMMENTS:

The project has to date has been quite successful with numerous positive feedback being received from the local community and adjacent local governments.

9.4.6 FURTHER REPORT: “Games” Sculpture by Chen Wenling – Approval of Location and Funding for Installation

Ward:	South	Date:	17 September 2013
Precinct:	Hyde Park; P12	File Ref:	PRO0098
Attachments:	001 - Proposed Locations		
Tabled Items:	Nil		
Reporting Officer:	J. Anthony, Manager Community Development		
Responsible Officer:	R. Boardman, Director Community Services		

FURTHER OFFICER RECOMMENDATION:

That the Council APPROVES of one of the following sites to locate “Games” by artist Chen Wenling;

1. **Site A:**

the small triangular park located at the corner of Vincent and Bulwer Streets Perth, as shown in appendix 9.4.6 (attachment 001) or;

2. **Site B:**

in Royal Park, on the south-eastern corner of Vincent, as shown in appendix 9.4.6 (attachment 001) or:

3. **Site C:**

Charles Streets, as shown on Appendix 9.4.6 (labelled ‘Preferred location identified by Sculptures by the Sea – David Hanley’); and

Moved Cr Pintabona, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Pintabona, Seconded Cr Buckels

“That the Officer Recommendation be amended as follows:

That the Council APPROVES of one of the following site to locate “Games” by artist Chen Wenling;

1. **Site A:**

the small triangular park located at the corner of Vincent and Bulwer Streets Perth, as shown in appendix 9.4.6 (attachment 001).

2. **Site B:**

~~in Royal Park, on the south-eastern corner of Vincent, as shown in appendix 9.4.6 (attachment 001) or;~~

3. ~~Site C:~~

~~Charles Streets, as shown on Appendix 9.4.6 (labelled 'Preferred location identified by Sculptures by the Sea – David Hanley'); and~~

**AMENDMENT PUT AND CARRIED ON THE
CASTING VOTE OF THE PRESIDING MEMBER (4-3)**

For: Presiding Member, Mayor Hon. Alannah MacTiernan (two votes – deliberative and casting vote), Cr Buckels and Cr Pintabona
Against: Cr Carey, Cr Harley and Cr Maier

(Cr McGrath and Cr Topelberg were on approved leave of absence.)
(Cr Wilcox was an apology for the Meeting.)

**MOTION AS AMENDED PUT AND CARRIED ON THE
CASTING VOTE OF THE PRESIDING MEMBER (4-3)**

For: Presiding Member, Mayor Hon. Alannah MacTiernan (two votes – deliberative and casting vote), Cr Buckels and Cr Pintabona
Against: Cr Carey, Cr Harley and Cr Maier

(Cr McGrath and Cr Topelberg were on approved leave of absence.)
(Cr Wilcox was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.4.6

That the Council APPROVES of the small triangular park located at the corner of Vincent and Bulwer Streets Perth, as shown in appendix 9.4.6 (attachment 001), to locate "Games" by artist Chen Wenling.

FURTHER INFORMATION:

This matter was considered at the Ordinary Meeting of Council held on 10 September 2013, whereby the Council deferred the matter of the selection of the site to allow Council Members to inspect each site.

PURPOSE OF REPORT:

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

BACKGROUND:

At the Ordinary Meeting of Council held on 10 September 2013, this matter was considered and the following was resolved;

COUNCIL DECISION ITEM 9.4.2

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

Arts Advisory Group meeting – 9 September 2013

This matter was considered at the Arts Advisory Group Meeting held on the 9 September 2013, whereby the majority of the members agreed to support the recommendation to locate 'Games' on the south-eastern corner of Vincent and Charles Streets, which is known as Royal Park. This location was recommended by Sculptures by the Sea as indicated.

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

"That the Council;

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

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

DETAILS:

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

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

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

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

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

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

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

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

COMMENTS:

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

9.5.1 Review of Member fees Design Advisory Committee (DAC)

Ward:	Both	Date:	17 September 2013
Precinct:	All Precincts	File Ref:	PLA0220
Attachments:	-		
Tabled Items:	Nil		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

CORRECTED OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES BY AN ABSOLUTE MAJORITY** the following fee structure for 2013/2014 financial year:
 - 1.1 A single fee of \$335 paid to the Design Advisory Committee (DAC) Chairperson for attendance at each Design Advisory Committee meeting;
 - 1.2 A single fee of \$225 paid to each Design Advisory Committee Member for attendance at each Design Advisory Committee meeting; and
 - 1.3 No additional fee paid to Design Advisory Committee Members for additional work associated with the Design Advisory Committee; and
2. **APPROVES** the continuation of the current DAC members from 13 October 2013 to 12 November 2013; and
3. **NOTES** that a review of the DAC Terms of Reference is currently being carried out and ~~it is amount to provide~~ a report will be provided to the Council in late October/early November 2013.

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

Moved Cr Maier, Seconded Cr Carey

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

“That the Council;

1. **APPROVES BY AN ABSOLUTE MAJORITY** the following fee structure for 2013/2014 financial year, subject to each DAC meeting being limited to the Chairperson and three (3) members per meeting;
 - 1.1 A single fee of ~~\$335~~ \$450 paid to the Design Advisory Committee (DAC) Chairperson for attendance at each Design Advisory Committee meeting;
 - 1.2 A single fee of ~~\$225~~ \$350 paid to each Design Advisory Committee Member for attendance at each Design Advisory Committee meeting; ~~and~~
 - 1.3 No additional fee paid to Design Advisory Committee Members for additional work associated with the Design Advisory Committee; ~~and~~
2. **APPROVES** the continuation of the current DAC members from 13 October 2013 to 12 November 2013; and
3. **NOTES** that a review of the DAC Terms of Reference is currently being carried out and it is amount to provide a report to the Council in late October/early November 2013.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Carey

“That a new Clause 1.5 be inserted to read as follows:

1.5 Back dates the payments to 1 July 2013.”

Debate ensued.

AMENDMENT PUT AND LOST (2-4)

For: Cr Carey and Cr Maier

Against: Mayor Hon. MacTiernan, Cr Buckels, Cr Harley and Cr Pintabona

(Cr McGrath and Cr Topelberg were on approved leave of absence.)

(Cr Wilcox was an apology for the Meeting.)

Debate ensued.

**MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY
BY AN ABSOLUTE MAJORITY (6-0)**

(Cr McGrath and Cr Topelberg were on approved leave of absence.)

(Cr Wilcox was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.5.1

That the Council;

1. **APPROVES BY AN ABSOLUTE MAJORITY** the following fee structure for 2013/2014 financial year, subject to each DAC meeting being limited to the Chairperson and three (3) members per meeting;
 - 1.1 **A single fee of \$450 paid to the Design Advisory Committee (DAC) Chairperson for attendance at each Design Advisory Committee meeting;**
 - 1.2 **A single fee of \$350 paid to each Design Advisory Committee Member for attendance at each Design Advisory Committee meeting;**
 - 1.3 **No additional fee paid to Design Advisory Committee Members for additional work associated with the Design Advisory Committee;**
 - 1.4 **subject to the DAC meeting being limited to the Chairperson and three (3) members per meeting; and**
2. **APPROVES** the continuation of the current DAC members from 13 October 2013 to 12 November 2013; and
3. **NOTES** that a review of the DAC Terms of Reference is currently being carried out and a report will be provided to the Council in late October/early November 2013.

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval to increase the fees paid to the City's Design Advisory Committee.

BACKGROUND:

History:

Date	Comment
23 February 2010	The Council at its Ordinary Meeting considered and adopted a Notice of Motion in relation to the formation of a Design Advisory Committee.
25 May 2010	The Council at its Ordinary Meeting considered a Progress Report in relation to Design Advisory Committees (DAC) and resolved to defer making a decision on a proposed DAC for a period of three (3) months until the following clause (iv) had been addressed: <i>“(iv) prior to the Forum in August 2010 on a DAC, REQUESTS the Chief Executive Officer to further investigate: (a) the impact of the proposed Development Assessment Panels (DAPS) in Western Australia which may have some overlap and implications on a Design Advisory Committee established within the Town; and (b) the implications of a DAC on the current processing timeframes for development applications; and (c) the extent of its current delegations to the Town’s Administration considered necessary so as to enable the prompt and efficient processing of development applications, within the statutory timeframes.”</i>
28 June 2011	The Council at its Ordinary Meeting resolved to establish a Design Advisory Committee.
30 August 2011	The Council at its Special Meeting resolved to establish a selection panel for the Design Advisory Committee (DAC) and an annual DAC operating budget.
11 October 2011	The Council at its Ordinary Meeting resolved to adopt a new Policy No. 4.2.13 – Design Advisory Committee (DAC) and appoint members to the Design Advisory Committee.
2 November 2011	The City’s Design Advisory Committee Commenced.

DETAILS:

At the Ordinary Meeting of Council held on 10 September 2013, the City considered a Notice of Motion. From Cr Dudley Maier and resolved as follows:

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

At the Ordinary Meeting of Council held on 28 June 2011, the Council considered the establishment of a Design Advisory Committee and resolved following;

“That the Council;

- (ii) APPROVES BY AN ABSOLUTE MAJORITY the following fee structure:*
- (a) A single fee of \$300 paid to the Design Advisory Committee Chairperson for attendance at each Design Advisory Committee meeting;*
- (b) A single fee of \$200 paid to each Design Advisory Committee Member for attendance at each Design Advisory Committee meeting;*
- (c) No additional fee paid to Design Advisory Committee Members for additional work associated with the Design Advisory Committee;*
- (d) A Development Application referral fee of \$200 paid by proponents for applications referred to the Design Advisory Committee for consideration; and*
- (e) The Development Application referral fee of \$200 be credited towards the standard Development Application fee for a Development Application submitted within 60 days of the last consideration by the Design Advisory Committee; and”*

Current Fees:

There are currently up to twenty (20) meetings a year, therefore an amount of \$1,100 per meeting is required (\$22,000 per annum).

Comparison with other Local Governments

The City has also undertaken a fee comparison of other Local Government Authorities which operate a DAC, with the table below providing a comparison of the fees paid to the member:

Local Government	Fees Paid
City of Perth	Free services, no fee for members.
City of South Perth	Current fee is \$200 per meeting .
City of Subiaco	Current fee is \$200 per hour with a maximum meeting time of three (3) hours.
Town of Victoria Park	Commercial hourly rates per member.
City of Melville	\$200 per hour for unlimited hours.
City of Fremantle	Current fee is \$200 per hour plus GST per member.

Comment:

The comparison with other Local Governments has revealed that the fees paid to DAC members ranges from nil to \$200/hour, as follows;

- The City of Perth DAC provide their services for free.
 - The City of Vincent and South Perth both pay a fee of \$200 per meeting.
 - The Cities of Fremantle, Melville, Subiaco pay \$200/hour.
 - The Town of Victoria Park pays commercial hourly rates.
- As can be seen from the comparison, there is no uniformity in the prescribed amounts and there is significant variation between the Local Governments.

Apart from increasing the number of DAC meeting from monthly to two per month, there has been little or no change to the DAC Terms of Reference.

A review of the DAC Terms of Reference are currently being carried out and it is proposed to submit a report to the Council in late October/early November 2013.

In view of the above, it is therefore recommended that the City DAC member fees increase by the consumer price Index, which is as follows:

Year	% (Perth) increase
2010-2011	2.9
2011-2012	2.2
2012-2013	2.5
2013-2014	2.5 (estimate)
Total	10.10%

The fees, increased by CPI Perth and rounded up, would increase the fees as follows;

Chairman: from \$300 to \$325
Members: from \$200 to \$225.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The following legislation and policies apply to reviewing the fees paid to the City's Design Advisory Committee:

- City of Vincent Town Planning Scheme No. 1;
- Design Advisory Committee Policy No. 4.2.13

RISK MANAGEMENT IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

Not applicable.

SUSTAINABILITY IMPLICATIONS:

Not applicable.

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.

COMMENTS:

It is considered that the Design Advisory Committee adds value to the City by providing alternative means of ensuring design excellence, through an independent advisory role outside the statutory decision making process.

As stated above, a review of the DAC Terms of Reference are currently being carried out. This review will consider the number of meetings, number of members requested for each meeting, workload and types of applications to be referred to the DAC etc.

A further review of the DAC fees can be made at the time, if circumstances warrant it.

As the current members terms expire on 12 October 2013, an advertisement seeking nominations has been placed in the local newspaper. In addition current members have been invited to re-apply. It is therefore appropriate to extend the current membership for one (1) month, to allow the DAC to continue.

A letter has also been sent to all architects who have had business dealings with the City.

It is therefore recommended that the Council approve of the Officer Recommendation.

9.5.2 Local Government Structural Reform – Approval of City of Vincent Submission to the Local Government Advisory Board and Progress Report No. 2

Ward:	-	Date:	20 September 2013
Precinct:	-	File Ref:	ORG0031
Attachments:	001 – Map of City of Vincent and Perth 002 – Copy of Plebiscite Form		
Tabled Items:			
Reporting Officer:	John Giorgi, JP Chief Executive Officer		
Responsible Officer:	John Giorgi, JP Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the Progress Report No. 2 as at 20 September 2013 concerning Local Government Structural Reform 2013 and the City's Submission to the Local Government Advisory Board; and
2. being an affected Local Government within the meaning of Schedule 2.1 of the Local Government Act 1995 **RESOLVES BY AN ABSOLUTE MAJORITY** to submit a proposal to the Local Government Advisory Board, pursuant to Clause 2.1 of the Local Government Act 1995 which would amalgamate the whole of the district of the City of Vincent and the district of the City of Perth, as shown in Appendix 9.5.1, attachment 001;
3. **AUTHORISES:**
 - 3.1 The Chief Executive Officer, in liaison with the Acting Mayor, to finalise and submit the City's Submission to the Local Government Advisory Board by 4 October 2013;
 - 3.2 The Chief Executive Officer to formally advise the Cities of Stirling and Perth of 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.

Moved Cr Maier, Seconded Cr Carey

That the recommendation be adopted.

Cr Buckels departed the Chamber at 9.30pm.

Debate ensued.

Cr Buckels returned to the Chamber at 9.32pm.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Carey

“That a new Clause 3.3 be inserted to read as follows:

3.3 The Chief Executive Officer, as a matter of urgency, to appoint financial consultant Mr Ron Back to assist the Chief Executive Officer and Acting Mayor in the preparation of the City’s submission to the Local Government Advisory Board.”

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (6-0)

(Cr McGrath and Cr Topelberg were on approved leave of absence.)
(Cr Wilcox was an apology for the Meeting.)

**MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY
BY AN ABSOLUTE MAJORITY (6-0)**

(Cr McGrath and Cr Topelberg were on approved leave of absence.)
(Cr Wilcox was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.5.2

That the Council;

1. **RECEIVES** the Progress Report No. 2 as at 20 September 2013 concerning Local Government Structural Reform 2013 and the City’s Submission to the Local Government Advisory Board; and
2. being an affected Local Government within the meaning of Schedule 2.1 of the Local Government Act 1995 **RESOLVES BY AN ABSOLUTE MAJORITY** to submit a proposal to the Local Government Advisory Board, pursuant to Clause 2.1 of the Local Government Act 1995 which would amalgamate the whole of the district of the City of Vincent and the district of the City of Perth, as shown in Appendix 9.5.1, attachment 001; and
3. **AUTHORISES:**
 - 3.1 **The Chief Executive Officer, in liaison with the Acting Mayor, to finalise and submit the City’s Submission to the Local Government Advisory Board by 4 October 2013;**
 - 3.2 **The Chief Executive Officer to formally advise the Cities of Stirling and Perth of the Council’s decision; and**
 - 3.3 **The Chief Executive Officer, as a matter of urgency, to appoint financial consultant Mr Ron Back to assist the Chief Executive Officer and Acting Mayor in the preparation of the City’s submission to the Local Government Advisory Board.**

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the progress concerning Local Government structural reform and seek the Council’s approval to lodge a submission to the Local Government Advisory Board.

BACKGROUND:

Premier and Minister's Announcement – Metropolitan Local Governments

On Tuesday 30 July 2013, the Mayor and Chief Executive Officer attended a meeting of Local Government Mayors and Chief Executive Officers, whereby the Premier and Minister for Local Government announced the Government's proposal for Local Government Structural Reform and proposed amalgamations for Metropolitan Local Governments, as follows;

1. The thirty (30) existing Metropolitan Local Governments will be reduced to 14.
2. Proposed new boundary changes/amalgamations are to be effective from 1 July 2015.
3. The City of Vincent is proposed to be split between the Cities of Perth and Stirling.
4. It is anticipated that Commissioners will be in place in early 2015 (or sooner if necessary).
5. All Metropolitan Local Government's are required to make a submission to the Local Government Advisory Board, by the 4 October 2013, on the Government's proposed amalgamations/structural Reform recommendations.'

Previous Reports:

The Council previously considered the matter of Local Government structural reform at the Ordinary Meetings of Council held on 7 September 2005, 20 December 2005, 16 March 2013, 28 April 2013, 7 July 2013 and 25 August 2013, 22 September 2013, 9 March 2010, 7 December 2010, 20 December 2011, 13 March 2012, 8 May 2012, 22 May 2012 6 November 2012, 26 March 2013, 30 July 2013, 13 August 2013 (Notice of Motion) and 27 August 2013.

At the Special Council Meeting held on 30 July 2013, the Council considered the following;

"COUNCIL DECISION ITEM 7.1

That the Council;

1. *RECEIVES the report dated 30 July 2013 concerning the Local Government Structural Reform and proposed amalgamations of Metropolitan Local Governments, as detailed in this report and shown in Appendix 7.1 (Attachments 005, 006, 007 & 008);*
2. *RECOGNISES the need for Local Government structural reform in Western Australia;*
3. *OPPOSES the State Government's proposal to merge a significant proportion of the City of Vincent into the City of Stirling, as shown in Appendix 7.1 (Attachment 007 - Map 1), as it is considered there is very little "community of interest" between the population of the two municipalities and that it will be to the detriment of the inner city identity of the precincts that make up the City of Vincent;*
4. *STRONGLY SUPPORTS a full merger of the City of Vincent with the City of Perth, as this is considered the best way to deliver efficient and dynamic Governance for the City's residents, business's and five (5) Town Centres;*
5. *OPPOSES the State Government's decision to amend the Local Government Act 1995 to remove any poll or referendum provisions for residents or ratepayers of Metropolitan Local Government's;*

6. *Establishes a community and social media campaign, including petitions, town hall meetings and advertising to oppose the Stirling merger plan to be directed by a committee formed by the Mayor and four Councillors and relevant officers. The following four Councillors were appointed;*
 1. *Cr Carey;*
 2. *Cr Harley;*
 3. *Cr Topelberg;*
 4. *Cr Wilcox; and*
(Cr McGrath if Cr Topelberg is unavailable);
7. *REQUESTS the Chief Executive Officer to engage personnel with the skill to oversee the campaign for the next two (2) months;*
8. *APPROVES the appointment of the Mayor and Chief Executive Officer to the proposed Implementation Transition Committee for the City of Vincent;*
9. *REQUESTS the Chief Executive Officer to provide a report to the Council no later than 27 August 2013, concerning the following:*
 - 9.1 *the progress of the community campaign; and*
 - 9.2 *the preparation of a submission to the Local Government Advisory Board;*
10. *AUTHORISES the Chief Executive Officer and Mayor to;*
 - 10.1 *enter into discussions with stakeholders, including the Minister for Local Government, Members of Parliament, City of Perth, City of Stirling and any other relevant persons/organizations; and*
 - 10.2 *commence discussions with the City of Perth on a merger of the whole of the City of Vincent into the City of Perth;*
 - 10.3 *consult with the Vincent community concerning the Government's proposal;*
11. *REQUESTS its representatives in State Government to support the Council's position; and*
12. *ADVISES the Premier, Minister for Local Government, City's of Perth, City of Stirling and the City's ratepayers and residents of its decision."*

At the Ordinary Council Meeting held on 13 August 2013, the Council considered the following;

"COUNCIL DECISION ITEM 13.1

That the Council;

1. *Formally REQUESTS the City of Perth to;*
 - 1.1 *SUPPORT the City of Vincent's position that ALL of the City of Vincent be incorporated into the City of Perth; and*
 - 1.2 *Include in its submission to the Local Government Advisory Board for the extension of the proposed City of Perth Local Government boundaries to include all of the City of Vincent Local Government District; and*
2. *ADVISES the City of Perth of the strength of City of Vincent's financial position."*

At the Ordinary Council Meeting held on 27 August 2013, the Council considered the following;

"COUNCIL DECISION ITEM 9.5.1

That the Council;

1. *RECEIVES Progress Report No.1, as at 20 August 2013 concerning the Metropolitan Local Government Structural Reform/Amalgamations;*
2. *APPROVES BY AN ABSOLUTE MAJORITY;*
 - 2.1 *the expenditure of \$29,750 as part of the City's campaign to oppose part of the City of Vincent being merged with the City of Stirling and for the whole of the City of Vincent to be merged with the City of Perth as follows:*

ITEM	Amount
<i>Mailout to Residents</i>	<i>\$10,000</i>
<i>Printing Campaign Material</i>	<i>\$5,000</i>
<i>Consultant – Media/Communications</i>	<i>\$5,000</i>
<i>Community Rally Costs</i>	<i>\$4,200</i>
<i>Advertising Local newspapers</i>	<i>\$2,800</i>
<i>Graphic Designer</i>	<i>\$1,550</i>
<i>Employee Overtime</i>	<i>\$1,200</i>
<i>Total</i>	<i>\$29,750</i>

and

- 2.2 *Proposed expenditure of up to \$10,000 for future campaign costs; and*
3. *AUTHORISES the Chief Executive Officer to identify a funding source at the Midyear Budget Review, to cover the expenditure in the Clause 2 above."*

DETAILS:

COUNCIL'S CAMPAIGN - ACTION TAKEN TO DATE:

Following the Council's Special Meeting held on 30 July 2013, the following action has been taken:

1. Committee

THE COUNCIL ESTABLISHED A COMMITTEE AS FOLLOWS:

- "6. *Establishes a community and social media campaign, including petitions, town hall meetings and advertising to oppose the Stirling merger plan to be directed by a committee formed by the Mayor and four Councillors and relevant officers.*

The following four Councillors were appointed;

1. *Cr Carey;*
2. *Cr Harley;*
3. *Cr Topelberg;*
4. *Cr Wilcox; and*

(Cr McGrath if Cr Topelberg is unavailable);

7. *REQUESTS the Chief Executive Officer to engage personnel with the skill to oversee the campaign for the next two (2) months;"*

2. The City of Vincent's Campaign:

Meetings

The Committee has met on the following occasions

- 1 August 2013
- 8 August 2013
- 19 August 2013
- 2 September 2013
- 11 September 2013; and
- 18 September 2013.

Rally's

A rally was held on Sunday 11 August 2013 and was attended by approximately 1,200 ratepayers and residents.

A second rally has been arranged for Sunday 22 September 2013.

Banners – have been erected at key strategic locations throughout the City.

3. Petition

A petition was agreed by the campaign committee.

The petition has been placed in the:

- Administration and Civic Centre;
- Beatty Park Leisure Centre; and
- Library and Local History Centre – Street Co-ordinators have also been collecting signatures..

As at the 20 September 2013, approximately 7,000 signatures have been collected. The number of signatures is increasing rapidly each day.

4. Advertisements

Advertisements have been placed in Local community newspapers and appeared in the *Guardian Express* and *The Perth Voice*, informing the community of the Government's proposal and seeking support for the Council's position.

5. Website

A special page has been included in the City's website and is regularly updated.

6. Meeting with the City of Perth

On Monday 12 August 2013 the City's Mayor met with the Lord Mayor of the City of Perth.

On Thursday 15 August 2013 the Chief Executive Officer met informally with the City of Perth CEO to discuss Local Government Structural Reform.

7. Meeting with the City of Stirling

The City's Mayor and Chief Executive Officer has with the City of Stirling Mayor and Chief Executive Officer on Wednesday 4 September 2013.

8. Letters to Members of Parliament

Letters to Members of Parliament North Metropolitan Upper House, were sent on 2 September 2013.

Strengthening Perth as A Global City

There is a strong case that merging the two Cities will be of great benefit to the City of Perth as follows:

1. Merging the City of Vincent and the City of Perth makes sense to build a sustainable global city that is a gateway to the movement of people, capital and ideas.
2. By world and Australian standards, the City of Perth lags behind major capitals in terms of population. The City of Perth has the smallest area and population of any Australian capital city but faces increasing demands for services by a rapidly growing but fragmented residential population.
3. The City of Perth's own submission identifies the small size and population as a problem in planning the City well – including Kings Park in the boundary will not change that. With a population of 17,000, the current City of Perth is smaller than the City Councils of Hobart, Darwin and Adelaide.
4. Merging the City of Vincent with the City of Perth would produce a capital city authority of 50,000 people – still well behind the other capitals we compete with for commerce, tourism and investment. (Refer to attachment 007)
5. The country's most successful cities have Capital City authorities of more than 100,000 people – Sydney with 187,679 and Melbourne with 100,611 - and they work more effectively because of their size. In each case the bulk of the population is in the inner-city suburbs, not the central area.
7. The State Government's own review of Local Government recommended that Vincent be incorporated into Perth.
8. Vincent's vibrant and diverse inner-city urban villages and varied housing styles are a natural fit with the consolidation of Perth as a centre for business, entertainment, education and cultural events.
9. The City of Perth would gain Beatty Park Leisure Centre, which has recently undergone a \$17m redevelopment and is now considered to have one of the best Leisure Centre's in the State. It has a current value of approx. \$30 million. This would fit well with the intention to include high profile assets in the City of Perth. The membership numbers have exceeded expectations and it is expected that the Centre will now be operationally financially sustainable for the future. Historically Beatty Park is associated a being an icon for the leisure and recreation industry in the state of Western Australia and is used by many high profile sporting groups both local and interstate for rehabilitation. The Centre has a close link with the City of Perth will many of the patrons coming from the City and also a number of the Clubs who utilise the Centre and associated with the City of Perth. The Centre would be a valuable asset for the City of Perth- not only in financial terms.

Local Government Advisory Board – Guiding Principles

The Local Government Advisory Board had previously specified that any submissions to the board for changes to Local Government Boundaries should meet the following guiding principles:

1. Community of Interest;
2. Physical and Topographical features;
3. Demographic trends;
4. Economical and Financial Impact;
5. History of the area;
6. Transport and Communication;
7. Matters affecting viability of the Local Government(s) involved; and
8. Delivery of Local Government services.

What is Community of Interest?

The Local Government Advisory Board (LGAB) describes community of interest as:

For example, sporting, leisure and library facilities create a focus for the community. The use of shopping areas and the location of schools also act to draw people together with similar interests. This can also give indications about the direction that people travel to access services and facilities. The external boundaries of a Local Government need to reflect distinct communities of interest wherever possible. Neighbourhoods, suburbs and towns are important units in the physical, historical and social infrastructure and often generate a feeling of community and belonging. The Board believes that wherever possible, it is inappropriate to divide these units between Local Governments.

The term "Community of Interest" can include a sense of community identity and belonging, similarities in the characteristics of the residents, and similarities in the economic activities. It can also include dependence on shared facilities such as catchment areas for schools, shopping centres, sporting teams and other facilities.

Reasons for City of Vincent to be merged with City of Perth – LGAB Principles

There are many good reasons why the City of Vincent fits best with the City of Perth, as follows:

1. Community of Interest

- 1.1 The City of Stirling is a very large Local Government and many (if not all) of its suburbs **do not** have a "community of interest" with the City of Vincent.
- 1.2 City of Vincent residents identify as inner city residents. They have lived in the area for either most of their lives, or have moved here because they work, live and recreate in the City;
- 1.3 Vincent has vibrant inner-city communities, built around five town centres, which are interconnected and share a common sense of identity. The inclusion within the City of Perth fits with this focus;
- 1.4 The City of Vincent economic structure is based on mainstreet commercial entertainment strips, which need active place making. The City shares this with Perth and not with Stirling;

2. Physical and Topographical Features

- 2.1 The boundaries proposed by the State Government DO NOT comply with the principle of following major roads/physical features or barriers, eg: Richmond Street is a minor road.
- 2.2 The current proposed boundaries are illogical and do not meet the guidelines prescribed by the Local Government Advisory Board.
- 2.3 The current proposed boundary will split the Mount Lawley/Beaufort Street business district, - it will be governed by three (3) different Local Governments. Beaufort Street is under this proposal in three different Local Government areas- if the City of Vincent was completely amalgamated with the City of Perth, this would mean the majority of commercial Beaufort Street would be in the City of Perth;

3. Demographic Factors

- 3.1 The Demographics of Vincent more closely aligned with the City of Perth than the City of Stirling.

4. Economic and Financial Impact

- 4.1 The City of Perth has the lowest rates of any Local Government in the Metropolitan area (\$981 on GRV 21,000.) this compares to the City of Stirling of 1368 and the City of Vincent 1414. Refer to appendix 13.1, attachment 006.
- 4.2 The City of Perth would inherit a budget in excess of \$40 million. (as opposed to only a part of the Vincent budget.)
- 4.3 The City of Perth would receive Cash Reserve Funds of approx \$8.60 million.
- 4.4 Determination/methodology for the allocation of assets would be easier- especially those assets that are not location specific. eg Depot at Osborne Park(valued at approx \$10-12 million), Depot trucks, tractors, vehicles, machinery etc,(\$3.5 million), the City's share of Tamala Park land (valued at approx \$20 million.).
- 4.5 The amalgamation process would be more cost efficient and much easier to implement by two Local Governments (instead of three).

5. History of the area

- 5.1 Vincent has been a part of the City of Perth since the early 1900's, up until 1 July 1994, when the former City of Perth was split – creating the Towns of Vincent, Cambridge and Victoria Park.
- 5.2 Many long term residents still identify with the City of Perth.
- 5.3 The Robson Report recommends in both of its options that the WHOLE of the City of Vincent amalgamate with the City of Perth;

6. Transport and Communication

- 6.1 The City of Vincent is well serviced by public transport, which provide an efficient to the central business service.
- 6.2 Many Vincent residents work in the central business district and rely on the current transport network to the CBD.
- 6.3 The transport network to many part of the City of Stirling are not available.

7. Matters affecting viability of Local Government

- 7.1 This principle would not be affected.

8. Delivery of Local Government services

- 8.1 The City of Perth is more physically closer to the most of Vincent than is the City of Stirling, thereby making it easier for the Vincent residents to conduct business.

Submissions to the Local Government Advisory Board:

The following was announced at the meeting held on 30 July 2013.

The Minister for Local Government has REQUESTED each Local Government to lodge a submission with the Local Government Advisory Board on the Government's proposal for proposed new Local Governments in the Metropolitan Area, by the 4 October 2013.

If a Local Government HAS LODGED its submission with the Local Government Advisory Board by 4 October 2013, if it is in accordance with the Government's proposal, it may receive \$200,000 from the State Government, to assist in the Structural Reform process.

If a Local Government HAS NOT LODGED its submission with the Local Government Advisory Board by 4 October 2013, the Minister for Local Government will lodge his own submission concerning the Local Government, based on the Government's proposal, as announced on 30 July 2013.

The Minister for Local Government has announced that he and/or the Local Government Advisory Board are prepared to consider any submissions for minor changes ("*tweaking*") to the Government's proposed boundaries and significant ("*wholesale changes*") will not be considered.

Local Implementation Committees:

An Implementation Transition Committee (comprising of representatives Department of Local Government and Communities, Western Australian Local Government Association (WALGA) and Local Government Managers Association), reporting to the Minister for Local Government will be formed to oversee the Structural Reform process and Local Government Implementation Transition Working Groups for each new Local Government entity (comprising of Council Members and Officers), will report to the Implementation Transition Committee.

Local Governments should establish a Local Implementation Committee to progress planning for implementation of the new Local Government. The establishment of Local Implementation committees will fulfil an important role in achieving a smooth transition and in informing the METRIC about the achievement of implementation milestones and issues that would benefit from a coordinated response.

The groupings of Local Governments to form Local Implementation Committees are proposed as follows:

1.	Perth	Vincent	
2.	Armadale	Serpentine-Jarrahdale	
3.	Bassendean	Bayswater	
4.	Belmont	Kalamunda	
5.	Cambridge	Claremont	Cottesloe
	Mosman Park	Nedlands	Subiaco
	Peppermint Grove		
6.	Canning	Gosnells	
7.	Cockburn	Kwinana	
8.	Fremantle	Melville	East Fremantle
9.	Mundaring	Swan	
10.	South Perth	Victoria Park	
11.	Stirling	Vincent	

Other Local Governments, outside the grouping above, may be affected by boundary changes. Although these Local Governments may not be represented on the Local Implementation Committee, they should be consulted and kept informed by the relevant Committee.

A senior officer from the Department of Local Government and Communities is available to attend Local Implementation Committee meetings to provide assistance as required.

There will be a strong focus on achieving a seamless service delivery during the changeover to the planned new Local Government in late 2015.

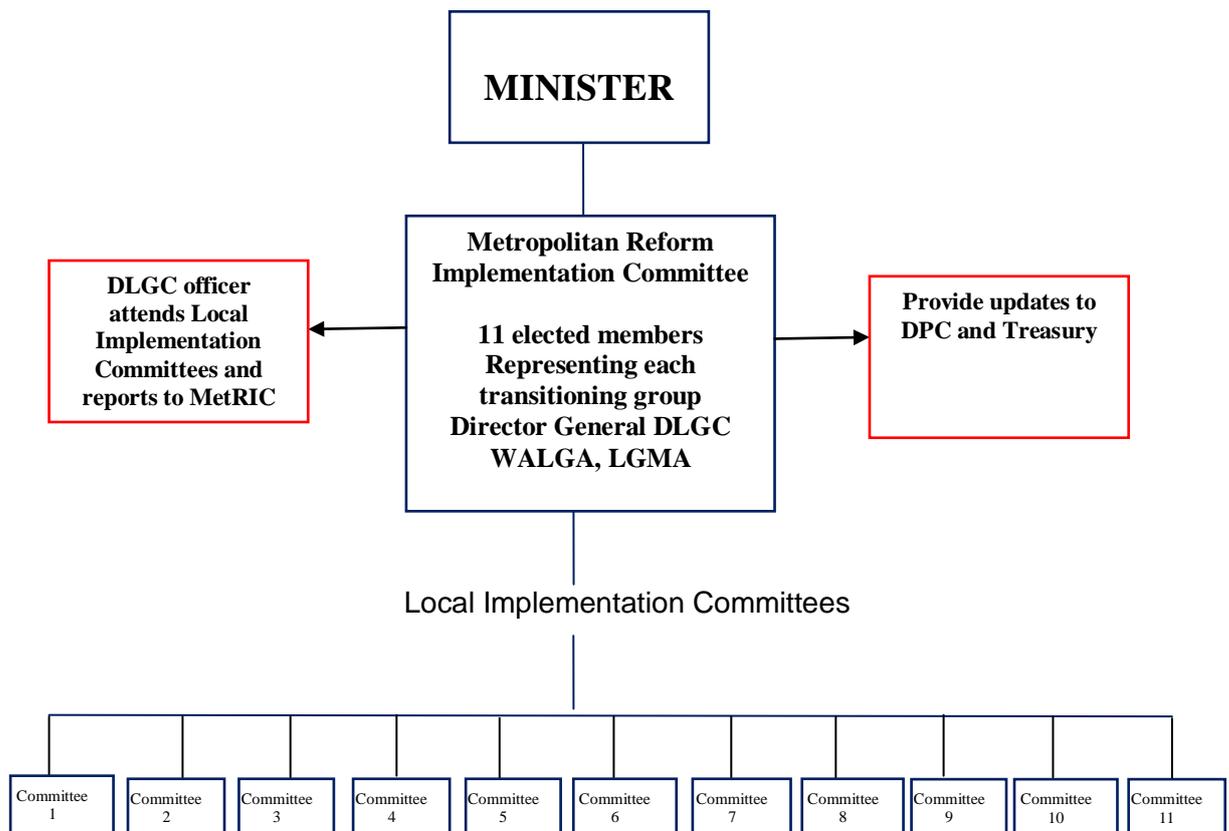
During the transition phase, Local Governments will continue to operate with their Chief Executive Officers in place to run the existing administrations until the new entities are created.

Commissioners will be appointed from the first day of the new entities and will continue in the role until the next elections in October 2015, about three-and-a-half months.

The Minister for Local Government can also appoint commissioners at an earlier stage if the reform progress is unsatisfactory or the Local Government requests that commissioners be appointed.

The amalgamation process requires excellence in due diligence processes as it will be an extremely complex process similar to corporate mergers and restructures in the private sector.

These governance arrangements are depicted below.



IEWS OF PERTH AND STIRLING

(i) **City of Perth**

The City's Mayor met with Perth on 12 August 2013.

The City of Vincent has provided extensive information to the PCC in order to assist them with their decision. At the time of writing this report, the PCC has adopted the following formal position about its boundaries;

"THAT COUNCIL:

1. *acknowledges State Government proposals for an expansion of its boundaries with inclusion of key capital city infrastructure, yet remains focussed on its Capital City role, and generally considers it to be strategically sound;*
2. *acknowledges the publicly stated views of other Councils and their communities and respects those views and encourages them to advocate their own views to the Local Government Advisory Board being the statutory body with responsibility to consider the many competing views;*
3. *acknowledges the views of its own community and key stakeholders significantly affected by the proposed reforms and will endeavour to represent those views in its own deliberations and advocacy to the Local Government Advisory Board;*
4. *considers that all options are open, but that, at the very least, there are amendments that should be made to the State Government's boundary proposals, and will over the coming weeks properly consider these possibilities and determine a final proposal for submission to the Local Government Advisory Board in due course; noting that it is entitled to take until 4 October 2013 to do so if it wishes;*
5. *acknowledges that given the varying views expressed publicly by its neighbouring Councils, it considers it highly unlikely that a joint submission of mutually agreed proposals to the Local Government Advisory Board will be achieved as had been sought by the State Government;*
6. *authorises the CEO to facilitate the development of a City of Perth independent submission for proposals to the Local Government Advisory Board and to take all necessary action to ensure that the City's stakeholders and community interests are properly considered."*

However, media speculation on Sunday 15 September 2013, indicated that it is highly unlikely that PCC will lodge a joint submission with Vincent to the LGAB – in essence, they will not pursue the whole of Vincent being amalgamated into PCC.

(ii) **City of Stirling**

The Mayor and Chief Executive Officer's of City of Vincent and City of Stirling met on 4 September 2013.

The City of Stirling Council met on Tuesday 20 August 2013, to consider its position with regard to Local Government Reform and resolved the following:

"Council Resolution

Move Councillor Lagan, Seconded Councillor Proud

1. *The City REAFFIRMS its decision of 19 March 2013 namely no changes to its boundary as there are no benefits for the current and future residents and ratepayers of the City of Stirling.*
2. *That the CEO LIAISE with neighbouring Councils affected by the Structural Reform process to determine if any joint submissions can be made thaty may be in the interest of the City of Stirling and REPORT to Council.*
3. *That the CEO RESPOND to the City of Bayswater correspondence advising that the City does not support a joint submission.*
4. *that the MAYOR WRITE to all Parliamentarians whose boundaries reside within the City of Stirling seeking their support and outlining the position taken by the City of Stirling.*

The motion was put and declared CARRIED (12/0)"

CONSULTATION/ADVERTISING:

There has been considerable media reporting concerning Local Government Structural Reform in Western Australia.

The Council has approved of a campaign to engage with the City's ratepayers, residents and business proprietors, for the entire City to be merged with the City of Perth.

The City of Vincent Community Consultation Policy No 4.1.5 at clause 2 states:

"2. When we will Consult?"

The Council will consult with residents when:

- (i) the future use of a significant area of land within the City is being decided.*
- (ii) **there is, or is likely to be, strong community concern or interest in the issue.***
- (iii) **the proposals before the Council are anticipated to have a significant impact on the economy, lifestyle, amenity and/or environment of the City or its residents.***
- (iv) government agencies, other than the Council, have a stated interest in any policy or plans being considered.*
- (v) the resolution of an issue or implementation of a proposal is likely to require a substantial redirection of ratepayer funds either by up front or ongoing costs.*
- (vi) information is needed by Elected Members or officers about community needs, priorities or values to ensure planning is appropriate and responsive.*
- (vii) the Council has statutory obligations to consult with the community.*
- (viii) the Council wishes to ensure that minority or disadvantaged groups have information about, and access to, the Council's services and programs."*

Community Consultation

The following consultation has been carried out:

1. Letter to all owner & Occupiers in the City.
2. Community Rally.
3. Website.
4. Advertisements, Banners and posters.
5. Plebiscite – the Council has resolved that a plebiscite is to be conducted by the WA Electoral Commission as part of the October Local Government Elections. A copy of the plebiscite is shown at Appendix 9.5.2 (Attachment 002).

LEGAL/POLICY:

Any Local Government boundary amendment is subject to the provisions of Schedule 2.1 of the Local Government Act 1995, relating to creating, changing the boundaries of, and abolishing districts.

The Premier and Minister announced that amendments would be made to the Local Government Act poll provisions (that is a Schedule 2.1).

The Local Government Advisory Board is required to consider the following criteria when looking into structural reform changes:

- Community of interest;
- Physical and topographic factors;
- Demographic factors;
- Economic matters;
- History of the area;
- Transport and communication;
- Matters affecting viability of the Local Government(s) involved; and
- Delivery of Local Government services.

Additionally, Schedule 2.1 provides that the employment of staff is not to be terminated or varied as a result of amalgamation unless compensation acceptable to the person is made, or a period of at least two years has elapsed since the order for amalgamation had effect.

Any Local Government boundary amendment is subject to the provisions of Schedule 2.1 of the Local Government Act 1995, relating to creating, changing the boundaries of, and abolishing districts.

Current legislation requires a structural reform proposal to be made to the Local Government Advisory Board which will then hold a formal inquiry on the proposal. The Advisory Board will then make recommendations on the proposal and electors of each Local Government are then provided with an opportunity to demand a poll.

The Schedule provides that electors may demand a poll be conducted on any recommended amalgamation. It provides that the request for a poll is to be signed by at least 250, or at least 10% of electors of one of the affected districts. To be considered valid, at least 50% of the electors of one of the affected districts must vote and of those electors who vote, should a majority vote against the recommendation, the Minister is to reject the recommendation. Should a poll be requested and at least 50% of the electors of one of the districts vote; and of those electors of that district who vote, a majority vote against the recommendation, the Minister is to reject the recommendation.

Based on previous experience, the structural reform process would normally take 18 months to two years, following a Council resolution to formally proceed with a proposal.

The Local Government Advisory Board is required to consider the following criteria when looking into structural reform changes:

- Community of interest
- Physical and topographic factors
- Demographic factors
- Economic matters
- History of the area
- Transport and communication
- Matters affecting viability of the Local Government(s) involved
- Delivery of Local Government services

Additionally, Schedule 2.1 provides that the employment of staff is not to be terminated or varied as a result of amalgamation unless compensation acceptable to the person is made, or a period of at least two years has elapsed since the order for amalgamation had effect.

RISK MANAGEMENT IMPLICATIONS:

High: There is a strong risk that if the City does not provide a submission to the Local Government Advisory Board, by 4 October 2013, on the Government's proposal, it will miss an opportunity to influence, to some degree, the future of the City of Vincent.

It will also not receive the \$200,000 funding

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2021 provides various stated objectives of financial sustainability, sustainable community infrastructure and best management practices.

SUSTAINABILITY IMPLICATIONS:

The City is in a strong financial position, with considerable funds in reserve, debts covered by money-back guarantees, considerable future revenue from its share of the Tamala Park land and with potential income from the future redevelopment in Leederville.

FINANCIAL/BUDGET IMPLICATIONS:

There are no funds in the 2013/2014 Budget for Local Government Structural Reform matters.

Therefore an Absolute Majority Decision of the Council is required to approve of expenditure relating to Local Government Structural Reform Matters and in particular the City's campaign as approved at the Special Meeting of Council held on 30 July 2013.

If the City lodges its submission with the Local Government Advisory Board by 4 October 2013, it may receive \$200,000 to assist in the Structural Reform process.

The Council has approved of a budget of:

Expenditure to date (20 September 2013):

ITEM	INDICATIVE COSTS
Mailout to Residents	\$14,350
Printing Campaign Material	\$15,250
Consultant – Media/Communications	\$5,000
Community Rally Costs	\$6,610
Advertising Local newspapers	\$4,800
Graphic Designer	\$1,550
Employee Overtime	\$1,205
Total	\$48,765

COMMENTS:

The Government's proposal for Metropolitan Local Governments is very disappointing as it is contrary to the recommendations of the Metropolitan Local Government Review Panel report (Robson Report).

The splitting of the City of Vincent between the City of Perth and City of Stirling is considered a detriment to the City's ratepayers and residents. It is considered that the City of Stirling has very little in common with the City of Vincent population, as the City of Vincent is a vibrant inner City Local Government – more aligned with the City of Perth.

The Chief Executive Officer is of the strong opinion that if the City of Vincent is to be amalgamated, the whole of the City should merge with the City of Perth – as recommended by the "Robson Report".

The Vincent Community reaction against the Government's proposal is widespread and there is almost total support for the whole of the City of Vincent to be merged with the City of Perth.

The City's submission has been prepared on the basis of the Council's decision of the 30 July 2013 (i.e. for the whole of the City of Vincent to be merged within the City of Perth).

Approval of the Officer Recommendation is therefore requested.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 NOTICE OF MOTION: Cr Joshua Topelberg – Request to hold a public meeting concerning the Concrete Batching Plants

That the Council;

1. APPROVES a public meeting to be held on a date approved by the Acting Mayor, no later than 18 October 2013, to explain to the Claisebrook North community the decision of the ~~Department of~~ Minister for Planning in relation to the concrete batching plants and the advertising of the City of Vincent Town Planning Scheme 2;
2. INVITES;
 - 2.1 the Minister and senior representatives of the ~~Department of Planning~~ WA Planning Commission and relevant Local Member to attend the meeting to explain their position;
 - 2.2 the owner/applicants of the six recently approved residential developments in the immediate vicinity to attend the meeting; and
3. REQUESTS a report be submitted to Council no later than December 2013 outlining the course of action to address the proposed zoning of the batching plant properties and surrounds.

COUNCIL DECISION ITEM 10.1

Moved Cr Maier, Seconded Cr Buckels

That the motion be adopted.

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (6-0)

(Cr McGrath and Cr Topelberg were on approved leave of absence.)
(Cr Wilcox was an apology for the Meeting.)

COUNCIL DECISION ITEM 10.1

That the Council;

1. APPROVES a public meeting to be held on a date approved by the Acting Mayor, no later than 18 October 2013, to explain to the Claisebrook North community the decision of the Minister for Planning in relation to the concrete batching plants and the advertising of the City of Vincent Town Planning Scheme 2;
2. INVITES;
 - 2.1 the Minister and senior representatives of the WA Planning Commission and relevant Local Member to attend the meeting to explain their position;
 - 2.2 the owner/applicants of the six recently approved residential developments in the immediate vicinity to attend the meeting; and
3. REQUESTS a report be submitted to Council no later than December 2013 outlining the course of action to address the proposed zoning of the batching plant properties and surrounds.

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

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

PROCEDURAL MOTION

At 9.52pm **Moved Cr Maier, Seconded Cr Pintabona**

That the Council proceed “behind closed doors” to consider confidential item 14.1, as this matter contains information concerning legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (6-0)

(Cr McGrath and Cr Topelberg were on approved leave of absence.)
(Cr Wilcox was an apology for the Meeting.)

There were no members of the public present.

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

Journalists Sara Fitzpatrick and David Bell departed the meeting.

PRESENT:

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Matt Buckels	North Ward
Cr John Carey	South Ward
Cr Roslyn Harley	North Ward
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Community Services
Petar Mrdja	A/Director Planning Services
Rick Lotznicker	Director Technical Services

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

14.1 CONFIDENTIAL REPORT: Carr Street Fire – Update by the Chief Executive Officer

The Chief Executive Officer provided the following verbal information to the Council. In response to a question from Cr Maier prior to the meeting, the following email was sent to Council Members;

- “ 1. The matter was reported to the Council OMC 10 September 2013. -Refer to attached IB13- Register of Actions- page 7 of 8 and IB 14 Confidential Register of legal action. This item stated "*The matter will be reported to the next Audit Committee*"- as I understand it was raised at the last Audit Committee.
2. As reported, the matter was negotiated at a meeting (lasting several hours with the Owners), represented by Lavan Legal and the City was represented by Chris Zelestis QC, Sam DeVita and myself.
3. The City's QC provided a letter giving reasons as to why the matter should be settled. These included:
 - (a) the high cost of proceeding to the District Court (estimated to be \$200,000-\$300,000)- especially the costs associated with assembling expert witnesses;
 - (b) if it proceeded to a trial, there is no guarantee that the City would recover its costs- he estimated that at best the City would only recover 60% of its costs;
 - (c) the difficulty of the City's proving it case against the Owners 'for failing to take all practicable measures to prevent the incident'.
4. The City's QC has stated in his letter: "*I formed the view that it was in the best interests of the City to accept CGM's offer, which was made in the course of negotiations and which I was satisfied was their best offer*".
5. The Parties reached an agreement on 12 August 2013 and a Confidentiality Agreement was signed. Payment to the City is due on 12 October 2013.

As stated, the matter will be reported to the next Audit committee (and thereafter to the Council).”

The Chief Executive Officer verbally provided the following information;

16 May 2012	Fire Occurred at Carr Street premises
17 May 2013	Officers met with Owners to discuss clean-up
22 May 2013	Report to Council
3 July 2012	Letter to owners seeking payment of City's costs
August 2012	Lavan Legal Lawyers engaged by owners – Letter received by the City.
September 2012	Lavan Legal sent letter to City asking what legal grounds the City was using to recover costs.
October 2012	Lavan Legal sent - letter to City received indicating the owners were willing to settle.
25 October 2012	City obtained Barrister advice concerning Grounds for recovery of costs – common law negligence and/or Equitable Claim for restitution or recoup of costs

1 November 2012	Mayor/ Chief Executive Officer/Solicitor met with Lavan Legal and owners to discuss settlement. Both Parties – agreed to obtain QC advice.
6 November 2012	Progress Report to the Council
21 December 2012	City engaged Chris Zelestis QC to represent the City.
February/March 2013	City Wrote several letters to Lavan Legal – provided responses to questions.
April – May 2013	Owners went overseas – Lavan Legal were unable to take instructions.
June – July 2013	QC and City met – Difficult to set a firm date, due to the legal commitments of the City's Qc and also Lavan Legal Lawyers.
12 August 2013	Negotiated settlement was achieved. The settlement involved a Deed of Settlement and Confidentiality being signed by the Parties. The Deed specifies: <ul style="list-style-type: none"> • The Parties must agree to keep the Settlement Conditions confidential. • The matter is not to be disclosed or discussed outside of a Confidential Council Meeting. <p>The Chief Executive Officer informed the Council of the settlement amount, which is to be paid to the City by 12 October 2013.</p>

The Mayor stated that she has the highest regard for the City's Queens Counsel, Mr Chris Zelestis QC and was satisfied that the settlement achieved was the best achieved for the City.

There were no questions from Councillors.

The Chief Executive Officer requested that the Council Members and Officers present must keep the conditions of settlement Confidential, as required by the Deed of Settlement and Confidentiality.

PROCEDURAL MOTION

At 10.07pm **Moved Cr Carey, Seconded Cr Maier**

That the Council resume an “open meeting”.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (6-0)

**(Cr McGrath and Cr Topelberg were on approved leave of absence.)
(Cr Wilcox was an apology for the Meeting.)**

15. CLOSURE

There being no further business, the Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting closed at 10.07pm with the following persons present:

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Matt Buckels	North Ward
Cr John Carey	South Ward
Cr Roslyn Harley	North Ward
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Community Services
Rick Lotznicker	Director Technical Services
Petar Mrdja	A/Director Planning Services

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 8 October 2013.

Signed:Presiding Member
Deputy Mayor - Cr Warren McGrath

Dated this day of 2013