



**CITY OF VINCENT**

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*"Enhancing and celebrating our diverse community"*

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# MINUTES

**20 NOVEMBER 2012**

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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 20 November 2012, commencing at 6.04pm.

**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 John Pintabona advised he will need to depart the meeting between 7.30pm till approximately 8.30pm, for a prior personal appointment.

**(b) Members on Approved Leave of Absence:**

Cr Matt Buckels on approved leave of absence until 25 November 2012 inclusive, due to personal commitments.

**(c) Present:**

Mayor Hon. Alannah MacTiernan Presiding Member

Cr Warren McGrath (*Deputy Mayor*) South Ward

Cr John Carey South Ward  
Cr Roslyn Harley North Ward (from 6.19 pm)  
Cr Dudley Maier North Ward  
Cr John Pintabona South Ward (until 7.35 pm)  
Cr Joshua Topelberg South Ward  
Cr Julia Wilcox North Ward

John Giorgi, JP Chief Executive Officer  
Rob Boardman Director Community Services  
Carlie Eldridge Director Planning Services (until 7.40 pm)  
Rick Lotznicker Director Technical Services  
Mike Rootsey Director Corporate Services

Jerilee Highfield Executive Assistant (Minutes Secretary)

Employee of the Month Recipient

Nil.

Media

Lauren Stringer Journalist – *"The Guardian Express"* (until approximately 8.05pm)  
David Bell Journalist – *"The Perth Voice"* (from 6.07pm, until approximately 8.05pm)

Approximately 8 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. Nick Brunsdon of Space Market Pty Ltd – Item 9.1.5 Stated the following:
  - He advised that he had been working with one of the City's Officers on developing this scheme to implement young creative businesses through disused spaces within the City of Vincent.
  - He is currently working in the City of Perth and the City of Fremantle and has been for the past two (2) years. His business was developed in March 2011 and since then have had 1.5 million hits and paired sixty (60) businesses with disused spaces.

*The Presiding Member Mayor Hon. Alannah MacTiernan asked Mr Brunsdon if he had seen the Officer Recommendation for the meeting.*

- He advised that he had not yet seen the Officer Recommendation.
2. Sam Rogers of 235 Beaufort Street, Perth addressed the Council and stated the following:
    - He advised that he wanted to discuss the Parking issue like he discussed at the Ordinary Meeting of Council held on 9 October 2012. He had met with the Mount Lawley Society, business association in Leederville, the North Perth Business people and the Mount Lawley business people.
    - He wished to place a proposal to the Council to have a systematic and common parking rule for the City of Vincent. He had not approached anyone in Mount Hawthorn, regarding the one (1) hour street parking, requiring a ticket.
    - He wished to push this discussion and process within the Council so this can change.
    - He mentioned that he supported the "pop-up" Shops as that is a fantastic idea.
  3. Sandra Bransby of 4 Edison Way, Dianella – Item 9.1.3 Stated the following:
    - She advised her disappointment in having to attend the Council meeting, as she did not expect the Officer Recommendation that had been presented. There had been considerable discussions and negotiations with the Planning Section regarding this application and believed that there would be a favourable outcome, as no issues had been raised or expressed to her.
    - Firstly the front fence, majority of this is compliant and only a small section wrapped around the power dome, which is solid, however this was an oversight but is more than happy to ensure this is compliant and that the front fence complies with the requirements.
    - Secondly, regarding the site setback, the first floor is actually compliant apart from the boundary wall itself. The balance of the site setback is actually compliant and provided at 1.5 metres, the portion at 1.2 in addition to the length of the boundary wall should have been 1.2 and that had been provided at 1.2, so this is compliant.
    - The only issue is the boundary wall itself, and it is only a variation. She wished to advise that before this was actually submitted to Council both her client, the owner of the property and the adjoining owner on the South had actually met and went through the plans and actually discussed both the proposals in getting this through the Council.
    - Both owners worked over the plans to ensure that the outcome was a better option. All the four (4) lots on that subdivision had already received planning approval.
    - The main issue is the overshadowing. The overshadowing is a variation of 2.37%, and this is actually a lesser variation that was previously supported by the City of 42%. As she previously mentioned, this was discussed with the adjoining neighbours who are aware of the variation. The window to the ground floor is being overshadowed and will be overshadowed by compliant setback and a compliant development.

4. Martin Gaedke of 94 Lawler Street, North Perth – Item 9.1.5 Stated the following:
  - He believed that he had worked through most of the issues with the Council and reiterated what the previous speaker had advised. He was surprised regarding the Officer Recommendation to REFUSE the application as there had been no opportunity to actually address the Council concerns.
  - He had worked very closely with the neighbour to seek the approval of the design and the outcome.
  
5. Brad Barstow of 49 Norfolk Street, North Perth – Item 9.1.3 Stated the following:
  - He is the neighbour to the previous speaker Mr Gaedke. He is the most affected by the overshadowing issue of the property. This is a small Lot development that had been approved by the Council. It is four (4) lots facing east/west and there only 250 Sq metres of land and it is difficult to fit any form of compliant home that would be suitable in this location and add value to the City of Vincent.
  - Regarding the development - most of it only overshadows onto a small portion of the roof and even if he had a compliant design he would still not change the solar access to the windows of the property.
  - Lastly he advised that future owners will have the same opportunity as what he had in that they can view the properties and see what impact there is on the houses and their decision making before purchasing the properties.

There being no further speakers, Public Question Time closed at approx. 6.15pm.

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

Nil.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

- 4.1 Cr Roslyn Harley requested leave of absence from 4 December 2012 to 14 January 2013 (inclusive), due to personal commitments.

**Moved Cr Topelberg Seconded Cr Pintabona**

**That Cr Harley's request for leave of absence be approved.**

**CARRIED UNANIMOUSLY (7-0)**

**(Cr Buckels was on approved leave of absence.)  
(Cr Harley had not yet arrived at the Meeting.)**

- 4.2 Cr Warren McGrath requested leave of absence from 22 November 2012 to 23 November 2012(inclusive), due to work commitments.

**Moved Cr Topelberg Seconded Cr Carey**

**That Cr McGrath's request for leave of absence be approved.**

**CARRIED UNANIMOUSLY (7-0)**

**(Cr Buckels was on approved leave of absence.)  
(Cr Harley had not yet arrived at the Meeting.)**

**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 6 November 2012

**Moved Cr Maier Seconded Cr McGrath**

**That the Minutes of the Ordinary Meeting of Council held 6 November 2012 be confirmed as a true and correct record.**

**CARRIED UNANIMOUSLY (7-0)**

**(Cr Buckels was on approved leave of absence.)  
(Cr Harley had not yet arrived at the Meeting.)**

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

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

**7.1 Beaufort Street Festival**

The Mayor congratulated all involved with the Beaufort Street Festival that occurred on Saturday 17 November 2012. There were over a 100,000 people attending the event. She thanked all City Officers that were involved with the festival and worked over the last year to bring this festival to fruition and who participated with great enthusiasm on the day, in particular the support from the Community Development Team and Technical Services Section.

In particular she acknowledged the extraordinary work of Cr John Carey as the Chair along with Katrina Montov Co-Chair of the Beaufort Street Festival, it was an extraordinary job that was done by the group. Hopefully next week there will be an event to formally acknowledge the fabulous work.

She thanked the Waste Management Team and in particular Jackie Parker the Environmental Officer for the work she carried out with the "Cash for Cans" project on the day.

(Cr Harley entered the meeting at approximately 6.19 pm)

**8. DECLARATIONS OF INTERESTS**

8.1 Cr McGrath declared an Impartiality interest in Item 9.1.3 – No. 51 (Lot 803) Norfolk Street, North Perth – Proposed Two Storey Single House. The extent of his interest being that he has a professional relationship with the applicant and has undertaken Environmental Consultancy work for a company that the applicant is employment.

8.2 Cr Topelberg declared an Impartiality interest in Item 9.1.2 – No. 158A (Lots 527 & 529; D/P 30376) Vincent Street, North Perth – Change of Use from Photographic Studio to Recreation Facility (Reconsideration of Condition (v) of the Planning Approval). The extent of his interest being that prior to his election to the Council he submitted a written complaint to the City in relation to parking issues associated with the operation of this business.

Cr McGrath and Cr Topelberg stated that as a consequence, there may be a perception that their impartiality on the matters may be affected. They declared that they would consider the matters on their merits and vote accordingly.

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

Nil.

## 10. REPORTS

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

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

Items 9.1.3 & 9.1.5

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

Items 9.1.5, 9.4.2, 9.4.6, 9.5.1, 9.5.2 & 9.5.3

**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	9.4.3
Cr Harley	Nil
Cr Maier	9.1.8 & 9.5.4
Cr McGrath	9.1.7
Cr Pintabona	Nil
Cr Topelberg	9.1.2, 9.1.4, 9.1.6, & 9.4.6
Cr Wilcox	Nil

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

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

Items 9.1.1, 9.1.9, 9.2.1, 9.2.2, 9.2.3, 9.3.1, 9.3.2, 9.3.3, 9.4.1, 9.4.4, 9.4.5 & 9.5.5

**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 9.1.1, 9.1.9, 9.2.1, 9.2.2, 9.2.3, 9.3.1, 9.3.2, 9.3.3, 9.4.1, 9.4.4, 9.4.5 & 9.5.5

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

Items 9.1.3 & 9.1.5

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

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

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

**The Presiding Member, Mayor 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 Pintabona Seconded Cr Maier**

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

**Items 9.1.1, 9.1.9, 9.2.1, 9.2.2, 9.2.3, 9.3.1, 9.3.2, 9.3.3, 9.4.1, 9.4.4, 9.4.5 & 9.5.5**

**CARRIED UNANIMOUSLY (7-0)**

**(Cr Buckels was on approved leave of absence.)  
(Cr Harley had not yet arrived at the Meeting.)**

**(Cr Harley entered the meeting at 6.19 pm.)**

**9.1.1 FURTHER REPORT: No. 3 (Lot 2; D/P 2039) Burgess Street, frontage to Richmond Street, Leederville – Proposed Construction of Two Storey Single House**

<b>Ward:</b>	South	<b>Date:</b>	9 November 2012
<b>Precinct:</b>	Leederville; P3	<b>File Ref:</b>	PRO2904; 5.2012.204.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans <a href="#">002</a> – Applicant’s Justification dated 10 May 2012 <a href="#">003</a> – Applicant’s Justification dated 11 September 2012		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	S Radosevich, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	C Eldridge, Director Planning Services		

**FURTHER OFFICER RECOMMENDATION:**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by Danmar Homes Pty Ltd on behalf of the owner, D & B McSkimming for Proposed Construction of Two Storey Single House at No. 3 (Lot 2; D/P 2039) Burgess Street, frontage to Richmond Street, Leederville, and as shown on plans stamp dated 8 November 2012, subject to the following conditions:

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 Richmond Street; and
2. any new street/front wall, fence and gate within the Richmond Street setback area, including along the side boundaries within this street setback area, shall comply with the City’s Policy provisions relating to Street Walls and Fences; and
3. no street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning; and
4. the owners shall make application to obtain the consent of the owners of No. 228 Oxford Street and No. 3 (Lot 3) Burgess Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 228 Oxford Street and No. 3 (Lot 3) Burgess Street in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork; 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.

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**COUNCIL DECISION ITEM 9.1.1**

**Moved Cr Pintabona, Seconded Cr Maier**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (7-0)**

(Cr Buckels was on approved leave of absence.)  
(Cr Harley had not yet arrived at the Meeting.)

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**PURPOSE OF REPORT:**

The application is referred to Council for determination as it was previously deferred by Council at its Ordinary Meeting held on 6 November 2012.

**FURTHER REPORT:**

**Previous Reports to Council:**

The proposed construction of a two storey single house was presented to Council at its Ordinary Meeting held on 6 November 2012, whereby Council resolved:

*“That the item be DEFERRED for further consideration, addressing the articulation of the front setback and subsequently to be reported to the Ordinary Meeting of Council to be held on 20 November 2012.”*

The Minutes of Item 9.1.1 from the Ordinary Meeting of Council held on 6 November 2012 relating to this report is available on the City’s website at the following link:

<http://www.vincent.wa.gov.au/files/0e64e2c5-7997-4eb1-a6a6-a0fa01269b32/20121106.pdf>.

**DETAILS:**

<b>Landowner:</b>	D and B McSkimming
<b>Applicant:</b>	Danmar Homes Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R40
<b>Existing Land Use:</b>	Vacant Lot
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	“P”
<b>Lot Area:</b>	235 square metres
<b>Right of Way:</b>	Not Applicable

Amended plans were received on 8 November 2012, which comprise a 0.36 metre setback from the ground floor to the upper floor and the introduction of eaves of a total width of 0.45 metres to the ground floor.

**ASSESSMENT:**

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

<b>Issue/Design Element:</b>	<b>Front Setback</b>
Requirement:	<b>Residential Design Elements SADC 10</b> <u>Upper Floors</u> 1.5 metres behind each portion of the ground floor setback.
Applicants Proposal:	<u>Upper Floors</u> 0.36 metres behind the ground floor.
Performance Criteria:	<b>Residential Design Elements SPC 10</b> Dwellings on dual street frontages or corner lots are to present and attractive and interactive elevation to each street frontage. This may be achieved by utilising the following design elements: <ul style="list-style-type: none"> <li>• Wrap around design (design that interacts with all street frontages);</li> <li>• Landscaping;</li> <li>• Feature windows;</li> <li>• Staggering of height and setbacks;</li> <li>• External wall surface treatments and finishes; and</li> <li>• Building articulation.</li> </ul>

<b>Issue/Design Element:</b>	<b>Front Setback</b>
<p>Applicant justification summary:</p>	<p>We request a variation to Council policy regarding setbacks of corner lots, as applied to 3 Burgess Street, on the following grounds:</p> <ul style="list-style-type: none"> <li>• This lot is an existing title that is independent of lots 1 and 2, and relates to Richmond Street only;</li> <li>• If it is to be considered a corner lot then the existing streetscape should be taken into account. Within the existing small street block facing Richmond, on the next street corner, there are existing buildings that about the street boundary. These are separated from our proposed site by only 2 small car park areas;</li> <li>• Directly opposite our site is the double storey unbroken height of the building on the side boundary of the Leederville TAFE complex; and</li> <li>• In the next street block, on the other side of Burgess Street, there are both single storey homes with very small street setbacks, and imposing double storey homes, which impact on the streetscape much more than our proposed new home.</li> </ul> <p>We believe that we are proposing a home that is specifically designed to fit well into the Leederville character, and that will, in fact, in its current form add to the overall appearance of the streetscape in this area. We would ask Council to consider the above, and the photographs provided, and to review their policy in regard to this particular home. We hope that the reasoning we have provided in this letter is sufficient to allow us a code variation approval for the above mentioned item.</p>
<p>Officer technical comment:</p>	<p>Amended plans have been received demonstrating that the upper floor setback complies with the Performance Criteria. The proposed upper floor is setback 0.36 metres behind the ground floor setback, with the ground floor being provided with an eave extending 0.45 metres in front of the ground floor and a total width of 0.81 metres, therefore softening the impact of the upper floor on Richmond Street.</p> <p>The eave will be tiled further breaking down the face and combined with the brick façade and rendered banding on the front façade presents well to the street.</p> <p>It is noted that the subject site is to the rear of an original corner lot therefore having one street frontage. The proposal has major openings facing Richmond Street which provides interaction with the street.</p> <p>The proposed landscaping space within the front setback area is typical of a residential development, with there being sufficient space provided for vegetation to grow as the paved area comprises the driveway and a pedestrian path to the entry.</p> <p>The introduction of eaves to the ground floor and setback of the upper floor, combined with the varying finishes provides articulation to the Richmond Street elevation which minimises the building bulk on the street. The combination of the eaves and upper floor setback, results in a perceived 0.81 metre setback to the upper floor from a pedestrian level therefore maintaining the streetscape character.</p>

**COMMENTS & CONCLUSION:**

Following Council's deferral of the application the City's officers had a meeting with the applicant and discussed the need for further consideration of the upper floor setback to Richmond Street and the materials to this elevation. Accordingly, the applicant submitted amended plans which comprise a 0.36 metre setback from the ground floor to the upper floor and the introduction of eaves to the ground floor to a total width of 0.81 metres and of tiled material.

The concerns regarding the building bulk of the upper floor setback on Richmond Street have been addressed; with it being considered that the proposal will not have an undue impact on the amenity of the locality.

In light of the above, it is considered that the upper floor setback of the proposed two-storey single house complies with the Performance Criteria of the City's Residential Design Elements Policy No. 3.2.1. Accordingly, it is recommended the application be approved subject to standard and appropriate conditions.

**9.1.9 Amendment No. 107 to Planning and Building Policies – Draft Amended Appendix 11 relating to Non-Conforming Use Register – Inclusion of No. 231 – 233 (Lot 100) Bulwer Street, Perth**

<b>Ward:</b>	South	<b>Date:</b>	9 November 2012
<b>Precinct:</b>	Hyde Park	<b>File Ref:</b>	PLA0081 & PRO0650
<b>Attachments:</b>	<a href="#">001</a> – Draft Amended Appendix No. 11 relating to Non-Conforming Use Register		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Fox, Strategic Planning Officer		
<b>Responsible Officer:</b>	C Eldridge, Director Planning Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **ADOPTS** the Draft Amended Appendix No. 11 relating to the Non-Conforming Use Register, with the inclusion of No. 231-233 (Lot 100) Bulwer Street, to be applied in the interim until the formal adoption of Amended Appendix No. 11;
2. **AUTHORISES** the Chief Executive Officer to advertise the proposed amendments to Appendix No. 11 relating to the City’s Non-Conforming Use Register, for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City’s Policy No. 4.1.5 relating to Community Consultation; and
3. **After the expiry period for submissions:**
  - 3.1 **REVIEWS** the Draft Appendix No. 11 relating to the City’s Non-Conforming Use Register having regard to any submissions received; and
  - 3.2 **DETERMINES** the Draft Appendix No. 11 relating to the City’s Non-Conforming Use Register having regard to any submissions with or without amendments, to or not to proceed with the draft Policy.

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**COUNCIL DECISION ITEM 9.1.9**

**Moved Cr Pintabona, Seconded Cr Maier**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (7-0)**

(Cr Buckels was on approved leave of absence.)  
(Cr Harley had not yet arrived at the Meeting.)

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**PURPOSE OF REPORT:**

The purpose of this report is for the Council to consider amending the Non-Conforming Use Register to include No. 231-233 (Lot 100) Bulwer Street, Perth, and to advertise the change in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1.

**BACKGROUND:**

Date	Comment
25 May 1988	The City of Perth, at its Ordinary Meeting, approves the use of No. 231-233 (Lot 100) Bulwer Street for showroom, warehouse, office and ancillary sewing and cutting room, and acknowledged the use of the subject property for showroom, warehouse and office activities, as an established non-conforming use recognised by the Council.
26 June 1995	The City of Vincent Council, at its Ordinary Meeting approved an application for the construction of fifteen (15) grouped dwellings and three commercial tenancies and acknowledged that the site had non-conforming use rights as showroom, warehouse and office.

**Previous Reports to Council:**

Nil.

**DETAILS:**

The site at No. 231-233 (Lot 100) Bulwer Street, Perth is acknowledged as having non-conforming use rights for a showroom, warehouse and office. This is evident from a block file search, where it was acknowledged at a City of Perth Council Meeting held on 25 May 1988, that the site contained a building for showroom, warehouse and office activities and is an established non-conforming use recognised by the Council.

Notwithstanding the acknowledged non-conforming use rights of the property, at the initial adoption of the Non-Conforming Use Register as Appendix No. 11 to Planning and Building Policy Manual by the City of Vincent Council on 20 November 2001 and subsequent amendments, the property at No. 231-233 (Lot 100) Bulwer Street, Perth was overlooked for inclusion onto the City's Register.

On 26 June 1995, the Council at its Ordinary Meeting approved an application for the construction of fifteen (15) grouped dwellings and three commercial tenancies. This approval was never acted upon. The Council at the 26 June 1995 meeting acknowledged the use of the building by a wholesaler (hair products) on the ground floor and a studio office (typesetting) on the first floor and acknowledged that the site had non-conforming use rights for showroom, warehouse and office.

A recent enquiry in relation to the continued use of the premises as a warehouse prompted further investigation into the approved use of the building. A site inspection of the building at No. 231-233 (Lot 100) Bulwer Street, on 29 October 2012 indicated that the property is currently vacant, however it cannot be confirmed at what date the property became vacant and ceased to operate in accordance with the approved non-conforming use.

As there is sufficient evidence to confirm the approved non-conforming use of showroom and warehouse at No. 231-233 (Lot 100) Bulwer Street, Perth under the City of Perth Scheme it is recommended that the Non-Conforming Use Register be amended to include No. 231-233 (Lot 100) Bulwer Street, Perth. However, as the current status of the property is vacant, the Non-Conforming Use Register will reflect this by listing the status of the property as 'vacant as at 29 October 2012'.

A follow up investigation will need to be undertaken of the property following a period of six (6) months to confirm the status of the property at that time.

**CONSULTATION/ADVERTISING:**

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period: 28 days

Consultation Type: Advert 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, written notification to owner(s) and occupier(s) of adjacent affected properties as determined by the City of Vincent and to the Western Australian Planning Commission and the State Heritage Office, and other appropriate government agencies as determined by the City of Vincent.

**LEGAL/POLICY:**

In accordance with Clause 17 of the City's Town Planning Scheme No. 1, the City will maintain a Register of Non-Conforming Uses. The City's current Appendix No. 11 relating to Non-Conforming Uses contains a register of non-conforming uses within the City. The proposed changes to Appendix No. 11, the subject of Amendment No. 102 will ensure that the register reflects the current status of non-conforming uses within the City.

**RISK MANAGEMENT IMPLICATIONS:**

**Medium:** It is important that the City maintains a current Register of Non-Conforming Uses to ensure that approved non-conforming uses with the City are acknowledged and future assessments of these properties are correct.

**STRATEGIC IMPLICATIONS:**

In keeping with the City's *Strategic Plan 2011-2016* – Objective 1.1 states:

*"Improve and Maintain the Environment and Infrastructure:*

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

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

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

Town Planning Scheme Amendments and Policies

2012/2013 financial year:

Budget Amount: \$ 80,000  
Spent to Date: \$ 2,302  
Balance: \$ 77,698

**COMMENTS:**

There is evidence in the block file that confirms the showroom, warehouse and office at No. 231-233 (Lot 100) Bulwer Street, Perth had non-conforming use rights under the City of Perth Scheme and therefore transferred to the City of Vincent Town Planning Scheme No. 1 on gazettal of this Scheme. As a result, the Non-Conforming Use Register should be amended to reflect this information.

In light of the above, it is recommended that the Council adopt the Officer Recommendation to amend Appendix No. 11 relating to the Non-Conforming Use Register to include the showroom, warehouse and office at No. 231-233 (Lot 100) Bulwer Street, Perth; adopt Appendix No. 11 in the interim until the final adoption of Appendix No. 11; and advertise Amendment 107 in accordance with Clause 47 of the City of Vincent TPS No. 1.

It is considered that the proposed amendment to Appendix No. 11 relating to the City's Non-Conforming Use Register will ensure that the record of longstanding non-conforming uses within the City remain current, and can be monitored accordingly.

**9.2.1 Leederville Town Centre Enhancement Project – Progress Report No. 2**

<b>Ward:</b>	South	<b>Date:</b>	12 November 2012
<b>Precinct:</b>	Oxford Centre (4)	<b>File Ref:</b>	ADM0106
<b>Attachments:</b>	<a href="#">001</a> – Concept Plans <a href="#">002</a> – Examples of Universally Accessible Toilets		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	J. Anthony, Manager Community Services; J. van den Bok, Manager Parks & Property Services; and C. Wilson, Manager Asset & Design Services		
<b>Responsible Officers:</b>	R. Lotznicker; Director Technical Services; M. Rootsey; Director Corporate Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** the proposed ‘concept’ plans for the:
  - 1.1 **Oxford Street/Newcastle Street Streetscape enhancement**, as shown in Plan No.’s 2995-CP-01A-C;
  - 1.2 **Extension of the Oxford Street Reserve**, as shown in Plan No’s 2995-CP-01D-F; and
  - 1.3 **Water Corporation reserve**, as shown in Plan 1162-CP02; and
2. **AUTHORISES** the Chief Executive Officer to obtain quotations and engage a Landscape Architect/Urban Designer to further progress the concept plans, as outlined in clause 1 above; and
3. **APPROVES** of the recommendation from the City’s Arts Advisory Group for a contribution of \$3000, from the mural/wall art budget for a mural on a wall which faces a laneway adjacent to Unison, No. 148 Oxford Street, Leederville; and
4. **REQUESTS** the Leederville Town Centre Enhancement Working Group to further consider the Concept Plans detailed in Clause 1 above.

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**COUNCIL DECISION ITEM 9.2.1**

**Moved Cr Pintabona, Seconded Cr Maier**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (7-0)**

(Cr Buckels was on approved leave of absence.)  
(Cr Harley had not yet arrived at the Meeting.)

---

**PURPOSE OF REPORT:**

The purpose of this report is to update the Council on the further developments in relation to the relocation of Oxford Street Reserve, Streetscape Improvements, Automated Public Toilet, Wall artwork options and upgrading the Water Corporation Reserve.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 6 November 2012, Progress Report No. 1 was presented where it was resolved (in part);

"2. *NOTES the following recommendations of the working group, to be further developed, as outlined in the report;*

- 2.1 *relocation of the Oxford Street Reserve;*
- 2.2 *streetscape improvement options for Oxford Street/Newcastle Street including street furniture/landscaping;*
- 2.3 *Automated 'Self Cleaning' Toilet in Leederville;*
- 2.4 *wall artwork options;*
- 2.5 *upgrading of the Water Corporation Reserve; and*
- 2.6 *Wi-Fi for Leederville.*

6. *RECEIVES a further report on items 2.1, 2.2, 2.3, 2.5 at its Ordinary Meeting to be held on 20 November 2012."*

**DETAILS:**

**Relocation of the Oxford Street Reserve:**

Based on the comments received from the Leederville Town Centre Enhancement Working Group members, officers have developed three (3) park redevelopment concepts, as attached in Appendix 9.2.1.

All three (3) options include the removal of the Oxford Street car park entrance/exit and extension of the public open space to the north, fencing of the reserve, a public toilet facility, redeveloped playground area and additional seating areas.

Additional angles parking bays have been included along Oxford Street, with the only car park entrance/exit remaining off Frame Court.

The options presented include a possible central water feature, rotunda, various seating arrangements, outdoor table tennis and proposed wall around a portion of the southern end of the reserve. The wall could be interactive or just act as a screen and for sound attenuation.

More extensive paving and native landscaped areas are proposed to reduce turf and the use of groundwater.

**Streetscape improvement options for Oxford Street/Newcastle Street including street furniture/landscaping:**

The Working Group considered a number of options for the street layout, including removal of the central median and widening footpaths, planting trees between parking bays, creation of nibs, one way with angle parking (south of Newcastle Street), pedestrian mall (south of Newcastle Street, shared zone with flush kerbing).

A number of different pavement types were also discussed and whether to keep the existing trees, whether to remove or maintain the central median and improvements (round a bout) at the Carr Place/Newcastle Street intersection.

Following extensive discussions it was decided that two options would be prepared for further development. These will be presented to the Council for 'approval in principle' at the Ordinary Meeting to be held on 20 November 2001. If endorsed by the Council, it was considered that an Urban Designer/ Landscape Architect be engaged to review and further develop the concept plans.

In respect of street furniture, it is envisaged that it would form part of the Urban Designers brief. The Group is seeking to create a unique identity for the Leederville Town Centre with various ideas discussed, of which street furniture would be an integral part. Further, street furniture design can be a very subjective topic, what appeals to one person does not necessarily appeal to another. Therefore the Urban Designer would not be bound standard range of products that City's officers tend to use.

### **Automated 'Self Cleaning' Toilet in Leederville**

Additional public toilets have been suggested and whilst a location is yet to be determined, an area within the actual streetscape or Oxford Street Reserve is the most likely suitable location.

Automated self cleaning public toilets installed at both Axford Park and Weld Square have been very successful, reducing incidences of vandalism, undesirable behaviour and most importantly being clean and appealing to users.

Alternatively there are now many pre-fabricated uni-sex model toilet facilities around that are significantly cheaper and can be fabricated out of various materials to tie in with a specific streetscape theme or park landscape.

A public toilet facility has been shown on the attached Oxford Street Reserve concepts, located on the western side of the reserve facing Oxford Street.

### **Wall artwork options:**

The Working Group explored opportunities for wall art in the area such as the large wall on the side of Funky Bunches, IGA and Caltex service station. The business owner of Unison has proposed to paint their wall which faces a pedestrian alleyway with mural art by Perth-born artist "The Yok", who is currently based in New York. The total project cost is \$4799.

The Art Advisory Group considered this request at their meeting held on 29 October 2012 and have recommended a contribution of \$3,000 towards the project from the Mural/Wall Art budget.

### **Public Art**

There was a consensus that a theme be determined for the area with the group suggesting Mediterranean inspired works with a more modern outlook may be in keeping with the area. Examples of such works are to be showcased at the next Working Group meeting.

### **Upgrading of the Water Corporation Reserve**

The only direct public access-way linking Oxford Street and The Avenue carpark, and which bi-sects Lot 100 (103-105 Oxford Street), is a Water Corporation reserve. The reserve is actually a 'freehold title' and not crown land, nor technically a reserve. However it is referred to as a reserve for ease of identifying its function.

The reserve was created to accommodate the Mounts Bay Main Drain, the (now defunct\*) Perth Main Sewer and local reticulation sewer (serving the adjacent properties). \*re-routed via Leederville Parade and the Mitchell Freeway reserve.

The Water Corporation has granted the City a 'licence' over the property, for an annual fee of \$1, so as to enable public access. This is contingent upon the City assuming public liability and the Water Corporation being able to access the reserve and its infrastructure if and when required. The agreement is for 99 years from 1 July 2001 and expires in 2100.

The Council has in past (1998 and 2002) considered concept plans for the upgrade of the reserve. On both occasions no decision was made given that there were pending development applications for Lot 100 and that the applicant was negotiating with the Water Corporation (at the time) to address/access the reserve (i.e. having openings off the reserve). As no agreement was reach and the developments did not proceed, little, by the way of infrastructure improvements, has occurred in the reserve since. Only rudimentary improvements, a power watch security for public safety and an asphalt path have been installed.

The attached drawing, No. 1162-CP-02 is of the 2002 concept plan developed prior to the reconfiguration of the The Avenue carpark. While very basic in nature it provided for new paving, landscaping, street furniture and lighting and was costed at approximately \$40,000 (at the time).

The lease agreement allows the City to upgrade the reserve, again on the basis that if Water Corporation needs to excavate to access either the main drain or reticulation sewer that any reinstatement would be at the City's cost.

The plan will be further developed and costed once the Leederville Town Centre Working Group provides some direction or guidance as to how they envisage the reserve will look and function.

#### **Wi-Fi for Leederville**

Following the Council decision at the OMC held on 6 November 2012, quotes are being sought from suitably qualified service providers. The closing date for the quotes is to be advised.

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

Following finalisation of the plans the proposal will be further reported to the Council for consideration and adoption.

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

Not applicable.

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

**Medium:** These proposals are likely improve safety for both pedestrians and park patrons by providing a safe enclosed space where children can play and parents can sit and enjoy the space without the worry of their children running onto adjacent busy roads.

#### **STRATEGIC IMPLICATIONS:**

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

##### *"Leadership, Governance and Management*

*Objective: 4.1 - Manage the organisation in a responsible, efficient and accountable manner.*

##### *Natural and Built Environment*

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

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

#### **SUSTAINABILITY IMPLICATIONS:**

Not applicable.

#### **FINANCIAL/BUDGET IMPLICATIONS:**

An amount of \$400,000 has been included in the 2012/2013 budget for the Leederville Town Centre – Streetscape Enhancement Project.

**COMMENTS:**

It is therefore recommended that the Council supports the Officer's Recommendation and approves in principal the proposed 'concept' enhancements and authorises obtaining quotations and engage a Landscape Architects/Urban Designer to further the designs.

**9.2.2 Investigations into the Proposed Hire of Garden Shredders and availability of Free Mulch to Residents**

<b>Ward:</b>	Both	<b>Date:</b>	9 November 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	RES0039
<b>Attachments:</b>	<a href="#">001</a> – Deutscher Model 650 shredder		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J. van den Bok, Manager Parks and Property Services		
<b>Responsible Officer:</b>	R. Lotznicker, Director Technical services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** the report into the investigation of the proposal for the City to purchase garden shredders for hire to City residents;
2. **DOES NOT PROCEED** with the proposal to purchase garden shredders for hire to City residents due to the advice received from the City’s insurers and cost implications as detailed in the report and instead promotes the following to residents;
  - 2.1 availability of free mulch from the City;
  - 2.2 other green waste disposal/purchase options;
  - 2.2 free mulch website [www.MulchNet.com](http://www.MulchNet.com); and
3. **REQUESTES** the Chief Executive Officer to further investigate the potential opportunity to provide a voluntary garden shredding service, to residents by members of the City’s Men’s Shed, once established subject to;
  - 3.1 The City purchasing the required equipment; and
  - 3.2 The volunteers being appropriately trained.

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**COUNCIL DECISION ITEM 9.2.2**

**Moved Cr Pintabona, Seconded Cr Maier**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (7-0)**

(Cr Buckels was on approved leave of absence.)  
(Cr Harley had not yet arrived at the Meeting.)

---

**PURPOSE OF REPORT:**

The purpose of the report is to advise the Council of the investigations into the Notice of Motion for the hire of garden shredders, to outline the informal process currently in place for the provision of free mulch to residents, and to receive the advice from the Local Government Insurance Services (LGIS).

**BACKGROUND:**

At the Ordinary Meeting of Council held on 14 August 2012 a Notice of Motion was presented by Councillors. John Pintabona and Julia Wilcox, requesting staff to investigate hire of garden shredders and provision of free mulch to residents.

At the meeting it was resolved as follows:

*"That the Council REQUESTS;*

1. *The Chief Executive Officer to investigate;*
  - 1.1 *The City to purchase garden shredders for hire to City residents only. Such equipment may be stored and made available from the City's Works Depot, located at Frobisher Street, Osborne Park or North Perth Men's Shed. Hire cost should be set to cover purchase and operational costs; and*
  - 1.2 *The City to provide free mulch to residents that is produced from the City's green waste street collection;*
2. *The report to include but limited to;*
  - (a) *Financial and liability implications;*
  - (b) *Operational matters;*
  - (c) *Any other relevant matters; and*
3. *A report be submitted to the Council no later than by end of October 2012."*

**DETAILS:**

**The City to purchase garden shredders for hire to City residents only:**

Upon the Council making the above decision, advice was sought from the Local Government Insurance Services (LGIS) and a response for the LGIS was only recently received and hence this item not being reported to the October meetings of Council.

Local Government Insurance Services Comments:

LGIS Manager Organisational Risk Services has provided the following advice to the City in relation to the proposal to purchase and hire out garden shredders.

*"The Scheme can cover the items whilst in the care, custody and control of the City. For example whilst being housed at the Works Depot or if they were being used offsite by the City employees, loss or damage would be covered as per the protection wording.*

*However whilst being hired to third parties, the City would need to ensure as part of the hire agreement the third party signs off on responsibility for loss or damage to the item. If a claim was submitted to the Scheme and it was found the damage occurred during a hire the Scheme would require the third parties details and seek recovery of costs.*

*Liability:*

*There is a Liability attached to Council if they make available mulchers and shredders for hire to ratepayers.*

*The risk considerations attached to this proposal are as follows:*

1. *Council would have to ensure that professional staff were available to train the hirer in the use of the machinery*
2. *Council would have to ensure that all machinery satisfies all safety standards applicable to these kind of apparatus.*

3. *Council would have to maintain, and mechanically check the machinery prior to hire, and check and inspect machinery on return.*
4. *The hire agreement would have to include a disclaimer, indemnifying the Council from all accidents arising from the use of the Machinery by the hirer “*

City of Vincent Comments:

Garden shredders/mulchers are extremely hazardous pieces of machinery and there has been reluctance by the City's horticultural staff to use them due to the inherent danger associated with their use. Larger more efficient machinery owned and operated by competent trained contractors is the preferred method of shredding/mulching green waste generated from the City's parks and gardens.

Distribution:

Distribution from the City's Works Depot would be difficult. Hiring of machinery is not Technical Services core business and trained staff would not necessarily be available due to ongoing work commitments. Parks operations personnel are mainly based in the field and use the depot as a base to start and finish work. Engineering staff whilst attending the depot on regular basis do not have the knowledge and experience to operate this machinery.

With the already time consuming tasks of inspecting and documenting daily safety inspections for the City's own plant/equipment and infrastructure located in the depot and in parks this proposal is not practical for staff working from the depot.

Officers Comments:

As mentioned above, there has been reluctance by the City's horticultural staff to mulchers/shredders due to the inherent danger associated with their use. In addition advice from LGIS is that professional staff would need to be on hand to train the hirer in the use of the machinery, if it were provided to residents. Given that the City's staff do not use this machinery/equipment it is considered that the proposal would be impractical and fraught with liability issues and alternative made available.

**Hire of shredders:**

The North Perth branch of Kennard Hire has small shredders/mulchers available for hire at a cost of \$144 for 4 hours (half day) or \$173 for a full day. The hirer would be shown how to use the shredder by the hire company and be required to sign a disclaimer.

If residents wish to hire the shredders this would be the preferred way forward and could be promoted.

**The City to provide free mulch to residents that is produced from the City's green waste street collection:**

Mulch is already made available to residents under an informal arrangement with Parks Services. Mulch can either be delivered to a specified property direct from the contractor or alternatively, arrangements are made to pick mulch up from a specified site as this becomes available and is stockpiled.

When some space in the non-stock area at the City's Works Depot is rationalised over the coming months, it is anticipated that a small area will be set aside to stockpile mulch which will be made available to residents at all times.

In addition, free mulch can be obtained by emailing to [www.MulchNet.com](http://www.MulchNet.com).

Officers Comments:

Very few requests are received for mulch however it is intended that the availability of mulch be promoted to the City's residents especially when the non-stock area at the depot is up and running.

**Preliminary discussions with 'Men's Shed':**

There is anecdotal evidence to suggest that members of the Men's Shed have indicated once established at Woodville Reserve they would be open to the idea of hiring out garden shredders on behalf of the City.

It was also indicated that someone associated with the shed would be keen to maintain and service the shredders as required.

Appropriate training on their use and maintenance would be required and this could be initially undertaken by Council staff and then related to potential hirers by members of the Men's shed.

**The City's 'Green Waste Only Verge Collection':**

The City currently provides two (2) 'Green Waste Only Verge Collections' per financial year, one before summer October/November and one before winter March/April. This gives residents the opportunity to prune trees/shrubs and the material collected by the City.

It is understood that the intent of the Council decision was for residents who so desire, to be able to mulch/shred their own pruning's etc and reuse on their gardens.

The green waste from the City's 'Green Waste Only Verge Collection' including tree pruning's and garden waste is collected by the City's contractor and delivered to the Jim Mc Geough Resource Recovery Facility (JFR) at Brockway Road (or to an alternative approved site) for mulching/processing as per the current tender requirements.

**Other alternative options:**

Residents, who wish to prune trees/shrubs at any other time, have the following options.

JFR (Jim) Mc Geough RRF

Residents can dispose of their green waste which is mulched and sent for reuse into the local horticultural industry.

Disposal costs:

- \$10 Car boot;
- \$30 6 x 4 trailer; and
- \$60.50 per tonne.

Recycling Centre Balcatta

Discounted fee applies to clean green garden waste. This fee covers transport and processing of the waste by contractors.

Disposal costs:

- \$18 Under 300kg; and
- \$72 per tonne over 300kg.

Although mulch cannot be purchased from the above facilities, residents can always obtain free mulch by referring to the website [www.mulchnet.com](http://www.mulchnet.com).

#### City of Wanneroo Greens Recycling Facility

Green waste is shredded and recycled into mulch, which is then available for sale by the trailer load.

The City of Wanneroo has mulch for sale at the facility at a cost of \$28 for a 6 x 4 trailer (approximately 1m<sup>3</sup>).

Disposal Costs:

- \$30 for a ute;
- \$30 for a car and trailer up to half (1/2) tonne;
- \$18 cars only; and
- Trucks \$165 per tonne.

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

Not applicable.

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

Not applicable.

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

**High:** The proposal to hire garden shredders to residents has significant risk and liability implications as outlined above. Even with the greatest of care and instruction, potential serious injuries can occur due to the somewhat violent nature of these machines when branches are inserted from shredding.

#### **STRATEGIC IMPLICATIONS:**

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

##### "Natural and Built Environment

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

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

#### **SUSTAINABILITY IMPLICATIONS:**

Re-using any green waste material by shredding has numerous advantages for the environment in addition to reducing the area required for landfill.

The resultant shredded woody material of various sizes is ideal mulch for Perth's sandy bare soils, assisting in suppressing weed growth, adding nutrients back into the soil and reducing water use.

#### **FINANCIAL/BUDGET IMPLICATIONS:**

Staff has thoroughly investigated this matter in terms of safety features and reliability/performance and held discussions with a number of manufacturers.

It is Recommended that If this proposal is to proceed. The City's preferred model is the Deutscher Model 650 with Honda engine, as shown in Appendix 9.2.2.

The cost of each garden shredder would be \$2,000, however costs are likely to be slightly reduced if several machines are purchased.

There is currently no funding allocated within the 2012/13 budget to purchase garden shredders.

**COMMENTS:**

It is therefore recommended that the Council supports the officer's recommendation and further investigates the hiring of garden shredders upon completion and establishment of the Men's Shed.

**9.2.3 Proposed Installation of Electric BBQ's Brigatti Gardens - Highgate and Charles Veryard Reserve – North Perth**

<b>Ward:</b>	Both	<b>Date:</b>	9 November 2012
<b>Precinct:</b>	Forrest (14), Smiths Lake (6)	<b>File Ref:</b>	RES0012; RES0015
<b>Attachments:</b>	<a href="#">001</a> – Locations of BBQ's and furniture		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J. van den Bok, Manager Parks and Property Services		
<b>Responsible Officer:</b>	R. Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **CONSIDERS** the submissions received concerning the proposal to install an electric barbeque at Brigatti Gardens - Highgate, Charles Veryard Reserve – North Perth and Redfern/Norham Street Reserve, as outlined in the Parks and Reserves Five (5) Year Development Plan;
2. **APPROVES** the installation of the electric barbeques and associated park furniture (picnic table) at Brigatti Gardens – Highgate and Charles Veryard Reserve – North Perth, estimated to cost a total of \$38,134, as shown on the attached plans; and
3. **ADVISES** the respondents of the Council decision.

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**COUNCIL DECISION ITEM 9.2.3**

**Moved Cr Pintabona, Seconded Cr Maier**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (7-0)**

(Cr Buckels was on approved leave of absence.)  
(Cr Harley had not yet arrived at the Meeting.)

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**PURPOSE OF REPORT:**

The purpose of the report is to advise the Council of the submissions received during the community consultation period and to seek approval for the installations to proceed.

**BACKGROUND:**

A five (5) year Parks & Reserves Development Plan was presented to the Council as part of the adoption of the Physical Activity Strategic Plan and the Parks and Reserve Strategy/Recreational Needs Analysis at the Ordinary Meeting held on the 7 December 2010.

The plan included, amongst other projects, the installation of electric barbeques at Brigatti Gardens, Charles Veryard Reserve and Redfern/Norham Street Reserve in the 2012/2013 financial year.

**DETAILS:**

**Community Consultation:**

On 24 September 2012 letters with attached plans were distributed around Brigatti Gardens, Charles Veryard Reserve and Redfern/Norham Street Reserves in accordance with the City's consultation policy and at the close of consultation a total of fifteen (15) responses were received across all three (3) locations.

Brigatti Gardens

In favour of the proposal – Eight (8) responses, comments received as follows:

- We think it is a great idea.
- Please do it and also add a picnic table

Against the proposal – Two (2) responses, comments received as follows:

- The roads adjoining are already congested with parking.
- Risk of fire hazard due to the densely wooded nature of the gardens
- The installation of a barbeque may put focus on this area in which to congregate/ party severely disturbing the neighbourhood.
- The smell of fat and smoke will pollute the surrounding area.
- Would like the beautiful gardens which offer a quiet cool place for contemplation to remain that way.
- BBQ will encourage violence and 'yobbo's'
- Additional pressure on parking
- Will change the nature of the park
- Danger for children
- Flies and ants, cause infestations of these wildlife.

Other:

- Nil

Officers Comments

Officers consider this park an ideal location to install an electric barbeque. The nearest location where the City provides free electric barbeques is at Banks Reserve and Hyde Park. The reasons highlighted by persons against this proposal are noted, however the installation is unlikely to dramatically affect parking, create a fire hazard or pollute the area.

The City has now installed numerous barbeque facilities throughout its parks and generally this has not created an issue of unruly persons congregating around and causing a disturbance or vandalism issue.

Charles Veryard Reserve

In favour of the proposal – Four (4) responses, comments received as follows:

- We strongly support the installation of a barbeque.
- Would also strongly support the idea of installing picnic tables
- Is it possible to install a tap in the area also

Against the proposal – One (1) response, comments received as follows:

- Existing facilities in park are underutilised, residents have own bbq's
- Duplication of existing poorly frequented facility
- Subject to vandalism
- Ongoing maintenance costs, funds better spent on traffic calming
- Will invite transients and backpackers

Other:

- Nil

Officers Comments

The City has completed many sections of the Wetlands Heritage Trail/Greenway including the section through Charles Veryard Reserve. Various items of infrastructure are now being installed along the trail such as signage, park benches, exercise equipment etc and Charles Veryard Reserve has previously been identified by community members as being an ideal location for an electric barbeque.

The City has now installed numerous barbeque facilities throughout its parks and generally this has not created an issue of unruly persons congregating around and causing a disturbance or vandalism issue.

Redfern/Norham Street Reserve

In favour of the proposal – One (1) response with no further comments received:

Against the proposal:

- Nil

Other:

- Nil

Officers Comments

Whilst the installation of a barbeque at Redfern/Norham Street Reserve was included in the five year Parks & Reserves development plan because of one request from a local resident, the reserve is very small (500m<sup>2</sup>) and with the playground and trees has very little available space remaining. In retrospect, staff does not consider this location suitable and there are electric barbeques available at nearby reserves such as Woodville and Les Lilleyman.

In addition, the budget allocation will not allow installation of an electric barbeque at all three (3) proposed locations and both Brigatti Gardens and Charles Veryard Reserve are likely to be utilised more frequently. There is also the area available to install a picnic table at the recommended locations.

**CONSULTATION/ADVERTISING:**

Consultation has now been undertaken in accordance with Council's Community Consultation Policy No. 4.1.5. All respondents will be advised of the Council's decision.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

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

"Natural and Built Environment

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

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

An amount of \$60,000 has been allocated in the City's 2012/2013 capital works budget for the supply and installation of parks infrastructure outlined in the Parks and Reserves Five (5) Year Development Plan.

Costs associated with the installations are as follows:-

Brigatti Gardens

Single Plate Electric BBQ	\$ 5,533
Installation/electrical	\$ 4,905
Picnic Table	<u>\$ 4,400</u>
<i>Sub Total</i>	<i>\$14,838</i>

Charles Veryard Reserve

Double Plate Electric BBQ	\$ 8,916
Installation/electrical	\$ 9,980
Picnic Table	<u>\$ 4,400</u>
<i>Sub Total</i>	<i>\$23,296</i>

Total cost of supply and installation **\$38,134**

**COMMENTS:**

It is therefore recommended that the Council approve the installation of electric barbeques at Brigatti Gardens and Charles Veryard Reserve as shown on the attached plans and that the installations proceed as soon as possible.

**9.3.1 Investment Report as at 31 October 2012**

<b>Ward:</b>	Both	<b>Date:</b>	9 November 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0033
<b>Attachments:</b>	<a href="#">001</a> – Investment Report		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	B C Tan, Manager Financial Services; N Makwana, Accounting Officer		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

That the Council **NOTES** the Investment Report for the month ended 31 October 2012 as detailed in Appendix 9.3.1.

**COUNCIL DECISION ITEM 9.3.1**

**Moved Cr Pintabona, Seconded Cr Maier**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (7-0)**

(Cr Buckels was on approved leave of absence.)  
(Cr Harley had not yet arrived at the Meeting.)

**PURPOSE OF REPORT:**

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

**BACKGROUND:**

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

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

**DETAILS:**

Total Investments for the period ended 31 October 2012 were \$26,711,000 compared with \$28,511,000 at 30 September 2012. At 31 October 2011, \$21,511,000 was invested.

Investment comparison table:

	<b>2011-2012</b>	<b>2012-2013</b>
July	\$13,511,000	\$18,211,000
August	\$24,011,000	\$30,511,000
September	\$22,011,000	\$28,511,000
October	\$21,511,000	\$26,711,000

Total accrued interest earned on Investments as at 31 October 2012:

	<b>Annual Budget</b>	<b>Budget Year to Date</b>	<b>Actual Year to Date</b>	<b>%</b>
Municipal	\$584,000	\$195,000	\$168,993	28.94
Reserve	\$535,000	\$180,000	\$267,105	49.93

**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 funds invested have reduced from previous period due to payments to creditors.

The report comprises of:

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

**9.3.2 Authorisation of Expenditure for the Period 1 – 31 October 2012**

<b>Ward:</b>	Both	<b>Date:</b>	9 November 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0032
<b>Attachments:</b>	<a href="#">001</a> – Creditors Report		
<b>Tabled Items:</b>	-		
<b>Reporting Officers:</b>	O Wojcik, Accounts Payable Officer; B Tan, Manager Financial Services		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

That the Council **CONFIRMS** the;

1. **Schedule of Accounts for the period 1 October – 31 October 2012 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 Pintabona, Seconded Cr Maier**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (7-0)**

(Cr Buckels was on approved leave of absence.)  
(Cr Harley had not yet arrived at the Meeting.)

**DECLARATION OF INTEREST**

<b>Members/Officers</b>	<b>Voucher</b>	<b>Extent of Interest</b>
Nil.		

**PURPOSE OF REPORT:**

To present to the Council the expenditure and list of accounts approved by the Chief Executive Officer under Delegated Authority for the period 1 October – 31 October 2012.

**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:

<b>FUND</b>	<b>CHEQUE NUMBERS/ PAY PERIOD</b>	<b>AMOUNT</b>
<b>Municipal Account</b>		
Automatic Cheques	072929 - 073164	\$265,610.90
Transfer of Creditors by EFT Batch	1450 – 1452, 1454 - 1459	\$5,449,391.50
Transfer of PAYG Tax by EFT	October 2012	\$250,648.30
Transfer of GST by EFT	October 2012	
Transfer of Child Support by EFT	October 2012	\$737.66
Transfer of Superannuation by EFT:		
• City of Perth	October 2012	\$29,332.09
• Local Government	October 2012	\$101,067.10
<b>Total</b>		<b>\$6,096,787.55</b>
<b>Bank Charges &amp; Other Direct Debits</b>		
Bank Charges – CBA		\$9,432.72
Lease Fees		\$28,503.32
Corporate MasterCards		\$9,777.42
Loan Repayment		\$192,890.27
Rejection fees		\$37.50
<b>Total Bank Charges &amp; Other Direct Debits</b>		<b>\$240,641.23</b>
<b>Less GST effect on Advance Account</b>		<b>0.00</b>
<b>Total Payments</b>		<b>\$6,337,428.78</b>

**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 October 2012

<b>Ward:</b>	Both	<b>Date:</b>	9 November 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0026
<b>Attachments:</b>	001 – Financial Reports		
<b>Tabled Items:</b>	002 – Significant Accounting Policies		
<b>Reporting Officers:</b>	B C Tan, Manager Financial Services; N Makwana, Accounting Officer		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

#### OFFICER RECOMMENDATION:

That the Council **RECEIVES** the **Financial Statements** for the month ended 31 October 2012 as shown in Appendix 9.3.3.

#### COUNCIL DECISION ITEM 9.3.3

Moved Cr Pintabona, Seconded Cr Maier

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (7-0)**

(Cr Buckels was on approved leave of absence.)  
(Cr Harley had not yet arrived at the Meeting.)

#### PURPOSE OF REPORT:

The purpose of this report is to present the Financial Statements for the period ended 31 October 2012.

#### BACKGROUND:

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

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

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

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

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

**DETAILS:**

The following documents represent the Statement of Financial Activity for the period ending 31 October 2012:

Note	Description	Page
1.	Summary of Income and Expenditure by Service Areas	1-29
2.	Statement of Financial Activity by Programme Report	30
3.	Statement of Financial Activity by Nature or Type Report	31
4.	Statement of Financial Position	32
5.	Statement of Changes in Equity	33
6.	Capital Works Schedule	34-40
7.	Restricted Cash Reserves	41
8.	Sundry Debtors Report	42
9.	Rate Debtors Report	43
10.	Beatty Park Leisure Centre Report – Financial Position	44
11.	Major Variance Report	45-51
12.	Monthly Financial Positions Graph	52-54

**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	\$6,420,328
YTD Revised Budget	\$6,694,376
YTD Variance	\$274,048
Full Year Budget	\$20,198,425

**Summary Comments:**

The total operating revenue is currently 96% of the year to date Budget estimate.

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

General Purpose Funding – 6% under budget;  
 Governance – 53% under budget;  
 Law, Order, Public Safety – 11% under budget;  
 Health – 13% under budget;  
 Education and Welfare – 48% over budget;  
 Community Amenities – 47% over budget;  
 Recreation and Culture – 10% under budget;  
 Transport – 10% under budget;  
 Economic Services – 25% under budget;  
 Other Property and Services – 387 over budget; and  
 General Administration (Allocated) – 111% over budget.

**Operating Expenditure**

YTD Actual	\$13,778,334
YTD Revised Budget	\$14,817,829
YTD Variance	(\$1,039,495)
Full Year Budget	\$45,143,870

**Summary Comments:**

The total operating expenditure is currently 93% of the year to date Budget estimate

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

General Purpose Funding – 5% under budget;  
 Governance – 3% under budget;  
 Law Order and Public Safety – 7% under budget;  
 Health – 16% under budget;  
 Education and Welfare – 11% under budget;  
 Community Amenities – 14% under budget;  
 Recreation and Culture – 9% under budget;  
 Transport – 2% under budget;  
 Economic Services – 11% under budget;  
 Other Property & Services – 90% over budget; and  
 General Administration (Allocated) –109% under budget.

**Net Operating and Capital Excluding Rates**

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

YTD Actual	\$7,689,009
YTD Revised Budget	\$10,716,001
Variance	(\$3,026,992)
Full Year Budget	\$26,434,292

Summary Comments:

The current favourable variance is due to timing of expenditure on capital expenditure.

**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 \$38,323,937 and non-current assets of \$198,160,387 for total assets of \$236,484,323.

The current liabilities amount to \$12,038,534 and non-current liabilities of \$19,356,716 for the total liabilities of \$31,395,249.

The net asset of the City or Equity is \$205,089,074.

**7. Net Current Funding Position**

	<b>31 October 2012 YTD Actual \$</b>
<b>Current Assets</b>	
Cash Unrestricted	10,496,960
Cash Restricted	15,039,243
Receivables – Rates and Waste	6,736,787
Receivables – Others	3,906,572
Inventories	173,196
	<b>36,352,758</b>
<b>Less: Current Liabilities</b>	
Trade and Other Payables	(5,673,213)
Provisions	(2,481,621)
Accrued Interest (included in Borrowings)	(116,022)
	<b>(8,270,856)</b>
<b>Less: Restricted Cash Reserves</b>	(15,039,243)
<b>Net Current Funding Position</b>	<b>(13,042,659)</b>

## 8. Capital Expenditure Summary

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

	Budget	Year to date Revised Budget	Actual to Date	%
Furniture & Equipment	\$310,640	\$86,290	\$19,114	22%
Plant & Equipment	\$1,757,000	\$180,000	118,,845	66%
Land & Building	\$11,289,000	\$8,427,500	\$3,739,909	44%
Infrastructure	\$13,916,365	\$4,510,180	\$1,362,192	30%
<b>Total</b>	<b>\$27,273,005</b>	<b>\$13,203,970</b>	<b>\$5,240,061</b>	<b>40%</b>

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

Note: Detailed analyses are included on page 34 – 40 of Appendix 9.3.3.

## 9. Restricted Cash Reserves

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

The balance as at 31 October 2012 is \$15m. The balance as at 31 October 2011 was \$9m. The increase is due to \$8.06m loan received from WA Treasury for Beatty Park Redevelopment and \$5m received from State Government of WA for a new lease agreement for the nib Stadium for 25 years with further 25 years option.

## 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 \$852,561 is outstanding at the end of October 2012.

Out of the total debt, \$287,225 (33.7%) relates to debts outstanding for over 60 days, which is related to Cash in Lieu Parking. The Cash in Lieu Parking debtors have special payment arrangement for more than one year.

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

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

## 11. Rate Debtors

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

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

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

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

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

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

Rates outstanding as at 31 October 2012 including deferred rates was \$6,503,346 which represents 26.49% of the outstanding collectable income compared to 27.29% at the same time last year.

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

As at 31 October 2012 the operating deficit for the Centre was \$527,150 in comparison to the year to date budgeted deficit of \$687,982.

The cash position showed a current cash deficit of \$483,884 in comparison year to date budget estimate of a cash deficit of \$644,039. The cash position is calculated by adding back depreciation to the operating position.

It should be noted that the Cafe and Retail shop have not opened yet but partial services are offered through reception area. Outdoor pool is closed for redevelopment and Indoor pool has re opened on the 23<sup>rd</sup> July, 2012.

## 13. Major Variance Report

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

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

### CONSULTATION/ADVERTISING:

Not applicable.

### LEGAL/POLICY:

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

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

### RISK MANAGEMENT IMPLICATIONS:

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

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2011-2016:

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

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

**SUSTAINABILITY IMPLICATIONS:**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable.

**COMMENT:**

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

**9.4.1 Extension of Existing Operating Hours and Introduction of New Parking Time Restrictions in Hyde Park Area**

<b>Ward:</b>	South	<b>Date:</b>	9 November 2012
<b>Precinct:</b>	Hyde Park, P12	<b>File Ref:</b>	PKG0076; TES0591; PKG0007
<b>Attachments:</b>	<a href="#">001</a> – Drawing 2998-PP-01, Lake Street <a href="#">002</a> – Drawing 2999-PP-01, Glendower Street <a href="#">003</a> – Drawing 2997-PP-01, Throssell Street		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J MacLean, Manager Ranger and Community Safety		
<b>Responsible Officer:</b>	J Anthony, Acting Director Community Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **AGREES** to carry out consultation for a period of fourteen (14) days, seeking comments from residents concerning;
  - 1.1 the introduction of a new three hour (3P) parking time restriction, on the west side of Lake Street, between Primrose Street and Glendower Street, Perth operating at all times as shown in Appendix 9.4.1A; and
  - 1.2 to extend the operating times for the existing:
    - 1.2.1 three hour (3P) parking time restrictions, to operate at all times, in the following streets:
      - (a) north side of Glendower Streets, between William Street and Throssell Street as shown in Appendix 9.4.1B;
      - (b) south side of Glendower Street between William Street and Fitzgerald Street, Perth as shown in Appendix 9.4.1B; and
      - (c) the east side of Throssell Street, between Vincent Street and Glendower Streets, Perth as shown in Appendix 9.4.1C;
    - 1.2.2 two hour (2P) parking time restrictions, on the west side of Throssell Street, between Vincent Street and Glendower Streets, Perth to operate at all times as shown in Appendix 9.4.1C; and
    - 1.2.3 one hour (1P) parking time restrictions, on the north side of Glendower Streets, between Throssell Street and Fitzgerald Street, Perth, to operate at all times, as shown in Appendix 9.4.1B; and
2. **REQUESTS** a further report to be submitted to the Council, following the public consultation period.

**COUNCIL DECISION ITEM 9.4.1**

**Moved** Cr Pintabona, **Seconded** Cr Maier

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (7-0)**

(Cr Buckels was on approved leave of absence.)  
(Cr Harley had not yet arrived at the Meeting.)

**PURPOSE OF REPORT:**

To address an anomaly in the current coverage of parking time restrictions in the area close to Hyde Park and to extend the operating times for Glendower Street parking time restrictions, following complaints about itinerants and backpackers camping and sleeping adjacent to Hyde Park.

**BACKGROUND:**

As a result of complaints, the City's Officers have identified a problem with the hours of operation of the parking time restrictions in the Hyde Park area. Because the parking restrictions only operate till 5:30pm, vehicles are parking there every night and at weekends. The parking congestion is exacerbated by the growing number of backpackers and itinerant travellers that are using the area.

**DETAILS:**

The City of Perth introduced short term parking restrictions on the east side of Lake Street, between Bulwer Street and Glendower Street, to ensure the availability of parking spaces for customers of local shops and left the section on the west side of Lake Street, between Bulwer Street and Primrose Street as a 'No Stopping' area. The City of Vincent has also progressively introduced parking time restrictions in Lake Street, between Newcastle and Bulwer Streets. However, a short section of the west side of Lake Street, between Primrose Street and Glendower Street remains unrestricted.

Furthermore, the City has also received a number of recent complaints about itinerant travellers and backpackers using the area around Hyde Park for camping and sleeping overnight. This practice has resulted in increased litter, discarded cooking oil and food-scrap and, since the public toilets are locked each night, persons are using the grassed areas as toilets.

There are current three hour (3P) parking time restrictions on the south side of Glendower Street, between William and Fitzgerald Streets, the north side of Glendower Street, between William Street and Throssell Street and the east side of Throssell Street, between Vincent and Glendower Streets, Perth, operating between 8am and 5:30pm Monday to Friday. The west side of Throssell Street, between Vincent and Glendower Streets, Perth, currently has a two hour (2P) parking time restriction operating between 8am and 5:30pm, Monday to Friday and the north side of Glendower Street, between Throssell Street and Fitzgerald Street has an existing one hour (1P) time restriction in place, operating between 8am and 5:30pm, Monday to Friday and from 8am to noon on Saturday. As a result, vehicles can legally park in these streets from afternoon on one day to 8am the next and for the whole weekend.

With the approach of the summer season, it is likely that the number of itinerant travellers and backpackers will increase and the Hyde Park area is very attractive for overnight stopping. The current operating hours of the parking time restrictions in the area around Hyde Park makes it easy for people to camp and sleep overnight and, with no restrictions after 5:30pm and at weekends, it is suggested that unless the matter is addressed, the complaints will continue and will probably increase.

As a result, subject to the local residents agreeing with the proposal, it is recommended that the existing parking time restrictions are retained, and that the operating times should be amended to be in force at all times.

This matter was discussed and was endorsed at the City's Car Parking Strategy Implementation Working Group Meeting, on Tuesday, 30 October 2012.

**CONSULTATION/ADVERTISING:**

If the above recommendation is adopted, there will be a need to undertake public consultation for fourteen (14) days in the Throssell Street, Glendower Street and Lake Street areas closest to Hyde Park.

**LEGAL/POLICY:**

There is no legal impediment to approval of this proposal.

**RISK MANAGEMENT IMPLICATIONS:**

**Medium:** If the proposal is not adopted, it is likely that Residents will be adversely affected by camping and sleeping overnight by itinerant persons and backpackers.

**STRATEGIC IMPLICATIONS:**

This proposal is in keeping with the City's *Strategic Plan 2011 – 2016*, Objective 1.1.5(a) states:

*“Implement the City's Car Parking Strategy and associated Precinct Parking Management Plans.”*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The whole of Lake Street, between Newcastle Street and Glendower Street has parking time restrictions in place, except for is a short section on the west side of Lake Street between Primrose Street and Glendower Street which has no parking restrictions in place. In the interest of consistency, it is suggested that this section should also have a restriction in place.

The above recommendation has resulted from a number of complaints about itinerant travellers and backpackers, who are using the area around Hyde Park for camping and sleeping overnight. The existing parking time restrictions finish at 5:30pm, Monday to Friday, which means that every evening and between 5:30pm on Friday and 8am on Monday no restrictions apply.

As a result, the above report identifies that if the existing parking time restrictions were to operate at all times it should have the effect of moving these vehicles away.

The report is recommended for approval.

**9.4.4 Cultural Development Seeding Grant Applications – Carols by Candlelight in Hyde Park**

<b>Ward:</b>	Both	<b>Date:</b>	9 November 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0155
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	B Grandoni, Acting Senior Community Development Officer; A Cole, Acting Manager Community Development		
<b>Responsible Officer:</b>	J Anthony, Acting Director Community Services		

**OFFICER RECOMMENDATION:**

That the Council **APPROVES:**

1. The application by 'Youth With A Mission Perth' for a Cultural Seeding Grant of \$1,000 to organise a Carols by Candlelight event in Hyde Park; and
2. The waiving of fees for the hire of Hyde Park, including a \$164 event hire fee.

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**COUNCIL DECISION ITEM 9.4.4**

**Moved Cr Pintabona, Seconded Cr Maier**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (7-0)**

(Cr Buckels was on approved leave of absence.)  
(Cr Harley had not yet arrived at the Meeting.)

---

**PURPOSE OF REPORT:**

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

**BACKGROUND:**

'Youth With A Mission Perth (YWAMP)' are running their annual Carols by Candlelight event on Friday, 14 December 2012 from 6.00pm to 9.30pm.

**DETAILS:**

The Carols by Candlelight is an annual event held in Hyde Park open to the community to celebrate Christmas. A choir of international staff and students from YWAMP will lead the audience in traditional Christmas Carols. The programme will include unique musical performances by members of the community, as well as readings of the Christmas story and short, Christmas related, words of encouragement.

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

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

**CONSULTATION/ADVERTISING:**

The event will be advertised through the use of flyers and postcards through letterbox delivery.

**LEGAL/POLICY:**

The application meets the cultural requirements for a CDSG.

It is noted that the Guidelines indicate that *“Projects that are mainly for fundraising or making profits will not be funded.”* The application from Mount Hawthorn Community Church specifies that financial donations are not required and if they are received, will be given in full to local organisations in need. City funding will also go directly towards production costs.

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

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

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

In keeping with the City's *Strategic Plan 2011-2016* – Objective three (3) states:

*“Community Development and Wellbeing*

3.1 *Enhance and promote Community Development and Wellbeing*

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

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

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

Budget Amount:	\$6,000
Spent to Date:	<u>\$2,118</u>
Balance:	\$3,882

**COMMENTS:**

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

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

**9.4.5 One Life Suicide Prevention Strategy – Stage 2 Community Action Plan – Progress Report No. 1**

<b>Ward:</b>	All	<b>Date:</b>	9 November 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0200
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	A Guy, Community Development Officer – One Life; A Cole, Acting Manager Community Development		
<b>Responsible Officer:</b>	J Anthony, Acting Director Community Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** Progress Report No. 1 on Stage 1 of the One Life Suicide Prevention Strategy;
2. **ENDORSES** the:
  - 2.1 **City of Vincent’s involvement in Stage 2; and**
  - 2.2 **One Life Suicide Prevention Strategy – Stage 2 Community Action Plan (CAP) proposal; and**
3. **APPROVES** the City’s in-kind support of the Strategy, as the Host Agency.

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**COUNCIL DECISION ITEM 9.4.5**

**Moved Cr Pintabona, Seconded Cr Maier**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (7-0)**

**(Cr Buckels was on approved leave of absence.)  
(Cr Harley had not yet arrived at the Meeting.)**

---

**PURPOSE OF REPORT:**

To inform the Council of the status of a Stage 2 CAP proposal being developed as part of the One Life Suicide Prevention Strategy.

**BACKGROUND:**

The Western Australian Government committed \$13 million from 2009 to 2013 to implement the One Life Suicide Prevention Strategy. The Strategy aims to transform attitudes regarding suicide and suicidal behaviour and represents a guide for policies and services to better meet the needs of people at risk. The Strategy also charts a longer term vision to promote individual mental health and wellbeing and the need to enhance community capacity in approaches to suicide prevention.

The Minister for Mental Health gives direction and responsibility to the Ministerial Council for Suicide Prevention (MCSP) who leads the Strategy. The MCSP coordinates state-wide initiatives for suicide prevention and oversees initiatives to improve strength and resilience, expand community knowledge of suicide, and support capacity building in communities at increased risk.

Centrecare coordinates the One Life Suicide Prevention Strategy and is engaged to complete the daily work of the MCSP. Their responsibility lies in actively attracting support across sectors to facilitate a coordinated agency and local response to communities experiencing early signs of suicide crisis. They implement initiatives to increase awareness as well as coordinate training, research and evaluation of suicide prevention strategies across the State of Western Australia. Centrecare has developed a structured One Life Team, including an Agency Coordinator who engages government, non government and corporate agencies to establish organisation wide suicide prevention strategies. Centrecare will continue to provide ongoing programme management support to the City in Stage 2 of the CAP.

Agency involvement has been through the development and implementation of Community Action Plans (CAPs), which highlight the key issues for the City and focus on increasing the capacity of local community organisations, the promotion of mental health and wellbeing awareness and information and local implementation strategies.

**DETAILS:**

On 20 August 2012, one (1) x 1.0 FTE One Life Community Coordinator commenced employment at the City.

City wide engagement has been undertaken by the Community Coordinator to develop the Stage 2 CAP, including a community engagement session, engagement at community events, online surveys developed for community members and service providers and face-to-face and telephone contact with service providers. Since the City of Vincent Stage 1 CAP commenced on 20 August 2012, 212 community members and service providers have provided feedback regarding assets and issues relating to suicide prevention and possible solutions for future initiatives. Information gathered has informed the development of Stage 2 CAP initiatives.

**Community Feedback**

Community feedback has outlined the following:

1. People feel less confident in identifying and responding to others at risk of suicide when compared to talking to others about physical or mental health issues. The main reason for this is reported as being a lack of awareness and knowledge relating to how to identify and respond to people at risk;
2. Education for community members about suicide, including risk factors, warning signs and the availability of help is the most useful support to assist individuals to identify and respond to others at risk. In-school education and support regarding suicide and suicide prevention and on-line resources for the community were also identified as being useful;
3. Suicide prevention activities should target young people, people with a mental health issue and people who have previously attempted suicide;
4. Formal and informal education for community members to increase awareness and understanding, and reduce stigma are needed in the community to improve community health and wellbeing. Initiatives that promote social inclusion are also needed;
5. Most people know where to access information regarding support services, with online information being the most utilised. People also speak with their friends and doctors to find out about support services;
6. Information made available online is reportedly the best way to inform the community about new and existing initiatives, followed by information in newspapers and information being made available at community events;

7. The need to improve information sharing amongst service providers and to reduce duplication of services between government departments, academic institutions, non-government organisations, and peak and professional bodies; and
8. The need to coordinate local responses to suicide prevention.

### **Stage 1**

Stage 1 CAP consultations have informed three (3) key objectives for Stage 2 CAP initiatives as follows:

1. Increased awareness and knowledge of suicide prevention;
2. Increased social capital to improve health and wellbeing; and
3. Improved coordination amongst stakeholders to meet the needs of the broader community.

### **Stage 2**

Vincent has developed two (2) Stage 2 CAP proposals as per the Stage 1 proposal. One CAP will be developed for youth and another for the broader Vincent community. Proposed activities to address key objectives included in the Stage 2 CAP proposal are as follows:

9. Informal awareness raising and education about suicide prevention disseminated throughout the community to increase the community's awareness and knowledge of suicide prevention and positive mental health and wellbeing;
10. Education and training for community members and stakeholders to increase the community's capacity to respond to suicide risk, mental health and wellbeing issues. Education and training includes suicide prevention, intervention, and post-vention information;
11. Establish a network for stakeholders to network and communicate with one another to increase information sharing, reduce duplication of services, promote effective practice and support positive mental health and wellbeing in the community;
12. In partnership with the Film and Television Institute (FTI), deliver one (1) short-film project for community members. FTI to mentor participants to create a 5-minute film in one of the following categories:
  13. A particular demographic group;
  14. An incident in the City of Vincent;
  15. Portrait of Vincent;
  16. Open category; and
  17. Keeping mentally healthy;
18. Deliver two (2) 6 to 8 week 'Body and Mind' programmes for 40 young people aged 12 to 18 years with the aim of building individual confidence, self-esteem, resilience and physical wellbeing;
19. Deliver one (1) 3-hour 'Youth Photography Workshop' for 15 young people;
20. Partner with Act-Belong-Commit to promote the evidence-based health promotion campaign to increase individual awareness and understanding of keeping mentally healthy. Community members are encouraged to be more mentally healthy, physically and socially active, join clubs and organisations, and increase their level of commitment to the activities they engage in;
21. Partner with Carers WA and Mental Health Carers Arafmi (WA) Inc to establish a school-based young carers programme. The aim of the programme is to increase awareness of young carers, increase social capital and improve the mental health and wellbeing of young carers;

22. Develop guidelines for the responsible reporting of suicide, including a resource for local media professionals;
23. Establish an online community safety-net that provides information for people after discharge from clinical care; and
24. Work with the community to establish a Men's Shed to promote physical and mental health, whilst drawing on men's skills and strengths.

The Stage 2 CAP informs opportunities for strategic planning, collaboration and advocacy.

The Stage 2 Budget is being developed and will inform the first twelve (12) months of the project. The budget will include salary costs, operational costs, education and training costs and suicide prevention activity costs. It is estimated that the City will double its Stage 1 in-kind contribution of \$13,000 to \$26,000 towards operational costs and professional supervision.

The Stage 2 CAP proposal and funding application will be submitted to Centrecare on 15 November. Centrecare and the Ministerial Council for Suicide Prevention are likely to advise the City of the outcome of the proposal in early 2013. The Community Coordinator will provide an update to Council once Stage 2 funding has been approved.

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

Implementation of the Stage 2 CAP has been informed by significant community consultation, as outlined in the Stage 1 CAP Proposal.

City wide engagement has been undertaken to develop the Stage 2 CAP, including a community engagement session, engagement at community events, online surveys developed for community members and service providers and face-to-face and telephone engagement with service providers. Since the City of Vincent Stage 1 CAP commenced on 20 August 2012, 212 community members and service providers have provided feedback regarding assets and issues relating to suicide prevention and possible solutions for future initiatives. Information gathered has informed the development of Stage 2 CAP initiatives.

The establishment of a Healthy Vincent Advisory Group to guide consultation and implementation has been approved. As outlined in the Stage 1 CAP proposal, the Advisory Group will play a role in encouraging and promoting a healthier lifestyle, active and passive sport and recreation and related projects and activities in the City. The Advisory Group will also assist the One Life Community Coordinator to coordinate local resources and promote initiatives, allowing suicide prevention to be addressed and associated planned activities to be more effective.

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

##### **Statutory Authorities/Committees/Working Groups/Advisory Groups**

The City of Vincent does not have any Statutory Committees (other than the Audit Committee) with delegated authority, as prescribed by the Local Government Act 1995. All "Committees", Working Groups/Advisory Groups have Terms of Reference and can only deal with matters referred to them by the Council. These groups can only make recommendations which are reported to the Council for its consideration.

##### **Policy No. 4.2.12 – Advisory Groups**

25. The objective of Advisory Groups is to provide guidance for the establishment and operation of the City's Advisory Groups; and
26. They are to operate within the Terms of Reference approved by the Council and the general administrative framework.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** The increase in support from Council is associated with low risk implications for the City.

**STRATEGIC IMPLICATIONS:**

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

*“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*

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

3.1.6 *Build capacity within the community for individuals and groups to meet their needs and the needs of the broader community.*

*Provide Good Strategic Decision-Making, Governance, Leadership and Professional Management*

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

**SUSTAINABILITY IMPLICATIONS:**

The development and implementation of the CAP will assist community groups and service providers in promoting positive mental health and wellbeing messages in the future. This will be achieved in the development and continuation of networking with one another, as outlined in Stage 1 CAP Project Outcome 4.

**FINANCIAL/BUDGET IMPLICATIONS:**

Salary for the 2 x 0.5 FTE for twelve (12) months Community Coordinator and the implementation of the Stage 2 CAP will be largely funded by One Life. An additional \$26,000 will be in-kind from the City to cover operational costs and professional supervision.

**COMMENTS:**

The One Life Suicide Prevention Strategy is a call to action in preventing both fatal suicides and suicide attempts. The City's involvement in this Statewide initiative provides the opportunity to ensure the City continues to meet all the communities' health and wellbeing needs.

**9.5.5 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	9 November 2012
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a> – Information Bulletin		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J Highfield, Executive Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **RECEIVES** the Information Bulletin dated 20 November 2012, as distributed with the Agenda.

**COUNCIL DECISION ITEM 9.5.5**

**Moved Cr Pintabona, Seconded Cr Maier**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (7-0)**

(Cr Buckels was on approved leave of absence.)  
(Cr Harley had not yet arrived at the Meeting.)

**DETAILS:**

The items included in the Information Bulletin dated 20 November 2012 are as follows:

<b>ITEM</b>	<b>DESCRIPTION</b>	<b>PAGE</b>
IB01	Forum Notes - 30 October 2012	1
IB02	Forum Notes – Forrest Park – 24 October 2012	6

**9.1.4 Unit 5 No. 17 (Lot 7; D/P 11538) Green Street, Mount Hawthorn – Continuation of One (1) Consulting Room (Non-Medical) Including Planning Approval for One (1) Additional Consulting Room (Non-Medical) (Massage Therapy) (Retrospective)**

<b>Ward:</b>	North	<b>Date:</b>	9 November 2012
<b>Precinct:</b>	P01 – Mount Hawthorn Precinct	<b>File Ref:</b>	PRO0375; 5.2012.330.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans <a href="#">002</a> – Applicant Submission		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	B Sandri, Development Compliance Officer		
<b>Responsible Officer:</b>	C Eldridge, 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 J Ji on behalf of the owners, S Czernik for Continuation of One (1) Consulting Room (Non-Medical) Including Planning Approval for One (1) Additional Consulting Room (Non-Medical) (Massage Therapy) (Retrospective) at Unit 5 No. 17 (Lot 7; D/P 11538) Green Street, Mount Hawthorn, and as shown on plans stamp-dated 30 July 2012, for the following reasons:

1. The non-compliance with the Clause 1 (iii) City’s Policy Nos. 3.5.22, relating to Consulting Rooms, respectively, with respect to:
  - 1.1 ‘Non-Medical Consulting’ does not include massage activity of a sexual nature. There have been continuous compliance matters regarding the use being associated with sexual services;
  - 1.2 No supporting documentation to verify if the proposed two (2) staff members of this application have been certified by the ‘Training Accreditation Council’;
2. The non-compliance with the objectives of the City’s Policy 3.7.1 relating to Parking and Access, with respect to:
  - 2.1 The proposed additional one (1) non-medical consulting room will result in a total shortfall of 8.96 car bays for the existing development. In this instance the shortfall of parking will impact on the amenity of the surrounding area; and
3. The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality.

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**PROCEDURAL MOTION**

**Moved Cr Topelberg, Seconded Cr Maier**

That the item be DEFERRED at the request of the Applicant (to enable him to provide information) and it be reported to the Ordinary Meeting of Council to be held on 4 December 2012.

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

**For:** Cr Carey, Cr Maier, Cr McGrath, Cr Pintabona, Cr Topelberg, Cr Wilcox

**Against:** Mayor Hon. MacTiernan, Cr Harley

**(Cr Buckels was on approved leave of absence.)**

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## PURPOSE OF REPORT:

This proposal requires referral to Council for determination due to the contentious nature of the development.

## BACKGROUND:

The background relates to compliance matters as follows:

- On 26 December 2011 the City received its first written complaint alleging that massage of a sexual nature was provided to two (2) customers who had attended the premises for therapeutic massage purposes;
- On 29 December 2011 the City wrote to the Applicant and requested his comments regarding the abovementioned complaint.
  - On 13 January 2012 the City received a response from the Applicant who detailed *“the premises/rooms are only set up for therapeutic massage, as the rooms are only large enough for a massage table and there is very little room to walk around. The rooms are too tight to carry out any other activities but therapeutic Chinese massage. The massage cubicles are **not** partitioned to the ceiling, and thus do not offer sound-proofing or any privacy. In other words, in no way could the rooms be suitable for anything other therapeutic Chinese Massage.”*;
  - On 18 January 2012 the City’s Officers accepted the response from the Applicant and detailed no further action will be taken at this time;
  - On 3 February 2012, the City received a further complaint detailing *“I have noted the following activity whilst attending another legitimate business nearby:*
    - *Asian girls being dropped off in a group to the business*
    - *Unsavoury people hanging around*
    - *Asian girls being yelled at abusively”*The complainant also identified that the business is being advertised on [www.beautifulcompanions.com.au](http://www.beautifulcompanions.com.au) which is *“Australia’s Adult entertainment online classified.”* The advertisement stated:
    - *“A new great Place to relax body and relieve stress: Warmly tidy environment and nice atmosphere pretty sexy experienced oriental masseuse Reasonable price and enjoyable full body oily massage. No sex \$40/30 mins \$70/60mins Unit 5, 17 Green Street, Mt Hawthorn / Joondanna (near corner of London street and Green street 04 [REDACTED] (9am – 9pm);*
  - On 6 February 2012, following the above complaint, the City’s Development Compliance Officer (DCO) undertook a site inspection which revealed three (3) consulting rooms were operational opposed to the approved one (1) consulting room in accordance the Approval to Commence Development issued 18 July 2011.
  - On 7 February 2012 a letter was sent to the Applicant which reiterated the prescribed operational hours being 10.00am to 8.00pm Mondays to Saturdays, inclusive despite the advertisement on ‘Beautiful Companions’ stating 9.00am to 9.00pm. It was further noted that three (3) consulting rooms are operating and the business is not maintaining an active and interactive relationship with London Street as per the conditions of the Approval to Commence Development issued 18 July 2011;
  - On 14 February 2012, the Applicant provided the City with a response detailing that *“always our intention with the interior layout that the business would operate with a maximum of two masseurs and that the partition be designed to allow for a sharing of the dressing/prep area...”* Furthermore it was detailed that *“our operating hours are from 10am to 8pm. The operating hours listed on the website ‘beautiful companions’ stated 9 am to 9pm. We did advise them that our operating hours were from 10 am to 8 pm, however they suggested to us that we should advertise 9 am to 9pm.....The business is NOT associated with prostitution or the like.”*;
  - On 8 March 2012 the City received a planning application for the Addition of a Consulting Room to Existing Non Medical Consulting Room (Retrospective). This application was refused under delegated authority on 6 June 2012.

- Following the refusal of the above application the DCO attended the subject site to achieve compliance of only one (1) consulting room to be operating on 18 June 2012, 19 June 2012, 20 June 2012, 25 June 2012, 5 July 2012 and 20 July 2012;
- On 20 July 2012 compliance was achieved as only one (1) consulting room was operational, the additional unauthorised consulting room appeared to be used as a store room;
- On 19 June 2012 and 27 October 2012 there were two queries from Councillors questioning the legitimacy of the business due to advertisements on Australia XXX Adult Reviews and Langtree Forums, both synonymous with Adult Entertainment. On these forums a number of users have stated they have received sexual services at this business;
- On 2 November 2012 the DCO obtained two (2) advertisements for the premises. One was still advertised on Australian XXX Adult Review under 'Massage Parlours' "Leisureland – Unit 5, 17 Green St, Joondanna 04 [REDACTED]" and one on OZ Escorts dated 15 November 2012 under 'older tweets' "YOUNG 20YO PRETTY 04 [REDACTED]: YOUNG 20YO PRETTY FULL BODY RELAXATION MASSAGE JOONDANNA 04 [REDACTED]";
- On 6 November 2012 a further complaint was received detailing that the windows of the premises were not providing an interactive streetscape with London Street, rather they were completely covered. It was further noted that the business is advertised on Langtrees, synonymous with Adult Entertainment and that it was witnessed six (6) men leaving the premises at once.
- On 6 November 2012, the City's DCO attended the site and noted two consulting rooms being operated.

**History:**

Date	Comment
18 July 2011	The City under delegated authority from Council conditionally approved a Change of Use from Office to Non-Medical Consulting Rooms
6 June 2012	The City under delegated authority from Council refused a planning application for an Additional Consulting Room to Existing Non Medical Consulting Room (Retrospective)

**Previous Reports to Council:**

Nil.

**DETAILS:**

<b>Landowner:</b>	S Czernik
<b>Applicant:</b>	J Ji
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Local Centre
<b>Existing Land Use:</b>	Consulting Room (Non-Medical)
<b>Use Class:</b>	Consulting Room (Non-Medical)
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	647 square metres
<b>Right of Way:</b>	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
Density/Plot Ratio	N/A		
Streetscape	N/A		
Front Fence	N/A		
Front Setback	N/A		
Building Setbacks	N/A		
Boundary Wall	N/A		
Building Height	N/A		
Building Storeys	N/A		
Open Space	N/A		
Bicycles	N/A		
Access & Parking	✓		
Privacy	N/A		
Solar Access	N/A		
Site Works	N/A		
Essential Facilities	N/A		

**Policy No. 3.5.22 Consulting Rooms**

Policy No. 3.5.22 Consulting Rooms	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Not include massage activity of a sexual nature, prostitution, brothel business, an agency business associated with prostitution, escort agency business, or the like.			✓
Beauty therapists should have completed a beauty therapy course certified by the 'Training Accreditation Council'			✓
Car parking is required to be provided on site in accordance with the Policy relating to Parking and Access.			✓
All car spaces on site are to be suitable sign posted and line marked to the satisfaction of the City of Vincent	✓		
Car parking spaces and driveways associated with consulting rooms are to be arranged to facilitate safe and efficient vehicular access. Vehicles are to be able to ingress and egress the site in forward gear with minimal on-site manoeuvring	✓		

Issue/Design Element:	Consulting Rooms
Requirement:	<b>Policy No. 3.5.22 Clause 1(iii)</b> Not include massage activity of a sexual nature, prostitution, brothel business, an agency business associated with prostitution, escort agency business, or the like.
Applicants Proposal:	No massage activity of a sexual nature.
Performance Criteria:	Nil.
Applicant's Justification Summary:	<i>"..the premises/rooms are only set up for therapeutic massage, as the rooms are only large enough for a massage table and there is very little room to walk around. The rooms are too tight to carry out any other activities but therapeutic Chinese massage. The massage cubicles are <b>not</b> partitioned to the ceiling, and thus do not offer sound-proofing or any privacy. In other words, in no way could the rooms be suitable for anything other therapeutic Chinese Massage."</i>
Officer technical comment:	As discussed in the background above and comments below, it is alleged the business is providing massage activity of a sexual nature and is therefore considered not to comply.

Issue/Design Element:	Consulting Rooms
Requirement:	<b>Policy No. 3.5.22 Clause 1(iii)</b> Beauty therapists should have completed a beauty therapy course certified by the 'Training Accreditation Council'
Applicants Proposal:	Two (2) staff members, no qualifications submitted.
Performance Criteria:	Nil.
Applicant's Justification Summary:	<i>"No specific justification received from applicant"</i>
Officer technical comment:	No supporting documentation was received for this application by the applicant to verify if the staff members are certified by the 'Training Accreditation Council', and is therefore considered not to comply.

### Car Parking

The car parking calculation is for the addition one (1) consulting room as follows:

Car Parking	
Car parking requirement (nearest whole number):	17.00 car bays
Unit 5 – Consulting Rooms (proposed two (2) rooms), requires three (3) car bays per room = 6.0 car bays required.	
Unit 4 – Shop (Hairdresser) (72m <sup>2</sup> ), requires one (1) bay per 15m <sup>2</sup> of Gross Floor Area = 4.8 car bays required.	
Unit 3 – Consulting Rooms (one (1) consulting rooms), requires three (3) car bays per room = 3.0 car bays required.	
Unit 1 and 2 - Offices (168m <sup>2</sup> ), requires one (1) car bay per 50m <sup>2</sup> = 3.36 car bays required.	
Total car bays required = 17.16	

<b>Car Parking</b>	
Apply the adjustment factors 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) 0.80 (The proposed development contains a mix of uses, where at least 45 per cent of the gross floor area is residential)	(0.646)  10.98 car bays
Minus the car parking provided on-site	2.0 car bays
Minus the most recently approved on-site car parking shortfall  Ordinary Meeting of Council held 9 October 2007 = 3.2 car parking bays  Approval to Commence Development approved by delegated authority on 18 July 2011 = 1.63 car parking bays  Approval to Commence Development approved by delegated authority on 31 August 2012 = 2.244 car parking bays	7.074
Resultant shortfall	1.906 car bays

<b>Bicycle Parking</b>
Consulting Rooms (2 practitioners): <ul style="list-style-type: none"> <li>• 1 space per 8 practitioners (class 1 or 2) = 0.25 spaces</li> <li>• 1 space per 4 practitioners (class 3) = 0.5 spaces</li> </ul> <p><u>Required:</u> Total class one or two bicycle spaces = 0.25 spaces = 0 spaces Total class three bicycle spaces = 0.50 spaces = 0 spaces</p>

**CONSULTATION/ADVERTISING:**

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Consultation Period: 7 September 2012 to 20 September 2012

Comments received: Nil.

<b>Summary of Comments Received:</b>	<b>Officers Technical Comment:</b>
Nil.	Nil.

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

**Design Advisory Committee:**

Referred to Design Advisory Committee: No

**LEGAL/POLICY:**

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

**RISK MANAGEMENT IMPLICATIONS:**

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

It should be considered to keep the recommended conditions as the City under delegated authority previously issued a Refusal to Commence Development for the same application proposed two (2) consulting rooms (non-medical); therefore imposing the recommended conditions will enforce a consistence approach.

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2011-2016 states:

*"Economic Development*

2.1 *Progress economic development with adequate financial resources*

2.1.1 *Promote business development and 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
There will be no impact on the environment as there is no change to the building footprint.	

SOCIAL	
Issue	Comment
This renewal may be considered a negative impact on the surrounding Residential area, as per previous compliance matter. However no objections were received during the community consultation period.	

ECONOMIC	
Issue	Comment
The renewal contributes to the local centre through fiscal reward and investment, including employment of the staff members.	

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS & CONCLUSION:**

The application is for the continuation of one (1) consulting room (non-medical) including, one (1) additional consulting room. The applicant is seeking two approvals.

Non-medical consulting rooms have an expiry of twelve (12) months consistent with the City's Policy No. 3.5.22 to ensure all Consulting Rooms (Non-Medical) are compliant with their prescribed approvals. In the event they have had ongoing compliance matters this allows the Council to determine the application again to ensure it is consistent with conditions of planning approval.

The continuation of consulting room (non-medical) is recommended for refusal, in light of numerous complaints received and the alleged unauthorised nature of the business. As per the advertisements on the Adult Entertainment websites and comments placed on forums of these websites stating they have received sexual services, it is alleged that the consulting room is being used for massage activity of a sexual nature. Therefore the use continues to have an adverse effect on the surrounding residential area, and as a result is no longer compatible with the area.

The applicant resubmitted plans for two (2) consulting rooms and the City refused a similar application on 6 June 2012. There is an existing shortfall of 7.074 car bays on the subject site. The additional consulting room will add a further 1.906 car bays which will then bring the total shortfall to 8.98 car bays.

In this instance it is considered not to be in accordance with proper planning and the preservation of the amenities of the locality as the shortfall will have an adverse effect on the surrounding area in terms of clients to the commercial premises parking their vehicles in other commercial parking areas, on street parking or in front of residential dwellings in the area. It is further noted that the City has had ongoing compliance matters regarding the use with only one (1) consulting room; therefore increasing the amount of consulting rooms may increase the compliance matters.

The applicant submitted an application for proposed additional one (1) consulting room (non-medical). However, in light of the site inspection on 6 November 2012 the application is now considered retrospective as the additional one (1) consulting room (non-medical) is currently operating.

In view of the above the continuation of consulting room (non-medical) including planning approval for one (1) additional consulting room has been recommended for refusal.

**9.1.3 No. 51 (Lot 803) Norfolk Street, North Perth – Proposed Two Storey Single House**

<b>Ward:</b>	South	<b>Date:</b>	9 November 2012
<b>Precinct:</b>	Norfolk; P10	<b>File Ref:</b>	PRO5744; 5.2012.203.2
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Dyson, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	C Eldridge, 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 Plunkett Homes (1903) Pty Ltd on behalf of the owner, M Gaedke & A Carmen for Proposed Construction of a Two-Storey Single House at No. 51 (Lot 803) Norfolk Street, North Perth, and as shown on amended plans stamp dated 2 November 2012, for the following reasons:

1. Non-compliance with the Acceptable Development and Performance Criteria provisions of the City’s Policy No 3.2.1 relating to Residential Design Elements as follows:
  - 1.1 Clause SADC 13 and SPC 13 relating to “Street Walls and Fencing”;
  - 1.2 Clause SADC 7 and SPC 7 relating to “Side Setbacks”;
  - 1.3 Clause SADC 11 and SPC 11 relating to “Buildings on the Boundary”;  
and
  - 1.4 Clause BDADC 12 and BDPC 12 relating to “Solar Access”;
2. The proposed development does not comply with the following objectives of the City of Vincent Town Planning Scheme No. 1 to:
  - 2.1 protect and enhance the health, safety and physical welfare of the City’s inhabitants and the social, physical and cultural environment; and
  - 2.2 ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework which:
    - 2.2.1 recognises the individual character and need of localities within the Scheme zone area; and
3. The proposed two storey single house 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.

**COUNCIL DECISION ITEM 9.1.3**

**Moved Cr Maier, Seconded Cr Topelberg**

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND LOST (3-5)**

**For:** Mayor Hon. MacTiernan, Cr Carey, Cr Pintabona

**Against:** Cr Maier, Cr McGrath, Cr Harley, Cr Topelberg, Cr Wilcox

(Cr Buckels was on approved leave of absence.)

**REASON FOR REFUSAL OF THE OFFICER RECOMMENDATION:**

The support of neighbours for the overshadowing makes it acceptable to vary the Policy.

**COUNCIL DECISION ALTERNATIVE RECOMMENDATION ITEM 9.1.3**

**ALTERNATIVE RECOMMENDATION:**

**Moved Cr Maier, Seconded Cr Topelberg**

**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 Plunkett Homes (1903) Pty Ltd on behalf of the owner, M Gaedke & A Carmen for Proposed Construction of a Two-Storey Single House at No. 51 (Lot 803) Norfolk Street, North Perth, and as shown on amended plans stamp dated 2 November 2012, subject to the following conditions:**

- 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 Norfolk Street;**
- 2. any new street/front wall, fence and gate within the Norfolk 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. no street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning;**
- 4. walls and fences to be truncated or reduced to no higher than 0.65 metres within 1.5 metres of where walls and fences adjoin vehicle access points;**
- 5. the owners shall make application to obtain the consent of the owners of No. 49 Norfolk Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 49 Norfolk Street in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork; 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.**

**Debate ensued.**

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

**For:** Mayor Hon. Alannah MacTiernan, Cr Maier, Cr McGrath, Cr Harley, Cr Pintabona, Cr Topelberg, Cr Wilcox

**Against:** Cr Carey

**(Cr Buckels was on approved leave of absence.)**

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**Additional Information:**

Attached is a copy of the proposed overshadowing plan for the development. As noted in the report the proposed overshadowing of the adjoining property at No. 49 Norfolk Street is 37.37% or 93.81m<sup>2</sup>.

**PURPOSE OF REPORT:**

The report is referred to a meeting of Council as the development application proposes a significant variation to overshadowing of an adjoining property which is not supported by the City's Officers.

**BACKGROUND:**

**History:**

Date	Comment
26 July 2011	The Council conditionally approved the Demolition of Existing Dwelling and Construction of Four (4) Two-Storey Grouped Dwellings on site.
21 March 2011	The Western Australian Planning Commission conditionally approved an application for a four (4) lot subdivision of the property bounded by Burt and Norfolk Street's.

**Previous Reports to Council:**

The previous application for the property was reported to the Ordinary Meeting of Council held on 26 July 2012 for four Two-storey Grouped Dwellings on site. Whilst the proposal was supported at the Ordinary Meeting of Council, each lot has been sold and alternative designs and changes to the original design have been submitted. One (1) of the proposed dwellings has been approved (corner lot at No. 36 Burt Street) with the two remaining dwellings at No. 49 and No. 53 Norfolk Streets currently being assessed.

**DETAILS:**

<b>Landowner:</b>	M Gaedke & A Carmen
<b>Applicant:</b>	Plunkett Homes (1903) Pty Ltd
<b>Zoning:</b>	Residential R40
<b>Existing Land Use:</b>	Vacant
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	251 square metres
<b>Right of Way:</b>	Not Applicable

The proposal is for a two-storey single house on the existing vacant site fronting Norfolk Street. The design includes an east west facing dwelling comprising a two-storey parapet wall along the southern boundary of the property.

**ASSESSMENT:**

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

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Density/Plot Ratio	✓		
Streetscape	✓		
Street Walls and Fencing			✓
Dual Street Frontages and Corner Sites			✓
Side Setbacks			✓
Buildings on the Boundary			✓
Building Height	✓		
Building Storeys	✓		
Open Space	✓		
Access & Parking	✓		

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Roof Forms			✓
Privacy	✓		
Solar Access			✓
Site Works	✓		
Essential Facilities	✓		

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

Issue/Design Element:	Street Walls and Fencing
Requirement:	<b>Residential Design Elements Clause SADC 13</b> 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;
Applicants Proposal:	1.8 metre (Solid Portion of Wall)
Performance Criteria:	<b>Residential Design Elements Clause SPC 13</b> (i) Street Walls and Fences are to be designed so that: <ul style="list-style-type: none"> <li>• Buildings, especially their entrances, are clearly visible from the primary street;</li> <li>• A clear line of demarcation is provided between the street and development;</li> <li>• They are in keeping with the desired streetscape; and</li> <li>• Provide adequate sightlines at vehicle access points.</li> </ul>
Applicant's Justification Summary:	<i>"No specific justification received from applicant"</i>
Officer technical comment:	The proposed front fencing is not considered to comply with the Performance Criteria of Residential Design Elements Policy as: <ul style="list-style-type: none"> <li>• The proposed solid section of wall reduces the open streetscape character along Norfolk Street.</li> <li>• It is noted in the event of approval the fence will be required to comply with the City's requirements.</li> </ul>

Issue/Design Element:	Front Setback
Requirement:	<b>Residential Design Elements Clause SADC 10</b> <u>Upper Floors</u> 1.5 metres behind each portion of the ground floor setback.
Applicants Proposal:	<u>Upper Floors</u> 1.0 metre (minimum) behind ground floor (portion of Bed 3)
Performance Criteria:	<b>Residential Design Elements Clause SPC 10</b> Dwellings on dual street frontages or corner lots are to present and attractive and interactive elevation to each street frontage. This may be achieved by utilising the following design elements: <ul style="list-style-type: none"> <li>• Wrap around design (design that interacts with all street frontages);</li> <li>• Landscaping;</li> <li>• Feature windows;</li> <li>• Staggering of height and setbacks;</li> <li>• External wall surface treatments and finishes; and</li> <li>• Building articulation.</li> </ul>

Issue/Design Element:	Front Setback
Applicant justification summary:	<p><i>"The amended design provided a 1.5 metre setback to the first floor, behind the ground floor main building line, however, a portion of the Bed 3 wall protrudes to 1.0 metres behind the ground floor main building line although maintaining a 2.6 metre setback behind the roof to the verandah.</i></p>
	<p><i>It is noted that a minimum 1.5 metres setback is required to the first floor behind the ground floor, however performance criteria under SPC 10 provide for attractive and interactive elevations which incorporate landscaping, feature windows, staggered setbacks and building articulation.</i></p> <p><i>The proposed two-storey dwelling presents a contemporary design that is consistent with an abundance of new dwellings within the North Perth area, although reflecting a more traditional design than the original approval through the incorporation of a number of character design elements.</i></p> <p><i>A significantly greater setback to the ground floor of 4.02 metres – 4.5 metres is provided to the main building line, in lieu of the permitted 2.5 metres, with the majority of the first floor setback 1.5 metres behind the ground floor. The incursion to the corner of Bed 3 is insignificant and not discernible due to the significant roof separation through the verandah feature of 2.6 metres to the first floor.</i></p> <p><i>Therefore through an enhanced façade that incorporates both vertical and horizontal stepping which along with the passive surveillance achieved by the extensive windows ensures that the dwelling is consistent with the desired bulk and scale as prescribed within the Residential Design Elements Policy, overall contributing to the desired streetscape."</i></p>
Officer technical comment:	<p>The proposed upper floor front setback (Portion of Bedroom 3) is considered to comply with the performance criteria in this instance for the following reasons:</p> <ul style="list-style-type: none"> <li>• The variation proposed is minimal at 0.5 metres, and the actual upper storey is setback at over 5.0 metres from the front of the property; therefore allowing for sufficient reduction in impact to the street</li> <li>• Articulation has been implemented into the design of the upper storey with a staggering of setbacks to mimic the lower floor setbacks as well as the use of a darker render colour for the front façade and use of windows to provide interest and activation to the street.</li> <li>• The setback of the dwelling allows for significant landscaping to be provided at the front of the dwelling.</li> </ul>
Issue/Design Element:	Side Setbacks
Requirement:	<p><b>Residential Design Elements Clause SADC 7</b> Upper Floor – Southern Stairway – 1.2 metres Balance – 1.5 metres</p>
Applicants Proposal:	<p>Upper Floor - Southern Stairway - Nil Balance – 1.1 metres</p>

Issue/Design Element:	Side Setbacks
Performance Criteria:	<p><b>Residential Design Elements Clause SPC 7</b></p> <p>(i) Side Setbacks are to:</p> <ul style="list-style-type: none"> <li>• Allow for significant landscaping between buildings, particularly for two storey structures to soften the visual appearance when viewed from the street and neighbouring properties;</li> <li>• Ensure adequate daylight, direct sun and ventilation for the buildings;</li> <li>• Moderate the visual impact of building bulk and scale on neighbouring properties;</li> <li>• Assist with the protection of reasonable privacy between adjoining properties;</li> <li>• Complement the rhythm of streetscape; and</li> <li>• Respect the setbacks of dwellings of heritage significance.</li> </ul>
Applicant justification summary:	<p><i>“The position of the boundary wall and its overall height and length is not deemed to have any adverse affect on overshadowing as the development retains a considerable amount of direct sun to the likely adjoining outdoor living area.</i></p> <p><i>With the additional shadow created by the first floor boundary wall is likely to be cast over the roof top of the adjoining property and will have no undue impact on their access to direct sun.”</i></p>
Officer technical comment:	<p>The proposed upper floor setback is not considered to comply with the performance criteria in this instance for the following reasons:</p> <ul style="list-style-type: none"> <li>• Whilst the proposed southern (balance and stairway) upper floor side setbacks are not considered to be inconsistent with other contemporary two storey developments, the overall impact of a reduced upper floor setback, increases the built area (bulk) and attributes to the significant overshadowing proposed to the adjoining lot to the south (49 Norfolk Street).</li> </ul>

Issue/Design Element:	Buildings on the Boundary
Requirement:	<p><b>Residential Design Elements Clause SADC 11</b></p> <p>Walls not higher than 3.5 metres with an average of 3 metres for two-thirds the length (66.7 per cent) of the balance of the boundary behind the front setback, to one side boundary only.</p>
Applicants Proposal:	<p><u>Southern wall</u></p> <p>Maximum height: 5.9 metres Average height: 3.9 metres Length: 13.7 metres - One (1) boundary wall – 68.6 per cent of southern boundary</p>
Performance Criteria:	<p><b>Residential Design Elements Clause SPC 11</b></p> <p>(i) Boundary Walls are not to have an undue impact on the affected neighbour and the amenity of the streetscape.</p>
Applicant justification summary:	<p><i>“Property Orientation and the benefit of dwelling design to enhance solar access are imperative in our climate and in the endeavour to achieve energy efficient building standards.</i></p> <p><i>Consideration must also be given to other times of the day where an abundant amount of solar gain is achieved from the north/east in the morning and north/west in this afternoon. It is</i></p>

Issue/Design Element:	Buildings on the Boundary
	<p><i>suggested that the proposed design would deny solar access to the adjoining southern property (which is not the case), however this advocates a design that restricts solar access, completely, notwithstanding the ability to achieve a significant amount of sun penetration at other times of the day and year.</i></p> <p><i>The position of a boundary wall and its overall height and length is not deemed to have any adverse effect on overshadowing as the development retains a considerable amount of direct sun to the likely adjoining outdoor living area.</i></p> <p><i>With the additional shadow created by the first floor boundary wall is likely to be cast over the roof top of the adjoining property and will have no undue impact on their access to direct sun.</i></p> <p><i>Furthermore, the terrace style housing that is likely to be undertaken on the adjoining subject property, reflective of the current approval ensures that the boundary wall and the resultant bulk will be more of a design asset and provide the opportunity for a reciprocated boundary wall height on the adjoining property. Therefore, the proposed boundary wall is achievable without adversely affecting the amenity of the adjoining property.”</i></p>
Officer technical comment:	<p>The proposed southern boundary wall is not considered to comply with the performance criteria in this instance for the following reasons:</p> <ul style="list-style-type: none"> <li>• The proposed two storey parapet wall section (stairway) abuts a proposed large dining room window of the adjoining southern property (49 Norfolk Street). As such the wall will impact the provision of sunlight and ventilation to the proposed room of the house and reduce the amenity of any future dwelling on the southern lot.</li> </ul>

Issue/Design Element:	Roof Forms
Requirement:	<p><b>Residential Design Elements Clause BDADC 3</b> Roof Pitch to be 30 - 45 degrees</p>
Applicants Proposal:	25.38 degrees
Performance Criteria:	<p><b>Residential Design Elements Clause BDPC 3</b> The roof of a building is to be designed so that:</p> <ul style="list-style-type: none"> <li>• It does not unduly increase the bulk of the building;</li> <li>• In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and</li> <li>• It does not cause undue overshadowing of adjacent properties and open space.</li> </ul>
Applicant's Justification Summary:	<p><i>“A proposed roof pitch of 25.38 degrees is desired and achievable without adversely affecting the appearance of the building or its contribution to the streetscape. Traditional design elements are incorporated into the façade that includes a verandah for more than 50% of the buildings elevation, Dutch Gable and traditional window forms, all of which contribute to the overall design and character of the area.”</i></p> <p><i>“Therefore, the reduced roof pitch does not unduly increase the bulk of the building or the extent of shadow created overall.”</i></p>

Issue/Design Element:	Roof Forms
Officer technical comment:	<p>The proposed roofing is considered to comply with the Performance Criteria of Residential Design Elements Policy as:</p> <ul style="list-style-type: none"> <li>The proposed roof pitch maintains the standard pitched roof design prevalent along Norfolk Street and is not considered to be detrimental to the existing streetscape.</li> </ul>

Issue/Design Element:	Design for Climate
Requirement:	<p><b>Residential Design Elements Clause BDADC 12</b> Residential R40– Maximum of 35% (Overshadowing – m2) (87.85m2)</p>
Applicants Proposal:	Overshadowing – 93.81m2 or 37.37%
Performance Criteria:	<p><b>Residential Design Elements Clause BDPC 12</b> (i) Development design will endeavour to:</p> <ul style="list-style-type: none"> <li>Minimise overshadowing of adjacent properties and outdoor living areas;</li> <li>Provide a reasonable level of solar access to habitable areas and outdoor living areas by considering building siting and orientation;</li> <li>Regulate the desired amount of solar access to habitable rooms and outdoor living areas with the placement of windows; and</li> <li>Provide sun protection with the use of sun shading devices and by the appropriate placement of canopy trees.</li> </ul>
Applicant's Justification Summary:	<p><i>“Property Orientation and the benefit of dwelling design to enhance solar access are imperative in our climate and in the endeavour to achieve energy efficient building standards.</i></p> <p><i>Consideration must also be given to other times of the day where an abundant amount of solar gain is achieved from the north/east in the morning and north/west in the afternoon. It is suggested that the proposed design would deny solar access to the adjoining property (which is not the case), however this advocates a design that restricts solar access completely, notwithstanding the ability to achieve a significant amount of sun penetration at other times of the day and year.</i></p> <p><i>The position of the boundary wall and its overall height and length is not deemed to have any adverse effect on overshadowing as the development retains a considerable amount of direct sun to the likely adjoining outdoor living area.</i></p>
	<p><i>With the additional shadow created by the first floor boundary wall is likely to be cast over the roof top of the adjoining property and will have no undue impact on their access to direct sun.</i></p> <p><i>Furthermore, the terrace style housing that is likely to be undertaken on the adjoining subject property, reflective of the current approval ensures that the boundary wall and the resultant bulk will be more of a design asset and provide the opportunity for a reciprocated boundary wall height on the adjoining property. Therefore, the proposed boundary wall is achievable without adversely the amenity of the adjoining property.”</i></p>

Issue/Design Element:	Design for Climate
Officer technical comment:	<p>The proposed overshadowing is considered to not comply with the performance criteria due to the following:</p> <ul style="list-style-type: none"> <li>• The proposed overshadowing impacts the provision of solar access to the habitable rooms of the adjoining property (49 Norfolk Street) along its northern elevation, including a large proposed dining room and highlight windows for the living room.</li> <li>• Whilst no solar collectors are currently proposed along the northern roof face of any future adjoining property, the proposed dwelling will reduce the available area for solar devices to be located in the future.</li> <li>• It is also noted that whilst the current affected adjoining landowner has consented to the variation to the overshadowing, the City is obliged to protect future landowners also.</li> </ul>

**CONSULTATION/ADVERTISING:**

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period: 11 June 2012 – 25 June 2012

Comments received: There were two comments received during the community consultation period with one comment of support and one comment providing a request that the boundary wall be finished externally.

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Boundary Wall Support the proposed development provided that the exposed boundary walls are finished externally at their cost, either rendered or in face brick work, in keeping with the adjoining property.</p>	<p>Noted and Support. In the event of an approval the proposed boundary wall is to be finished appropriately with render or face brick.</p>

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

**Design Advisory Committee:**

Referred to Design Advisory Committee: No

**LEGAL/POLICY:**

The following legislation and policies apply to the two-storey single house at No. 51 Norfolk Street, North Perth:

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2010;
- City of Vincent Town Planning Scheme No. 1;
- Norfolk Precinct Policy No. 3.1.10; and
- Residential Design Elements Policy No. 3.2.1.

**RISK MANAGEMENT IMPLICATIONS:**

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

Should the Council approve the application for development approval; the proposal will be in conflict with the Acceptable Development and Performance Criteria provisions of the City's Residential Design Elements Policy No. 3.2.1 and the City of Vincent Town Planning Scheme No. 1; therefore creating a undesirable precedent for the redevelopment of properties fronting Norfolk Street.

**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 adequately responds to the northern aspect of the site, allowing for sunlight and ventilation to permeate the dwelling and alfresco area, reducing the need for additional heating and cooling. However in proposing the design of a substantial two-storey dwelling with an east-west orientation, it effectively reduces the provision of the adjoining property to be afforded with sufficient sunlight to habitable rooms on its northern elevation.

SOCIAL	
Issue	Comment
	The proposed two-storey single house will assist in providing a greater housing diversity within the City.

ECONOMIC	
Issue	Comment
	The construction of the two-storey single house will provide short term employment opportunities.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS**

Clause SADC 13 and SPC 13 relating to “Street Walls and Fencing”

The proposed front fencing at a maximum height of 1.8 metres (solid) in lieu of 1.2 metres. It is not considered to comply with the Performance Criteria of Residential Design Elements Policy as the proposed solid section of wall reduces the open streetscape character along Norfolk Street. However it is noted in the event of approval the fence will be required to comply with the City’s requirements.

Clause SADC 7 and SADC 7 relating to “Side Setbacks”

The proposed upper floor setback of nil metres in lieu of 1.2 metres (stairway) and 1.1 metres in lieu of 1.5 metres to the southern boundary. The overall impact of a reduced upper floor setback, increases the built area (bulk) and attributes to the significant overshadowing proposed to the adjoining lot to the south (49 Norfolk Street).

Clause SADC 11 and SPC 11 relating to “Buildings on the Boundary”

The proposed boundary wall will have a maximum height of 5.9 metres, 3.9 metres (average) and 68.6 per cent of the southern boundary in lieu of a maximum height of 3.5 metres, 3.0 metres (average) and 66.7 per cent of the boundary. In this instance it will impact on the provision of sunlight and ventilation to the proposed room of the house and reduce the amenity of any future dwelling on the southern lot.

Clause BDADC 12 and SPC 12 relating to “Solar Access”

The proposed overshadowing of 37.37% (93.81m2) in lieu of 35% or 87.85m2. The proposed overshadowing impacts the provision of solar access to the habitable rooms of the adjoining property (49 Norfolk Street) along its northern elevation, including a large proposed dining room and highlight windows for the living room. It is noted that whilst no solar collectors are currently proposed along the northern roof face of any future adjoining property, the proposed dwelling will reduce the available area for solar devices to be located in the future.

Front Setback

The site was considered as a corner lot and not a standard lot facing the street. The comparison table below details the difference in the requirements for street setback as per Policy 3.2.1 relating to Residential Design Elements.

**Comparison Table**

Requirement	Corner Lot (SADC 10)	Not a Corner Lot (SADC 5)	Proposed
Ground Floor Setback to Norfolk Street	2.5 metres	2.3 metres	4.02 – 4.5 metres
Upper Floor Setback to Norfolk Street	1.5 metres behind each portion of the ground floor setback.  Required = 4 metres	A minimum of 2 metres behind each portion of the ground floor setback.  Required = 4.3 metres	5.5 - 6.1 (1.0-1.5 metres behind the lower floor

**CONCLUSION:**

The presence of variations, particularly to the front and side setbacks, and boundary wall, all contribute to a reduction in amenity in the future provision of a dwelling on the adjoining property. It is also noted the current design of the front fencing will reduce the provision of open streetscape, currently located along Norfolk Street.

Furthermore as outlined above, the proposal does not meet the acceptable development provisions or the performance criteria requirements for overshadowing; whereby the development will impact on the solar access to the adjoining property to the south and the future provision of solar devices in any proposed dwelling on the adjoining southern lot.

In light of the above, the proposed single house is recommended for refusal due to the aforementioned reasons.

**9.1.5 Tenant Matching, Short Term Licensing (Pop Up Shop Scheme) and Reporting on Non leased Premises in the City of Vincent's 5 Town Centres**

<b>Ward:</b>	All	<b>Date:</b>	9 November 2012
<b>Precinct:</b>	Both	<b>File Ref:</b>	ADM0105
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	P McAuliffe, Economic Development Officer		
<b>Responsible Officer:</b>	C Eldridge, Director of Planning		

**CORRECTED OFFICER RECOMMENDATION:**

That the Council;

1. **NOTES** the recommendations in relation to the preferred Request for Quote Respondent for the Activation of Non- Leased Premises 'Pop Up Shop Scheme' in the City's Town Centres as shown in 'Details' section of this report;
2. **AUTHORISES** the Chief Executive Officer to:
  - 2.1 engage Metier Pty Ltd to facilitate a 'Pop Up Shop Scheme' across the City and report to Council on a bi monthly basis;
  - 2.2 promote the Scheme through the range of promotional channels available to the City to businesses in the City's Town Centres; and
  - 2.3 engage legal advice specifically related to short term tenanting on gazettal of the amended Commercial Tenancy (Retail Shops) Agreements Act 1985 expected early 2013, prior to proceeding with the 'Pop Up Shop' Scheme; and
3. **HOLDS IN ABEYANCE** the initiation of the 'Pop Up Shop Scheme' in the City's Town Centres until changes to the current Commercial Tenancy (Retail Shops) Agreements Act 1985 are gazetted to accommodate short term tenancy, expected to be completed by early 2013; and
4. Subject to clauses 1 and 2 above being carried, APPROVES BY AN ABSOLUTE MAJORITY the re-allocation of funding up to \$12,000, for the project from a source to be determined by the Chief Executive Officer, at the midyear Budget review.

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

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**COUNCIL DECISION ITEM 9.1.5**

**Moved Cr Carey, Seconded Cr Harley**

That the corrected recommendation be adopted.

Debate ensued.

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

(Cr Buckels was on approved leave of absence.)

**PURPOSE OF REPORT:**

The purpose of this report is to present recommendations from the Request for Quote process to identify a suitable provider to undertake the necessary work to develop a 'Pop up Shop' Scheme across the City's Town Centres and present options on how to progress the Scheme.

**BACKGROUND:**

The Council at its Ordinary Meeting held 12 June 2012, Cr Carey moved and Cr Maier seconded that the following recommendation be adopted. The motion was put and carried unanimously (8-0)

*"That the Council;*

1. *NOTES the report on the Investigation of Activation of Non-Leased Premises 'Pop Up Shop Scheme', in the City's Town Centres;*
2. *AUTHORISES the Chief Executive Officer to obtain quotations from suitable qualified agents to facilitate a trial Pop Up Shop Scheme across the City with interested businesses; and all of the people who participated in the community workshops held in August and September 2011 and the surrounding land and business owners and occupiers, of the consultation; and*
3. *REQUESTS that a Progress Report relating to the Pop Up Shop Scheme be presented to Council by August 2012."*

**DETAILS:**

In accordance with the motion carried by the Council above, a Request for Quote was circulated to suitably qualified agents to conduct a 'Pop Up Shop Scheme' in the City's five (5) Town Centres and report to Council on a bi monthly basis.

Perspective applicants were advised in the written Request for Quote process and also personally contacted or met with to outline the scope of the work and clarify that remuneration was only for the bi monthly report to Council. Perspective applicants were also advised that the Council would support their undertaking the role through promotion of the Scheme through the City's available promotional channels.

The quote was circulated to 11 organisations and applications from 4 qualified organisations were received at the completion of this process. This is a reasonable result given the work is still a very specialised area with only a small number of organisations having the relevant experience.

The quotes received were from:

1. Realmark Real Estate;
2. Space Market Pty Ltd;
3. Metier Pty Ltd; and
4. Find a Pop up Shop.

One other potential company Boss Real Estate initially were interested and had said they had undertaken this type of work previously they also met with City Officers to discuss the Scheme. They however declined to quote once they had researched and sought legal advice regards the Commercial Tenancy (Retail Shops) Agreements Act 1985 (the Act).

Of the 4 quotes received:

- Metier Pty Ltd met the full requirements outlined in the Quote
- Space Market and Find a Pop up Shop did not have long term experience or the ability to conduct leasing however both could facilitate leasing arrangements.
- Realmark Real Estate though highly qualified in long term retail and commercial tenanting did not demonstrate the specific experience required in short term leasing/ Pop Up Shops.

Therefore it is recommended that Metier Pty Ltd be the preferred applicant for the following reasons.

- Metier received the highest score in the assessment process;
- Metier's references supported their high level of experience, service and outcomes in the Pop Up Shop field for both property owners and tenants. They have also demonstrated the capacity to tailor solutions to meet a variety of needs and worked across the latest trends. Referees said they would not hesitate to work with them again;
- Metier are very well networked both locally and nationally from a property and tenant perspective. They have developed a specific list of potential short term tenants that will assist them to effectively conduct the work in matching tenants with vacant premises.
- Metier's team have several years of specific experience in the Pop Up Shop field and were one of the first companies to work in a formal professional approach in Perth. This was achieved through their work with the Metropolitan Redevelopment Authority (MRA) on William Street, they continue to manage this and work with other short term leasing contracts such as the E Shed Markets in Fremantle.
- Metier is considered experts in the retail and business field and have extensive experience working in both Shopping Centre and Town Centre environments.

#### **Commencement Date of Changes to Retail Tenancy Act and Legal Advice**

It is recommended that the successful applicant be notified that an official starting date to commence work with the City is to align with the proposed changes to the Commercial Tenancy (Retail Shops) Agreements Act 1985. This is to ensure that there are no repercussions or concerns in relation to developing the Scheme with full legal alignment with the Act.

It is also recommended that the City seek specific legal advice on the final changes and adoption of changes to the Act prior to commencing work on the Scheme.

There are important reasons for this; extensive initial research and investigations proved that short term leases have been undertaken successfully by both private and government agencies (including the MRA and City of Fremantle) over a number of years. However the following recent findings will now need to be taken into account:

- In discussions with Colliers International (September 2012) further advice on their companies experience regarding short term leases has shed some doubt on the complete legal compliance of short term leases.
- Advice from Colliers was that the Act does not allow for short term leases without State Administrative Tribunal (SAT) approval (which to their knowledge has never been granted). The exception is larger Public Listed Companies on the Australian Stock Exchange or those that require space over 1000 Sq Metres. This would include for example companies such as Millars, Rockmans or Dymocks. The Act specified this to offer a level of comfort to specialty tenants/smaller operators which is the type of tenant the City's Town Centres are looking to attract.
- Importantly from Colliers experience the Act has been tested on a small number of occasions where ongoing short term leases had been challenged by the tenant and the outcome was in favour of the tenant. The property owner was required to offer the tenant a full 5 year lease.

- When tested the current Act has proven therefore not to support short term leases so Colliers legal advice has been to be very careful about using them. This presents a slight contradiction to previous legal advice that was sought through other Agency legal advisors in relation to the current Act. The advice was that using 89 day leases (that fall short of the 3 month criteria for being offered a 5 year lease) would allay any problems of tenants demanding or being entitled to a 5 year lease.
- There are changes however to the Act that are in the final stages of being adopted that will change this situation. These changes are expected to be finalised by early 2013 and will mean that the new Act will allow a 6 months short term lease without SAT approval. Tenants however cannot renew the short term lease without physically moving out and then moving back in with a new short term lease.

For these reasons it is considered prudent to not start the 'Pop Up Shop Scheme' in the City until the amended Act has been gazetted. Given the complexities of the Act it would also be reasonable to seek our own legal advice on this specific aspect prior to commencing the Scheme. This is to ensure the City is on sound footing and to avoid any possible problems with any of the City's retail or commercial property owners.

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

Once the Act is changed and legalities are cleared the 'Pop Up Shop' Scheme can commence. It will be important to support the selected applicant and ensure businesses in Town Centres are aware of the opportunity and the City's facilitation of the Scheme. Therefore promotion and advertising of the 'Pop Up Shop' Scheme through a range of the City's usual communication and media channels is required. For example promotion on the City's Website, some advertising in community newspapers, the E Newsletter, social media, a general media release and quarterly hard copy newsletter.

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

Commercial Tenancy (Retail Shops) Agreements Act 1985.

Refer to the details section of this report under 'Commencement Date of Changes to Retail Tenancy Act and Legal Advice'. It is recommended that changes to the Act will need to be legally verified by the City prior to commencement.

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

**Medium/High:** If we proceed with implementing the 'Pop Up Shop' Scheme prior to changes being formally adopted by the Act. This is because there is a possible risk that problems could arise for a landowner if a short term lease or licence is questioned by the tenant and it went to SAT. When tested cases have been sited where the outcome from SAT is in favour of the tenant being granted a long term lease which was not the original arrangement or wishes of the landowner. The City could be implicated by having promoted and facilitated the 'Pop up Shop' Scheme.

**Low:** If we wait until the gazettal of the amended Act to legally allow short term tenancy for a period of up to 6 months and the City seeks legal advice to fully confirm the changes. Otherwise it would be expected that there is little risk associated with the proposed 'Pop up Shop Scheme', as the City would play an advocacy role and would not be directly involved or have to contribute any significant funds.

### **STRATEGIC IMPLICATIONS:**

The support of facilitating a trial 'Pop Up Shop Scheme' for the City is in keeping with the City's Strategic Plan 2011 -2016, as follows:

#### "Natural and Built Environment

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 vision for the town.*

2.1.2 *Develop and promote partnerships and alliances with key stakeholders*

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

2.1.4 *Implement the Leederville Masterplan and west Perth Regeneration Project.*

### **SUSTAINABILITY IMPLICATIONS:**

It is considered that facilitating a trial 'Pop Up Shop Scheme' for the City will assist in sustaining the long term growth and development of Town Centres and businesses within them across the City.

### **FINANCIAL/BUDGET IMPLICATIONS:**

The recommended applicants quote to provide bi monthly reports to Council is at a cost of \$2,000 + GST per report. To cover the 12 month trial an amount of \$12,000 + GST would be required.

Promotion and Advertising would fall within the Council's current communication and promotion channels so therefore there are no additional costs for this component.

### **Total Estimated Cost: \$12,000 for 12 month trial**

There is currently no specific budget allocation for Economic Development in 2012/2013 Budget, or for this proposed activity.

### **COMMENTS:**

As outlined in the original report to Council on 12 June 2012 (Investigations of Activation of Non Leased Premises in City Town Centres) the development of this type of 'Pop Up Shop' Scheme is quite unique primarily because the City does not own the buildings that it would seek to match with short term 'Pop Up' leases. This brings into factor a number of new and unique problems for the successful applicant to deal with, such as dealing with multiple owners and agents.

Therefore it is important the selected applicant have sound experience in this arena to be able to undertake the work required and understand any difficulties that could be encountered. Metier is therefore the preferred applicant as they have a depth of experience and a track record of delivering successful outcomes for both property owners and tenants.

It will be important to promote and educate businesses in Town Centres regarding the opportunity and how the Scheme will work to support the successful applicant in dealing with and getting agents and owners involved. If we can effectively assist to recruit one or two outlets in each Town Centre successful outcomes will assist in encouraging others to come on board.

To avoid any possible concerns or legal complications it is recommended that Council seek legal advice on the final changes that specifically relate to short term tenancy in the Act. These changes are expected to be incorporated into the amended Act in early 2013. Work on the 'Pop Up Shop Scheme' in the City would then be able to be confidently commenced once changes are verified and adopted.

**9.1.2 No. 158A (Lots 527 & 529; D/P 30376) Vincent Street, North Perth – Change of Use from Photographic Studio to Recreation Facility (Reconsideration of Condition (v) of the Planning Approval)**

<b>Ward:</b>	South	<b>Date:</b>	9 November 2012
<b>Precinct:</b>	Smith's Lake; P6	<b>File Ref:</b>	PRO0654; 5.2012.356.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans <a href="#">002</a> – Applicant's Justification dated 14 August 2012		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	S Radosevich, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	C Eldridge, 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 Vincent and Fitzgerald Pty Ltd for Change of Use from Photographic Studio to Recreation Facility (Reconsideration of Condition (v) of the Planning Approval) at No. 158A (Lots 527 & 529) Vincent Street, North Perth, and as shown on plans stamp-dated 14 August 2012, subject to the following conditions:

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 the right-of-way and Vincent and Fitzgerald Streets;
2. the maximum gross floor area of the recreational facility shall be limited to 233 square metres, as shown on approved plans;
3. the maximum total number of employees shall be limited to three (3) at any one time;
4. the maximum total number of students/clients shall be limited to forty-eight (48) at any one time;
5. the hours of operation shall be limited to 5.30am to 9.45pm Monday to Friday, 7.30am to 6pm Saturday, and 9am to 6pm Sunday, inclusive;
6. within 28 days of the issue of the subject 'Approval to Commence Development', an updated detailed Parking Management Plan for the Recreational facility shall be submitted to and approved by the City. The Parking Management Plan is to detail the following aspects:
  - 6.1 Operational Management - to minimise any potential impact on the surrounding locality from patrons parking at the premises and/or in the surrounding streets; and
  - 6.2 Communications Strategy – outlining a complaint handling system which provides:
    - 6.2.1 a telephone number and email address to log complaints and enquiries;
    - 6.2.2 a procedure how complaints will be handled and associated timeframes for responding to such complaints; and

- 6.2.3 a record of complaints and enquires logged, and the applicant's response, is to be provided as requested or on a 6 monthly basis to the City of Vincent; and
7. 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.

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**Moved** Cr Topelberg, **Seconded** Cr Maier

That the recommendation be adopted.

Debate ensued.

**AMENDMENT**

**Moved** Cr Topelberg, **Seconded** Cr McGrath

“That Clause 4 be amended to read as follows:

4. the maximum total number of students/clients shall be limited to forty-eight (48) at any one time. Accordingly, the classes shall be scheduled to allow a 30 minute interval between classes to enable sufficient time for patrons to arrive and leave the facility;”

Debate ensued.

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

(Cr Buckels was on approved leave of absence.)

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

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

(Cr Buckels was on approved leave of absence.)

**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 Vincent and Fitzgerald Pty Ltd for Change of Use from Photographic Studio to Recreation Facility (Reconsideration of Condition (v) of the Planning Approval) at No. 158A (Lots 527 & 529) Vincent Street, North Perth, and as shown on plans stamp-dated 14 August 2012, subject to the following conditions:

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 the right-of-way and Vincent and Fitzgerald Streets;
2. the maximum gross floor area of the recreational facility shall be limited to 233 square metres, as shown on approved plans;

3. the maximum total number of employees shall be limited to three (3) at any one time;
4. the maximum total number of students/clients shall be limited to forty-eight (48) at any one time. Accordingly, the classes shall be scheduled to allow a 30 minute interval between classes to enable sufficient time for patrons to arrive and leave the facility;
5. the hours of operation shall be limited to 5.30am to 9.45pm Monday to Friday, 7.30am to 6pm Saturday, and 9am to 6pm Sunday, inclusive;
6. within 28 days of the issue of the subject 'Approval to Commence Development', an updated detailed Parking Management Plan for the Recreational facility shall be submitted to and approved by the City. The Parking Management Plan is to detail the following aspects:
  - 6.1 Operational Management - to minimise any potential impact on the surrounding locality from patrons parking at the premises and/or in the surrounding streets; and
  - 6.2 Communications Strategy – outlining a complaint handling system which provides:
    - 6.2.1 a telephone number and email address to log complaints and enquiries;
    - 6.2.2 a procedure how complaints will be handled and associated timeframes for responding to such complaints; and
    - 6.2.3 a record of complaints and enquires logged, and the applicant's response, is to be provided as requested or on a 6 monthly basis to the City of Vincent; and
7. 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.

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**BACKGROUND INFORMATION:**

When the item was presented to Council at its Ordinary Meeting held on 11 August 2009, Clause 4 of the Officer Recommendation included "Accordingly, the classes shall be scheduled to allow a 30 minute interval between classes to enable sufficient time for patrons to arrive and leave the facility". This was not however in the final minuted decision. Officers therefore are supportive of this amendment.

**PURPOSE OF REPORT:**

The proposal requires referral to the Council for determination as it is for the reconsideration of a condition of approval of a Council decision.

**BACKGROUND:**

**History:**

Date	Comment
19 September 2004	Council at its Ordinary Meeting refused a development application for a change of use from photographic studio to office building (booking escort office agency) (retrospective approval).
2 November 2006	A development application for a change of use from photographic studio to recreation facility and associated signage (retrospective approval) was approved under delegated authority.

18 April 2007	A development application for signage addition to existing recreational facility was approved under delegated authority.
11 August 2009	Council at its Ordinary Meeting approved a development application for the reconsideration of conditions (application for retrospective approval).

**Previous Reports to Council:**

Council at its Ordinary meeting on 11 August 2009 considered a development application for the reconsideration of conditions (application for retrospective approval) to the approved change of use from photographic studio to recreation facility.

The proposal reconsideration was in relation to the following three conditions of the development approval for change of use from photographic studio to recreational facility and associated signage (retrospective approval), which stated:

- “(v) the maximum total number of employees shall be limited to two (2) at any one time;”*
- “(vi) the maximum total number of students/clients shall be limited to fifteen (15) at any one time; and*
- “(vii) the hours of operation shall be limited to 6am to 7:30pm on Monday to Friday and 8am to 12 noon on Saturday; inclusive.”*

The applicant proposed the following changes to the above conditions:

- “(v) the maximum total number of employees shall be limited to three (3) at any one time;*
- “(vi) the maximum total number of students/clients shall be limited to forty-eight (48) at any one time; and*
- “(vii) the hours of operation shall be limited to 6am to 9.15 pm Monday to Friday and 8 am to 5.30pm Saturday and Sunday; inclusive.”*

Council resolved to approve the reconsideration of conditions, which the following changes to the abovementioned conditions:

- “(iii) the maximum total number of employees shall be limited to three (3) at any one time;*
- “(iv) the maximum total number of students/clients shall be limited to forty-eight (48) at any one time. Accordingly, the classes shall be scheduled to allow a 30 minute interval between classes to enable sufficient time for patrons to arrive and leave the facility;*
- “(v) the hours of operation shall be limited to 5.30am to 9.45pm Monday to Friday, 7.30am to 6pm Saturday, and 1.30 pm to 6 pm on Sunday, inclusive.”*

**DETAILS:**

<b>Landowner:</b>	Vincent and Fitzgerald Pty Ltd
<b>Applicant:</b>	Vincent and Fitzgerald Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R60
<b>Existing Land Use:</b>	Recreation Facility
<b>Use Class:</b>	Recreation Facility
<b>Use Classification:</b>	“AA”
<b>Lot Area:</b>	720 square metres
<b>Right of Way:</b>	Western (left) side, 5 metres wide, sealed.

The subject site is located within a residential zone and has a current planning approval for a recreation facility. The application proposes to remove Condition (v) of the planning approval, which states:

“(v) the hours of operation shall be limited to 5.30am to 9.45pm Monday to Friday, 7.30am to 6pm Saturday, and 1.30pm to 6pm on Sunday, inclusive.”

#### ASSESSMENT:

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

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

#### CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Comments Period:	3 October 2012 to 16 October 2012
Comments Received:	Nil

#### Design Advisory Committee:

Referred to Design Advisory Committee: No

#### LEGAL/POLICY:

The following legislation and policies apply to the recreation facility at No. 158A Vincent Street, North Perth:

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1;
- Smith's Lake Precinct Policy No. 3.1.6;
- Non-Residential/Residential Development Interface Policy No. 3.4.3;
- Shop Fronts and Front Facades to Non-Residential Buildings Policy No. 3.5.15; and
- Parking and Access Policy No. 3.7.1.

#### RISK MANAGEMENT IMPLICATIONS:

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

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 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
There will be no impact on the environment as there is no change to the building footprint.	

SOCIAL	
Issue	Comment
An increase in the hours of operation provides for greater access to a recreational service to the local community.	

ECONOMIC	
Issue	Comment
An increase in the hours of operation contributes to the locality through fiscal reward and investment, including employment of the staff members.	

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil

**COMMENTS & CONCLUSION:**

On 2 November 2006 a development application for a change of use from photographic studio to recreation facility and associated signage (retrospective approval) was approved under delegated authority. The development approval restricted the hours of operation to be as follows:

*"(vii) the hours of operation shall be limited to 6am to 7:30pm on Monday to Friday and 8am to 12 noon on Saturday; inclusive."*

On 21 April 2009 a development application was submitted which proposed to extend the hours of operation, to allow the Bikram Yoga to operate for a full day on both Saturday and Sunday which was referred to Council.

The Council at its Ordinary Meeting held on 11 August 2009, resolved to approve the changes to the hours of operation, as follows:

*“(v) the hours of operation shall be limited to 5.30am to 9.45pm Monday to Friday, 7.30am to 6pm Saturday, and 1.30pm to 6pm on Sunday, inclusive.”*

This application is for the removal Condition (v) of the planning approval dated 11 August 2009.

Community consultation was undertaken in relation to the removal of Condition (v) for a period of 14 days. No submissions were received in relation to the proposal.

The applicant provided the following justification regarding the removal of condition (v) of the planning approval:

*“The City of Vincent is requested to lift and/or remove Condition (v) from the original Planning Approval dated 11 August 2009 as it is no longer necessary, has been proven redundant and is causing the business owner financial hardship.*

*(v) the hours of operation shall be limited to 5.30am to 9.45pm Monday to Friday, 7.30am to 6pm Saturday, and 1.30pm to 6pm on Sunday, inclusive.*

*At the time of the original retrospective Planning Approval Condition (v) was proposed and invoked at the request of a single local resident who was concerned about parking issues in the general vicinity north of the Applicant’s business. Since that time any original parking problems have faded away completely or at best could be described as negligible.*

*Furthermore, since opening Perth’s first Bikram Yoga Studio, other “hot yoga” studios have opened in competition with the Applicant’s business, all of which are not bound by local government limitations as to their operating hours. The Applicant understands that the City of Vincent used Clause 38 (7) of Town Planning Scheme No. 1 to control the hours of operation in a concern that the “amenity” of the surrounding area may have been affected. No such detrimental affect exists today and thus the Applicant respectfully requests Condition (v) be lifted at the City’s earliest convenience.”*

The proposal to remove condition (v) of the planning approval is not supported in this instance due to the location of the subject site being within a residential zone; therefore if the hours of operation were not limited it allows the potential for the facility to have a greater impact on the surrounding residential properties, which is not in the interest of orderly and proper planning.

Alternatively, it is considered appropriate to increase the hours of operation approved for Sundays. It is recommended that condition (v) be amended to read as follows:

*“the hours of operation shall be limited to 5.30am to 9.45pm Monday to Friday, 7.30am to 6pm Saturday, and 9am to 6pm Sunday, inclusive.”*

It is considered that the increase in hours on Sundays from 1.30pm to 6pm, to 9am to 6pm, is appropriate in this instance due to the location of the subject site along Vincent and Fitzgerald Street as it is acknowledged that there are a number of non-residential uses located within the locality, where the subject site is located between these uses and residential properties. Moreover, the increase in the hours of operation may reduce the parking congestion as it provides people with alterative times to attend classes.

It is recommended that the hours of operation be 9am to 6pm on Sundays, as the *Environmental Protection (Noise) Regulations 1997* provide for a greater level of noise from 9am to 7pm on Sundays; therefore ensuring that the amenity of the surrounding properties is not adversely affected.

It is noted that the City's Rangers Services receive an occasional complaint regarding parking at the subject site; however there has been a reduction in the number of complaints received and the area is patrolled on a regular basis to ensure that minimal issues arise in relation to parking congestion.

If this application is supported, it is recommended that the applicant submits an updated parking management plan to reflect with the new hours of operation.

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

**9.1.6 Amendment No. 99 to Planning and Building Policy Manual – Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations**

<b>Ward:</b>	Both Wards	<b>Date:</b>	9 November 2012
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0244
<b>Attachments:</b>	<a href="#">001</a> – Policy No. 3.5.11 <a href="#">002</a> – Summary of Submissions		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	D Mrdja, Senior Strategic Planning and Heritage Officer; T Young, Manager Strategic Planning, Sustainability and Heritage Services		
<b>Responsible Officer:</b>	C Eldridge, Director Planning Services		

**CORRECTED OFFICER RECOMMENDATION:**

That the Council;

1. **ADOPTS** the new Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations subject to the following amendment; and

The following sentence being inserted to the end of the paragraph in the Policy Section 3.2: “The degree of variation to the number of storeys allowed will be subject to the number and quality of measures proposed to meet the Additional Requirements.”; and

2. **AUTHORISES** the Chief Executive Officer to advertise the new Policy No. 3.5.11, as shown in Appendix 9.1.6 (001), in accordance with Clause 47(6) of the City’s Town Planning Scheme No. 1.

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

**Moved Cr Maier, Seconded Cr Topelberg**

That the corrected recommendation be adopted.

Debate ensued.

*The Presiding Member Mayor Hon Alannah MacTiernan ruled that the following Amendments would be considered and voted upon individually.*

**AMENDMENT 1**

**Moved Cr Maier, Seconded Cr Topelberg**

“That Clause 1 be amended to read as follows:

1. **ADOPTS** the new Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations, subject to the following amendments:
  - 1.1 to delete EC1.2 from the Policy:”

Debate ensued.

Cr Topelberg departed the Chamber at 7.07pm.

**AMENDMENT 1 PUT AND LOST (1-6)**

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

(Cr Topelberg was absent from the Chamber and did not vote.)  
(Cr Buckels was on approved leave of absence.)

Cr Topelberg returned to the Chamber at 7.09pm.

**AMENDMENT 2**

**Moved Cr Maier, Seconded Cr Topelberg**

“That Clause 3.2 in the Policy be amended to read as follows:

- 3.2 All ~~Non-Complying~~ Applications must demonstrate the Essential Criteria (EC), in addition to at least one Additional Requirement (AR) for the Council to consider a ~~Non-Complying~~ Application with respect to a variation to the number of storeys.”

Debate ensued.

**AMENDMENT 2 PUT AND CARRIED UNIAMOUSLY (8-0)**

(Cr Buckels was on approved leave of absence.)

Cr Carey and Cr Harley departed the Chamber at 7.10pm.

Debate ensued.

Cr Carey returned to the Chamber at 7.12pm.

Debate ensued.

Cr Harley returned to the Chamber at 7.13pm.

**AMENDMENT 3**

**Moved Cr Maier, Seconded Cr Topelberg**

“That Clause 2.1 in the Policy be amended to read as follows:

- 2.1 Except for the variation of the number of storeys for a building, which is to be determined under clause 3 below, the Council, by an Absolute Majority, may vary any standard or requirement prescribed under a Local Planning Policy, provided the Council is satisfied that the proposed variation; and”

Debate ensued.

**AMENDMENT 3 PUT AND CARRIED UNIAMOUSLY (8-0)**

(Cr Buckels was on approved leave of absence.)

Debate ensued.

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

(Cr Buckels was on approved leave of absence.)

**COUNCIL DECISION ITEM 9.1.6**

That the Council;

1. **ADOPTS** the new Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations subject to the following amendments,
  - 1.1 The following sentence being inserted to the end of the paragraph in the Policy Section 3.2: “The degree of variation to the number of storeys allowed will be subject to the number and quality of measures proposed to meet the Additional Requirements.”; and
  - 1.2 The following changes to Clauses 2.1 and 3.2 in the Policy be amended as follows:
    - 2.1 “Except for the variation of the number of storeys for a building, which is to be determined under clause 3 below, the Council, by an Absolute Majority, may vary any standard or requirement prescribed under a Local Planning Policy, provided the Council is satisfied that the proposed variation; and
    - 3.2 All Applications must demonstrate the Essential Criteria (EC), in addition to at least one Additional Requirement (AR) for the Council to consider a Application with respect to a variation to the number of storeys;” and
2. **AUTHORISES** the Chief Executive Officer to advertise the new Policy No. 3.5.11, as shown in Appendix 9.1.6 (001), in accordance with Clause 47(6) of the City’s Town Planning Scheme No. 1.

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**ADDITIONAL INFORMATION:**

The first change was proposed by the Council at its Ordinary Meeting held on 14 August 2012 and was not included in the advertised version.

**PURPOSE OF REPORT:**

The purpose of this report is to provide the Council with an overview of the outcomes of the formal advertising period for the proposed draft new Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations.

**BACKGROUND:**

In the preparation of the City’s Draft Town Planning Scheme No. 2 (TPS No. 2) and Local Planning Strategy (LPS), which were endorsed by the Council at the Ordinary Meeting held on 20 December 2011, the City’s Officers have given due consideration in ensuring the City continues to have a Town Planning Scheme that is robust and flexible to change. Given the flexibility of the Scheme, the City has proposed that an incentive-based approach be introduced to provide a framework in determining variations and to attempt to ensure high-quality development is being produced in the City.

**History:**

Date	Comment
4 December 1998	City of Vincent Town Planning Scheme No. 1 gazetted.
20 December 2011	The Council at its Ordinary Meeting endorsed that the City of Vincent Town Planning Scheme No. 2, Local Planning Strategy and associated Precinct Policies be forwarded to the Western Australian Planning Commission to seek consent to advertise.

**Previous Reports to Council:**

The Council at its Ordinary Meeting held on 14 August 2012 resolved as follows:

*“That the Council;*

1. *AUTHORISES the Chief Executive Officer to advertise the proposed new Draft Policy No. 3.5.11 relating to Exercise of Discretion for Development Variation to Standards or Requirements Set Out Under the Scheme or Prescribed Under a Local Planning Policy, for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City’s Policy No. 4.1.5 relating to Community Consultation subject to the following amendments;*
  - 1.1 *The title of the Draft Policy No. 3.5.11 be amended to “Exercise of Discretion for Development Variation to Standards or Requirements Set Out Under the Scheme or Prescribed Under a Local Planning Policy”;*
  - 1.2 *The introduction of the Draft Policy No. 3.5.11 be reworded to remove reference to ‘Clause 40’ and to state that “The guidelines contained within the policy are designed to provide a framework to assist the Council in determining development applications that require the exercise of discretion for variations to standards or requirements set out under the Scheme or prescribed under a Local Planning Policy; and*
  - 1.3 *The following sentence being added to the end of the paragraph in the Policy Section 3.2: “The degree of variation to the number of storeys allowed will be subject to the number and quality of measures proposed to meet the Additional Requirements”.*
2. *After the expiry period for submissions:*
  - 2.1 *REVIEWS the Draft Policy No. 3.5.11 relating to Application of Clause 40 (TPS No. 1) – Guidelines for Non-Complying Applications having regard to any submissions received; and*
  - 2.2 *DETERMINES the Draft Policy No. 3.5.11 relating to Application of Clause 40 (TPS No. 1) – Guidelines for Non-Complying Applications having regard to any submissions with or without amendments, to or not to proceed with the draft Policy.”*

In light of the above, the City’s Officers advertised the draft policy between 11 September 2012 and 9 October 2012.

**DETAILS:**

The following table outlines the proposed amendments to the policy that was referred to the Council on 14 August 2012 and advertised for 28 days.

Proposed Amendments	Officer Comments
Rename the title of the Policy from "Exercise of Discretion for Development Variations to Standards or Requirements Set Out Under the Scheme or Prescribed Under a Local Planning Policy" to "Exercise of Discretion for Development Variations".	The title of the policy has been reduced, however still provides the same intent and understanding.
<p>Clause 1.1 has been amended as follows:</p> <ul style="list-style-type: none"> <li>• Delete clause 1.1.4 and renumber existing clause 1.1.3 to 1.1.4.</li> <li>• Add in 'where applicable' at the start of proposed clause 1.1.4.</li> </ul>	This clause has been renumbered and reformatted to ensure that clauses 1.1.1, 1.1.2 and 1.1.3 are considered when determining variations to the Scheme. Clause 1.1.4 will only need to be considered in circumstances where an existing building is retained and it is worthy of retention, or where a place is listed on the City's Municipal Heritage Inventory.
<p>Clause 2.1 has been amended as follows:</p> <ul style="list-style-type: none"> <li>• Delete clause 2.1.2 and renumber existing clause 2.1.3 to 2.1.2.</li> <li>• Delete 'or' after 2.1.1 and replace with 'and'.</li> <li>• Add a new clause 2.1.3, that is the same wording as existing clause 2.1.2, however add in 'where applicable' at the start.</li> </ul>	This clause has been renumbered and reformatted to ensure that both clauses 2.1.1 and 2.1.2 are considered when determining variations to planning policies. Clause 2.1.3 will only need to be considered in circumstances where an existing building is retained and it is worthy of retention, or where a place is listed on the City's Municipal Heritage Inventory.
Additional wording is provided in EC1.1 and EC2.1, which states that " <i>the development would not adversely affect the significance of any heritage place or area</i> ".	This additional wording is a recommendation from the State Heritage Office. The proposed additional wording does not affect the intention of the clause, it only provides additional information relating to these clauses.
An additional clause EC1.2 has been added which states that " <i>the site is zoned Residential R60 and above, Residential/Commercial, District Centre, Local Centre or Commercial</i> ".	The addition of this clause ensures that areas zoned Residential R50 and below are not subject to variations to the number of storeys and that the maximum building height be two storeys (plus loft), which is in accordance with the City's Residential Design Element's Policy.
The section of the table which provides the variation requirements for areas that have a height limit of 4 storeys or more, has been separated into two parts. The first part is for variations of only 1 additional storey, and the second part is for variations of 2 additional storeys.	This amendment proposes that where the development proposes one additional storey, the essential criteria and additional requirements are the same as what was advertised in the draft policy, minus EC 2.2, which relates to the site being regarded as a strategic development site. By removing this requirement, it will allow those lots under 1000 square metres to apply for one additional storey. In order to apply for two additional storeys, the requirements relating to Strategic Development Sites have been added in, in addition to EC 2.1 and AR 2.1 to AR 2.8.

**CONSULTATION/ADVERTISING:**

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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**Consultation Period**

Amendment No. 99 to Planning and Building Policy Manual was advertised for a period of 28 days in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1.

### Consultation Type

- Letters to the Western Australian Planning Commission, State Government agencies, surrounding Local Governments and City of Vincent Precinct Groups;
- Letters to all Town Planning Consultants listed in the Planning Institute of Australia's website and WALGA's preferred consultants list as well as Institutes and Councils relating to Planning and Development and the Design Advisory Committee;
- One advertisement in the Guardian newspaper per week for four weeks;
- Notice on the City's website; and
- Copies displayed at City of Vincent Administration and Civic Building and Library and Local History Centre.

### Summary of Submissions Received

A total of 5 submissions were received with the breakdown of submissions as outlined below.

#### Community Submissions

Position	Number Received	Percentage
Support	-	-
Object	1	100%
Not Stated	-	-
<b>Total</b>	<b>1</b>	<b>100%</b>

#### Government Authority Submissions

Position	Number Received	Percentage
Support	1	33.3%
Object	-	-
Not Stated	2	66.7%
<b>Total</b>	<b>3</b>	<b>100%</b>

#### Planning Consultants Submissions

Position	Number Received	Percentage
Support	-	-
Object	1	100%
Not Stated	-	-
<b>Total</b>	<b>1</b>	<b>100%</b>

#### Total Submissions Received

Position	Number Received	Percentage
Support	1	20%
Object	2	40%
Not Stated	2	40%
<b>Total</b>	<b>5</b>	<b>100%</b>

### Summary of Comments Raised

#### State Heritage Office – Support

- The State Heritage Office have advised that they support the proposed policy as it gives clear guidance in applying discretion and assists in the conservation of existing building.
- Recommended that additional wording be applied to Essential Criteria 1.1 and 2.1, to ensure that development approved under Council's discretion will not adversely affect adjacent heritage buildings or places of cultural significance.

The City's Officers support the suggestions raised by the State Heritage Office and have amended the draft Policy accordingly.

#### TPG Town Planning Consultants – Object

- Concerned the policy will remove the ability for the City to assess development applications based on individual merits.
- Concerned that the policy does not take into account the surrounding built form context and has not reviewed the height provisions of the existing policies to determine whether the policy will create outcomes that are of a lesser scale than the existing streetscape.
- The policy will have a negative effect on future development and will significantly remove any incentive to develop within the City.
- There is no need to implement the policy as the Council can approve non-complying applications in accordance with clause 40 of the Scheme.
- The purpose of a variation is to allow flexibility in the decision making process to enable such developments to occur when it does not comply with the requirements of the Scheme or the City's Local Planning Policies.

- Clause AR1.3 should reference the City's recommendation following comments from the Design Advisory Committee (DAC). The DAC is a committee, which the officers should use to assist with its assessment of the application. It is not appropriate to leave the exercise of discretion to an advisory committee, which does not include the City's Officers or Councillors.
- The additional requirements need to be expanded to reflect the existing streetscape. For example, it is not unreasonable for the Council to exercise discretion where the existing streetscape exceeds the height of the precinct policy. This would prevent the policy limiting development where the existing streetscape provides for a higher built form.

The City's Officers have recognised that some of the existing Precinct Policies may not contain appropriate heights for the area and that the adoption of this policy could affect future development. In light of this, the City's Officers have prepared Policy Amendment No. 106, which proposes amendments to the heights in the Hyde Park, Mount Lawley Centre, Beaufort and Forrest Precincts. The initiation of this Policy Amendment is subject to a separate Agenda Item for the subject meeting.

#### Land Owner (Monmouth Street, Mount Lawley) – Object

- Concerns that AR1.3 and AR1.4 are afforded the same status as AR1.1 and AR1.2. *"They should be in addition to AR1.1 and 1.2. Having a 3 or 4 storey building with good solar design, will not improve local amenity."*
- *"EC2.2.3 – District Centres should maintain the planning status of Policy 3.4.3 (Non Residential/Residential Development Interface Policy) and should be removed from the Essential Criteria."*

By providing a development that is considered to have exemplary design excellence or that incorporates high quality sustainable design features is considered to be beneficial to the local and wider community and environment. Generally developments of this nature require greater costs and time and where a developer proposes features of this nature; the City may consider greater height.

In regards to Policy No. 3.4.3 relating to Non-Residential/Residential Development Interface, this policy will still apply in assessing and determining development applications.

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

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

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

**Medium:** It is considered that the implementation of this proposed new Policy No. 3.5.11 will reduce the risk associated with determination development applications in an unpredictable, inequitable and ad hoc manner, by providing a well defined and flexible framework to create a more efficient and equitable process in determining Non-Complying Development Applications.

#### **STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2011-2016 - Objective 1.1 states:

#### *"Natural and Built Environment*

##### *1.1 Improve and Maintain the Environment and Infrastructure*

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

**SUSTAINABILITY IMPLICATIONS:**

ENVIRONMENTAL	
Issue	Comment
The proposed new Policy No. 3.5.11 serves to provide an incentive based approach to encourage exemplary developments which incorporate best practice sustainable design features.	

SOCIAL	
Issue	Comment
The proposed new Policy No. 3.5.11 serves to provide an incentive based approach to encourage a wide range of affordable housing opportunities for the City's residents by responding to the steady increased pressure for housing options in the City of Vincent and Perth more generally.	

ECONOMIC	
Issue	Comment
The proposed new Policy No. 3.5.11 serves to provide an incentive based approach to assist in facilitating appropriately located accommodation conveniently located within close proximity to the City's commercial and tourist hubs ensuring that the City is an attractive destination for local and international tourists.	

**FINANCIAL/BUDGET IMPLICATIONS:**

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

'Town Planning Scheme Amendment and Policies'

Budget Amount:	\$80,000
Spent to Date:	\$ 2,302
Balance:	\$77,698

The expenditure associated with the subject Planning and Building Policy Amendment is within the balance of the budgeted item.

**COMMENTS:**

The City's Officers have proposed some amendments to the draft Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations. The proposed amendments are minor and do not result in any greater restrictions to what was previously advertised. The proposed amendments will allow for those lots that are not considered as Strategic Development Sites to be able to apply for an additional one storey, which essentially provides greater discretion within the policy.

In light of the comments received during the community consultation period, it is recommended that the Council amend the draft Policy No. 3.5.11 as stated in the Details section of this report and adopt the policy in accordance with clause 47 of the City's Town Planning Scheme No. 1.

**9.1.7 Amendment No. 100 to Planning and Building Policy Manual – Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings**

<b>Ward:</b>	Both Wards	<b>Date:</b>	9 November 2012
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0247
<b>Attachments:</b>	<a href="#">001</a> – Policy No. 3.4.8 <a href="#">002</a> – Summary of Submissions		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	D Mrdja, Senior Strategic Planning and Heritage Officer		
<b>Responsible Officer:</b>	C Eldridge, Director Planning Services		

**CORRECTED OFFICER RECOMMENDATION:**

That the Council;

1. **ADOPTS** the draft amended Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings **subject to the following amendments:**

- 1.1 clause 7.2.2 (iii) is amended as follows:

7.2.2 (iii) The applicant is to submit a written response which demonstrates how the proposed development was designed to addresses the 10 Principles of the City's Design Advisory Committee.

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

- 2.1 advertise the amended Policy No. 3.4.8 as shown in Appendix 9.1.7 (001), in accordance with Clause 47(6) of the City's Town Planning Scheme No. 1; and
- 2.2 refer a copy of the amended Policy No. 3.4.8 to the Design Advisory Committee and the list of Planning Consultants that received the draft Policy during the Consultation period.

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

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**Moved Cr Maier, Seconded Cr McGrath**

That the recommendation be adopted.

Debate ensued.

*Cr Maier asked the Presiding Member if he could move his amendments individually. The Presiding Member Mayor Hon Alannah MacTiernan ruled that the following Amendments would be considered and voted upon individually.*

**AMENDMENT 1**

**Moved Cr Maier, Seconded Cr Pintabona**

“That Clause 1.1 be amended and a new Clause 3 be inserted to read as follows:

1. **ADOPTS the draft amended Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings subject to the following amendments:**
  - 1.1 **Policy No. 3.4.8 to Development Guidelines for Multiple Dwellings be restricted to only Residential Zones:**
3. **AUTHORISES the Chief Executive Officer to ADVERTISE for public comment, further amendments to Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings to propose that the policy applies in all zones, in accordance with Clause 47 of the City’s Town Planning Scheme No. 1 and the City’s Policy No. 9.1.5 relating to Community Consultation.”**

Debate ensued.

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

(Cr Buckels was on approved leave of absence.)

**AMENDMENT 2**

**Moved Cr Maier, Seconded Cr Pintabona**

“That Clause 1.2 be amended to read as follows:

- 1.2 **clause 7.2.2 (i) is amended as follows:**
  - 7.2.2 (i) **The applicant is to submit a written response to demonstrate how the proposed development addresses ~~complies with~~ the requirements of the City’s Town Planning Scheme and the Acceptable Development Criteria of the subject policy, R Codes, Residential Design Element’s Policy and any other relevant policy of the City.”**

Debate ensued.

**AMENDMENT 2 PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Buckels was on approved leave of absence.)

**AMENDMENT 3**

**Moved Cr Maier, Seconded Cr McGrath**

“That Clause 3.1 in the Policy be amended to read as follows:

- 3.1 **Surveillance of the Street**

**Multiple Dwelling developments are to be designed to address the streetscape and provide ground floor activation to the street.**

The following Acceptable Development and Performance Criteria requirements are to be considered, in addition to clause 7.2.1 relating to Surveillance of the Street, of the Residential Design Codes:

Performance Criteria	Acceptable Development
<p><del>P1.3 Streetscape Integration:</del> Multiple Dwelling developments shall be designed to integrate with the street through providing a clear and identifiable entry from the street and to the development and ensuring garages and car parks do not dominate the streetscape.</p> <p>P1.4 Ground Floor Activation: The ground floor shall be designed to address the street and provide passive surveillance of the street from the building.</p> <p>P1.5 Streetscape Integration: Multiple Dwelling developments shall be designed to integrate with the street and ensure garages and car parking areas do not dominate the streetscape.</p>	<p>A1.4 The ground floor at the front of the development is occupied by a dwelling without any parking between the dwelling and the front boundary.</p> <p><del>A1.4 Ground Floor Activation:</del> <del>The ground floor shall be designed to address the street and provide passive surveillance of the street from the building.</del></p> <p><del>A1.5 Streetscape Integration:</del> <del>Multiple Dwelling developments shall be designed to integrate with the street and ensure garages and car parking areas do not dominate the streetscape.</del></p>

Debate ensued.

The Mover, Cr Maier advised that *he* wished to *change his* amendment and *reword it as follows;* to change the current A1.4 and A1.5 to P1.4 and P1.5 as advised by the Director Planning Services, the Seconder, Cr McGrath agreed.

**AMENDMENT 3 PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Buckels was on approved leave of absence.)

**AMENDMENT 4**

**Moved Cr Maier, Seconded Cr McGrath**

“That Clause 3.2 in the Policy be amended to read as follows:

**“3.2 ~~Street Walls and Fences~~**

**~~3.2.1 Street walls and fences are to be of a style and materials compatible with those of the dwelling on site and/or walls or fences of the immediate surrounding area. Street walls and fences designed with fibre cement or metal sheeting are not acceptable.~~**

~~3.2.2 — 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 are to be as follows:~~

- ~~• 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.~~
- ~~Street walls and fences to secondary streets, behind the primary street setback line, or walls and fences to the primary streets where those streets are district distributor roads are to comply with the following:~~

- ~~• Solid portion of wall may increase to a maximum height of 1.8 metres above adjacent footpath level provided that the wall or fence has at least two (2) significant appropriate design features (as determined by the City of Vincent) to reduce the visual impact — for example, significant open structures, recesses and/or planters facing the road at regular intervals and varying materials, finishes and/or colours; and~~
- ~~• Maximum height of piers with decorative capping to be 2 metres above adjacent footpath level.~~

~~3.2.3 Street walls and fences to incorporate visual truncations that comply with the City's Policy No. 2.2.6 relating to Truncations.~~

3.2 Any street wall or front fence is to be in accordance with the City's Policy No. 3.2.1 relating to Residential Design Elements."

Debate ensued.

AMENDMENT 4 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was on approved leave of absence.)

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

(Cr Buckels was on approved leave of absence.)

COUNCIL DECISION ITEM 9.1.7

That the Council;

1. **ADOPTS** the draft amended Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings subject to the following amendments:
  - 1.1 Policy No. 3.4.8 to Development Guidelines for Multiple Dwellings be restricted to only Residential Zones;
  - 1.2 7.2.2 (l) The applicant is to submit a written response to demonstrate how the proposed development addresses the requirements of the City's Town Planning Scheme and the Acceptable Development Criteria of the subject policy, R Codes, Residential Design Element's Policy and any other relevant policy of the City;

The following changes to Clauses 3.1 and 3.2 in the Policy be amended as follows:

**3.1 Surveillance of the Street**

Multiple Dwelling developments are to be designed to address the streetscape and provide ground floor activation to the street. The following Acceptable Development and Performance Criteria requirements are to be considered, in addition to clause 7.2.1 relating to Surveillance of the Street, of the Residential Design Codes:

Performance Criteria	Acceptable Development
<p><b>P1.3</b> Multiple Dwelling developments shall be designed to integrate with the street through providing a clear and identifiable entry from the street and to the development and ensuring garages and car parks do not dominate the streetscape.</p> <p><b>P1.4 Ground Floor Activation:</b> The ground floor shall be designed to address the street and provide passive surveillance of the street from the building.</p> <p><b>P1.5 Streetscape Integration:</b> Multiple Dwelling developments shall be designed to integrate with the street and ensure garages and car parking areas do not dominate the streetscape.</p>	<p><b>A1.4</b> The ground floor at the front of the development is occupied by a dwelling without any parking between the dwelling and the front boundary.</p>

**3.2 Any street wall or front fence is to be in accordance with the City's Policy No. 3.2.1 relating to Residential Design Elements; and**

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

**2.1 advertise the amended Policy No. 3.4.8 as shown in Appendix 9.1.7 (001), in accordance with Clause 47(6) of the City's Town Planning Scheme No. 1; and**

**2.2 refer a copy of the amended Policy No. 3.4.8 to the Design Advisory Committee and the list of Planning Consultants that received the draft Policy during the Consultation period; and**

**3. AUTHORISES the Chief Executive Officer to ADVERTISE for public comment, further amendments to Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings to propose that the policy applies in all zones, in accordance with Clause 47 of the City's Town Planning Scheme No. 1 and the City's Policy No. 9.1.5 relating to Community Consultation.**

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**PURPOSE OF REPORT:**

**History:**

Date	Comment
28 October 2008	The Council at its Ordinary Meeting first adopted Policy 3.4.8 relating to Multiple Dwellings in Residential Zones.
11 August 2009	The Council at its Ordinary Meeting adopted the amended Policy No. 3.4.8 relating to Multiple Dwellings in Residential Zones.
9 August 2011	The Council at its Ordinary Meeting adopted the amended Policy No. 3.4.8 relating to Multiple Dwellings in Residential Zones.

**Previous Reports to Council:**

The Council at its Ordinary Meeting held on 14 August 2012 resolved as follows:

*“That the Council;*

1. *AUTHORISES the Chief Executive Officer to advertise the proposed amendments to Policy No. 3.4.8 Multiple Dwellings in Residential Zones, for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City’s Policy No. 4.1.5 relating to Community Consultation subject to the following amendment:*
  - 1.1 *The definition of a ‘Multiple Dwelling’ be amended to “as per current R Codes” and a definition of ‘Vertically Above’ be added to state “no less than 50 percent of floor area of a dwelling above another dwelling.*
  - 1.2 *Clause 6.4.1 of the draft amended Policy No. 3.4.8 be amended to remove references to a Strategic Development Site having to be a vacant site or contain a derelict building; and*
2. *After the expiry period for submissions:*
  - 2.1 *REVIEWS the Draft Policy No. 3.4.8 Multiple Dwellings in Residential Zones having regard to any submissions received;*
  - 2.2 *DETERMINES the Draft Policy No. 3.4.8 Multiple Dwellings in Residential Zones having regard to any submissions with or without amendments, to or not to proceed with the draft Policy.”*

**DETAILS:**

The City’s Officers have further reviewed the draft policy and have proposed a number of amendments as well as a reformat of the policy to be consistent with other policies in the City’s Planning and Building Policy Manual.

Furthermore, it is noted that clauses 2, 3, 4 and 5 have been named as Built Form Context, Streetscape, Site Planning and Design and Building Design respectively. These headings follow the same headings as Parts 7.1 to 7.4 of the Residential Design Codes. The City’s Officers consider this appropriate as applicants will now be able to read the policy in line with the R Codes. It is also noted that the sub-headings generally follow the R Codes for ease of reference and reading.

The following table outlines the proposed amendments to the policy that was referred to the Council on 14 August 2012 and advertised for 28 days. For ease of reading, it is proposed that the entire draft policy, after the Objectives section be strike-through and re-written.

**Policy Title**

Proposed Amendments	Officer Comments
The title of the Policy has been amended from “Multiple Dwellings in Residential Zones” to “Development Guidelines for Multiple Dwellings”.	This amendment is proposed to ensure that if a development application for a Multiple Dwelling development is submitted in a Residential/Commercial zone (for example), that the requirements of the policy would apply. Without the amendment to the title of the policy, it could be argued that such an application would not be required to comply with policy and could assessed wholly against the R Codes.

**Introduction**

Proposed Amendments	Officer Comments
An introduction has been added.	The addition of an Introduction, explains where and when the policy would apply and why the policy is needed. This inclusion of an Introduction is consistent with other policies in the City’s Planning and Building Policy Manual.

**1. Definitions**

Proposed Amendments	Officer Comments
The definitions have been reordered to be placed in alphabetical order.	No further comments.
No change to the definitions of <i>Landscape, Landscaping or Landscaped, Multiple Dwellings, Open Space, Private Open Space, R Codes and Soft Landscaping.</i>	No further comments.
<i>The definition of Vertically Above has been amended to state “<b>Vertically Above</b> – means a minimum of 50 percent of the floor areas is above part of any other dwelling, including car parking relating to another dwelling.”</i>	This clarification has been added to ensure that if an application is submitted, for example, where a car parking area was located on the ground floor and dwellings above this on the first floor, that this would classified as a multiple dwelling. There previously has been discussions that this could be considered as a grouped dwelling as in this case, the dwellings are not above another dwelling as such, however it is considered that the car parking is part of the dwelling and therefore should be considered as a multiple dwelling.
A definition of <i>Major Road</i> has been added, which defines which roads in the City are considered as <i>Major Roads</i> .	Whilst this definition has been added to the list of definitions, it has the same meaning as stated in clause 6.2.1 of draft policy that was advertised.
A definition of <i>Minor Road</i> has been added, which states that it is any other road, which is not a <i>Major Road</i> .	This definition does not result in any additional requirements.
The definitions of <i>Landscape Concept Plan, Neighbourhood Context Report and Development Application Report</i> have been removed.	Whilst these definitions have been removed from the Definitions section of the policy, they have been added into proposed clause 7, which outlines the Development Application Process.

**2. Built Form Context**

<b>Clause</b>	<b>Proposed Amendments</b>	<b>Officer Comments</b>
2.1 – Plot Ratio	This is a proposed new clause which simply states that for areas zoned Residential, the plot ratio is to be in accordance with the corresponding R Coding of the site and for all other zones, the plot ratio is in accordance with the relevant Precinct Policy.	Whilst this is a new proposed clause, it is not an additional requirement, it has been added for clarification.
2.2 – Building Height	This clause prescribes the building heights for different zones within the City.	The R Codes allow Local Government to vary this clause in a Local Planning Policy. This clause is a simplified version of draft clause 6 of the policy that was advertised, and does not provide any additional requirements.
2.3 – Street Setbacks	This clause outlines that for areas zoned Residential the Residential Design Elements are to apply and for all other zones, the relevant Precinct Policy is to apply.	The R Codes allow Local Government to vary this clause in a Local Planning Policy. Whilst this is a new proposed clause, it is not an additional requirement; it has been added for clarification.

It is noted that clause 7.1.4 and 7.1.5 of the R Codes relate to Side and Rear Boundary Setbacks and Open Space. The City's Officers have not included clauses relating to this in the draft Policy as no additional or variations to the Performance Criteria and Acceptable Development is proposed.

**3. Streetscape**

<b>Clause</b>	<b>Proposed Amendments</b>	<b>Officer Comments</b>
3.1 – Surveillance of the Street	This clause outlines the Performance Criteria and Acceptable Development that the City proposes in addition to the standards of the R Codes.	The content of this clause has not been changed, only reformatted in table format. It is consistent with draft clause 5.4 of the policy that was advertised.
3.2 – Street Walls and Fences	This is a proposed new clause which outlines the requirements for Street Walls and Fences for Multiple Dwelling Developments.	The R Codes allow Local Government to vary this clause in a Local Planning Policy. Whilst this is a new proposed clause, it is not an additional requirement as the City's Officers have been applying the fencing requirements of the Residential Design Elements Policy. It has been added for clarification.
3.3 – Building Appearance	This clause outlines a list of features that are required to be incorporated into the building.	The R Codes allow Local Government to create a Local Planning Policy relating to Building Appearance. This content of this clause has not been amended. It is consistent with draft clause 5.1 of the policy that was advertised.

#### 4. Site Planning and Design

Clause	Proposed Amendments	Officer Comments
4.1 – Outdoor Living Area	This clause outlines the Performance Criteria that the City proposes in addition to the standards of the R Codes.	The content of this clause has not been changed, only reformatted in table format. It is consistent with draft clause 5.2.2 of the policy that was advertised.
4.2 – Landscaping	This clause outlines the Performance Criteria and Acceptable Development that the City proposes in addition to the standards of the R Codes.	The City's Officers propose some amendments to the draft clause 5.2.1 of the advertised policy, however the clause has only been re-worded and the intent and requirements of the clause have not changed.

It is noted that clauses 7.3.3 to 7.3.7 of the R Codes relating to On-site Parking, Design of Parking Spaces, Vehicular Access, Sight Lines at Vehicle Access Points and Street Corners and Site Works are not included in the draft Policy as no additional or variations to the Performance Criteria and Acceptable Development is proposed.

#### 5. Building Design

The City's Officers have not provided additional or varied requirements for the clauses listed under Part 7.4 of the R Codes.

Clause	Proposed Amendments	Officer Comments
5.1 – Energy Efficient Design	This clause states that developments are required to be designed so that they maximise northern sunlight and cross ventilation to all dwellings.	This content of this clause has not been changed. It is consistent with draft clause 5.3 of the policy that was advertised.
5.2 – Essential Facilities	This is an additional clause, however no additional requirements are proposed. The clause proposes additional clarification as follows:  <i>Adequate Communal Area is defined as an area that allows a minimum length of clothes line as follows:</i>  <i>1-15 dwellings = 3 lineal metres of clothes line per dwelling</i> <i>16-30 dwellings = 2.5 lineal metres of clothes line per dwelling</i> <i>31-45 dwellings = 2 lineal metres of clothes line per dwelling</i> <i>46 dwellings and above = 1.5 lineal metres of clothes line per dwelling</i>	This clause provides further clarification and a definition of "adequate communal area".

#### 6. Variations to Requirements

This clause is consistent with the draft clause 7.1.

## 7. Planning Application Process

Proposed Clause	Draft Clause (Referred to Council on 14 August 2012)
7.1 – Pre-Lodgement Process Requirements	This clause is consisted with draft clauses 4.1 of the policy that was advertised, which include 4.1.1 and 4.1.2.
7.2 – Lodgement Process Requirements	This clause has been amended to remove the requirement which states that a Neighbourhood Context Report and Development Application Report is required for multiple dwelling developments over two storeys in height. It is considered that a multiple dwelling development will always be a minimum of two storeys in order for dwelling to be vertically above another dwelling.  The definitions of Neighbourhood Context Report, Development Application Report and Landscape Context Plan have been added in this section.

### CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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### Consultation Period

Amendment No. 100 to Planning and Building Policy Manual was advertised for a period of 28 days, from 11 September 2012 to 9 October 2012, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1.

### Consultation Type

- Letters to the Western Australian Planning Commission, State Government agencies, surrounding Local Governments and City of Vincent Precinct Groups;
- Letters to a number of Town Planning Consultants, Institutes and Councils relating to Planning and Development and the Design Advisory Committee;
- One advertisement in the Guardian newspaper per week for four weeks;
- Notice on the City's website; and
- Copies displayed at City of Vincent Administration and Civic Building and Library and Local History Centre.

### Summary of Submissions Received

A total of five submissions were received with the breakdown of submissions as outlined below.

#### Community Submissions

Position	Number Received	Percentage
Support	-	-
Object	1	50%
Not Stated	1	50%
<b>Total</b>	<b>1</b>	<b>100%</b>

#### Government Authority Submissions

Position	Number Received	Percentage
Support	1	33.3%
Object	-	-
Not Stated	2	66.7%
<b>Total</b>	<b>1</b>	<b>100%</b>

#### Planning Consultants Submissions

Position	Number Received	Percentage
Support	-	-
Object	-	-
Not Stated	-	-
<b>Total</b>	<b>-</b>	<b>-</b>

#### Total Submissions Received

Position	Number Received	Percentage
Support	1	20%
Object	1	20%
Not Stated	3	60%
<b>Total</b>	<b>1</b>	<b>100%</b>

### **Summary of Comments Raised**

#### 1. Removal of Walcott Street from the list of Major Roads

*“Walcott Street should be removed from the Major Roads list as it is predominantly a residential street. The original building stock is generally in good order and it shares a boundary with City of Stirling which has a zoning in the area of R12.5.”*

Walcott Street has been listed as a major road since the policy was amended by the Council at its Ordinary Meeting held on 11 August 2009.

Where a Residential Zone occurs along Walcott Street, it is coded at R60, which allows a height limit of three storeys in accordance with the Residential Design Codes. This height limit is considered appropriate given Walcott Street is listed as a District Distributor (A) road in accordance with the Main Roads Perth Metropolitan Area Functional Road Hierarchy.

Given the above, the City’s Officers do not support the removal of Walcott Street from the list of Major Roads.

#### 2. Concerns with the removal of trees due to greater development

*“...mature trees are not to be removed as part of the development, limiting the number of units. It is possible with a little thought to design around existing trees Approved developments ... leave little room for landscaping let alone large trees.”*

The City has a list of trees located on private lots that are considered as ‘Significant Trees’ and these trees cannot be removed. In regards to the removal of other trees not listed on the Significant Tree Inventory, the City has no policy or requirements that these trees remain.

As an alternative, the City’s Officers have proposed to amend the Multiple Dwellings Policy to include additional requirements for landscaping.

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

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

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

**Medium:** The amendments proposed aim to reduce the risks associated with poor quality development applications for Multiple Dwellings both in regards to information provided and in regards to the proposed design of the development.

#### **STRATEGIC IMPLICATIONS:**

In keeping with the City’s *Strategic Plan 2011-2016* – Objective 1.1 states:

*“Improve and Maintain the Environment and Infrastructure:*

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

**SUSTAINABILITY IMPLICATIONS:**

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

ENVIRONMENTAL	
Issue	Comment
	The additional requirements relating to landscaping will ensure that multiple dwellings include within their required open space areas, landscaped areas and soft landscaped areas which will increase tree and vegetation coverage and reduce areas of hard paving which has heat impacts.
	The policy also makes the requirement to address solar access to dwellings and cross ventilation in the design of multiple dwellings to improve the environmental performance of dwellings and provide the potential to reduce reliance on mechanical heating and cooling.

SOCIAL	
Issue	Comment
	The policy amendments proposed aim to improve streetscape design and landscape design which both provide tangible benefits to the community in both streetscape amenity and safety through increased passive surveillance.

ECONOMIC	
Issue	Comment
	The policy does relate to the economics of multiple dwelling developments but provides for better quality developments which should have an economic benefit to the greater community and future owners.

**FINANCIAL/BUDGET IMPLICATIONS:**

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

'Town Planning Scheme Amendment and Policies'

Budget Amount:	\$80,000
Spent to Date:	<u>\$ 2,302</u>
Balance:	\$77,698

The expenditure associated with the subject Planning and Building Policy Amendment is within the balance of the budgeted item.

**COMMENTS:**

The City's Officers have prepared amendments to the draft Policy No. 3.4.8 that was advertised, however it is noted that these amendments relate to a reformat of the policy rather than changes in the content and planning requirements. The proposed new format of the policy is consistent with the alignment of the R Codes and includes the same headings of the R Codes, in order the policy to be read with ease, alongside the Part 7 of the R Codes.

Furthermore, the further amendments to the policy provide additional clarification for some requirements, which will assist in providing a strong framework for the City to assess Multiple Dwelling applications. It is considered that the amendments will also attempt to guide landowners and developers to improve the design outcome of these new developments.

In light of the above, it is recommended that the Council adopt the amended Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings.

**9.1.8 Amendment No. 106 to Planning and Building Policy Manual – Amendment to Policy Nos. 3.1.11, 3.1.12, 3.1.13 and 3.1.14**

<b>Ward:</b>	South Ward	<b>Date:</b>	9 November 2012
<b>Precinct:</b>	Mount Lawley Centre Precinct; Hyde Park Precinct; Beaufort Precinct; and Forrest Precinct	<b>File Ref:</b>	PLA0252
<b>Attachments:</b>	<a href="#">001</a> – Policy No. 3.1.11- Mount Lawley Centre Precinct <a href="#">002</a> – Policy No. 3.1.12- Hyde Park Precinct <a href="#">003</a> – Policy No. 3.1.13- Beaufort Precinct <a href="#">004</a> – Policy No. 3.1.14- Forrest Precinct		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	O May, Strategic Planning Officer		
<b>Responsible Officer:</b>	C Eldridge, Director Planning Services		

**CORRECTED OFFICER RECOMMENDATION:**

That the Council **AUTHORISES** the Chief Executive Officer to advertise the proposed amendment to the following Planning and Building Policies:

1. **Clause 2.4.12 (h) of Policy No. 3.1.11, relating to Mount Lawley Centre Precinct Scheme Map 11 be amended as follows:**  
 “The maximum depth of any fascia to a pedestrian awning is to be 300 millimetres ~~metres~~ with signage prohibited from the face or on top of the fascia;”
2. **Policy No. 3.1.12 relating to Hyde Park Precinct, Scheme Map 12 subject to the following amendment:**  
 “2.1 that clause 3.2.1 of the policy be amended to allow a height of four storeys (including loft), to a height of 15 metres, in the area zoned Commercial located along Fitzgerald Street;”
3. **Policy No. 3.1.13 relating to Beaufort Precinct, Scheme Map 13; and**
4. **Policy No. 3.1.14 relating to Forrest Precinct, Scheme Map 14;**

as shown in Appendix 9.1.8 for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City’s Policy No. 4.1.5 relating to Community Consultation.

*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 McGrath**

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

“That Clause 1 be amended to read as follows:

1. **Policy No. 3.1.11 relating to Mount Lawley Centre Precinct Scheme Map 11 subject to the following amendment:**
  - 1.1 **Clause 2.4.12 (h) be amended to read as follows:**  
 “The preferred form of awning roof structures is lightly framed with fine design lines.  
  
 The maximum depth of any fascia to a pedestrian awning is to be 300 millimetres ~~with signage prohibited from the face or on top of the fascia.~~”

Cr Pintabona departed the meeting at 7.35pm and did not return.

Debate ensued.

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

(Cr Buckels was on approved leave of absence.)  
(Cr Pintabona had departed the meeting.)

**COUNCIL DECISION ITEM 9.1.8**

That the Council **AUTHORISES** the Chief Executive Officer to advertise the proposed amendment to the following Planning and Building Policies:

1. **Policy No. 3.1.11 relating to Mount Lawley Centre Precinct Scheme Map 11 subject to the following amendment;**
  - 1.1 **That Clause 2.4.12 of the Policy be amended to allow;**

**“The preferred form of awning roof structures is lightly framed with fine design lines,” and**

**“The maximum depth of any fascia to a pedestrian awning is to be 300 millimetres;”**
2. **Policy No. 3.1.12 relating to Hyde Park Precinct, Scheme Map 12 subject to the following amendment:**
  - 2.1 **That clause 3.2.1 of the policy be amended;**

**“To allow a height of four storeys (including loft), to a height of 15 metres, in the area zoned Commercial located along Fitzgerald Street;”**
3. **Policy No. 3.1.13 relating to Beaufort Precinct, Scheme Map 13; and**
4. **Policy No. 3.1.14 relating to Forrest Precinct, Scheme Map 14.**

as shown in Appendix 9.1.8 for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City’s Policy No. 4.1.5 relating to Community Consultation.

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**ADDITIONAL INFORMATION**

The City’s Officers have further reviewed the proposed building heights in the area zoned Commercial along Fitzgerald Street, within the Hyde Park Precinct, and propose to increase these heights from three storeys to four storeys. This area is located between Vincent Street and Cowle Street and is partly adjacent to Dorrien Gardens and Robertson Park. Given that the State Government propose to place a light rail station along Fitzgerald Street, in front of Robertson Park, it is considered that the City should respond to this by incorporating transit orientated development principles, by introducing higher density development close to the light rail station.

**PURPOSE OF REPORT:**

The purpose of the report is to provide the Council with the proposed amendments of Policy No. 3.1.11 relating to Mount Lawley Centre Precinct – Scheme Map 11, Policy No. 3.1.12 relating to Hyde Park Precinct – Scheme Map 12, Policy No. 3.1.13 relating to Beaufort Precinct – Scheme Map 13 and Policy No. 3.1.14 relating to Forrest Precinct – Scheme Map 14, for consideration by the Council, and to seek the Council’s approval to advertise amendments of these policies in accordance with Clause 47 of the City’s Town Planning Scheme No. 1.

**BACKGROUND:**

As a part of the scheme review process, the City's Officers are in the process of reviewing the Planning and Building Policy Manual. As part of this review, the City is currently evaluating all existing precinct policies to ensure that they align with the City's other local planning policies.

Scheme Amendment No. 106 relates to the City's Planning and Building Policy Manual and amendments made to Policy Nos. 3.1.11, 3.1.12, 3.1.13 and 3.1.14. The amendments proposed are intended to ensure consistency with the City's Town Planning Scheme No. 2 and new Policy 3.5.11 relating to Exercise of Discretion for Development Variations.

**History:**

Policy No. 3.1.11 - Mount Lawley Centre Precinct – Scheme Map 11

Policy No. 3.1.12 relating to Hyde Park Precinct – Scheme Map 12

Policy No. 3.1.13 relating to Beaufort Precinct – Scheme Map 13

Policy No. 3.1.14 relating to Forrest Precinct – Scheme Map 14

Date	Comment
27 March 2001	The Council at its Ordinary Meeting adopted the Planning and Building Policy Manual, which included the adoption of Policy Nos. 3.1.11, 3.1.12, 3.1.13 and 3.1.14.
25 October 2005	The Council at its Ordinary Meeting resolved to adopt amended Policy Nos. 3.1.11, 3.1.12, 3.1.13 and 3.1.14. The primary changes to the policies were to remove any unnecessary wording and ensure the structure of the policies were consistent and user friendly documents.
20 December 2011	The Council at its Ordinary Meeting endorsed the City of Vincent Town Planning Scheme No. 2, Local Planning Strategy and Precinct Policies.
23 December 2011	The City of Vincent Town Planning Scheme No. 2, Local Planning Strategy and Precinct Policies were sent to the Department of Planning for consent to advertise as part of the scheme review process.
28 August 2012	The Council at its Ordinary Meeting resolved to adopt amended Policy No. 3.1.12 relating to Beaufort Precinct Scheme Map 13 following an error made in relation to the normalisation date.

**Previous Reports to Council:**

There have been no previous reports to the Council in relation to the subject amendment of Policy Nos. 3.1.11, 3.1.12, 3.1.13 and 3.1.14.

**DETAILS:**

The City's Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations, allows for variations to the number of storeys prescribed in a Local Planning Policy. Policy No. 3.5.11 was approved for advertising by Council at Ordinary Meeting held on 14 August 2012 and was advertised for public comment from 11 September 2012 to 9 October 2012. During this period, concerns were raised that Policy No. 3.5.11 does not take into account the surrounding built form context, in particular building heights and the City risks the possibility that Policy No. 3.5.11 will create outcomes that are of a lesser scale than what has previously been approved for development and not create the City's desired urban form.

As part of the Scheme review process, the City's Officers are also reviewing all precinct policies in the Planning and Building Policy Manual. The Council at its Ordinary Meeting held on 20 December 2011 endorsed the City's Draft Town Planning Scheme No. 2 Text and Maps, Draft Local Planning Strategy and associated Draft Precinct Policies and was forwarded to the Western Australian Planning Commission on 23 December 2011. The City is waiting on consent to advertise Town Planning Scheme No. 2, subsequently the City's Officers have reviewed all building heights in the City's precinct policies as an interim measure to ensure they align with what is proposed in the City's Town Planning Scheme No. 2, with development which currently exists and the allowable height with and without variations to height applied.

The table below depicts the City's Precinct Policies and why or why not they have been prepared to be amended as part of Policy Amendment No. 106.

Precinct Policy	Comments	Amending (Yes/No)
Policy 3.1.1 Mount Hawthorn Precinct – Scheme Map 1	Policy 3.1.1 was presented to Council at Ordinary Meeting held on 23 October 2012 with advertising from 13 November 2012 to 10 December 2012. In light of this recent review it is deemed inappropriate to review the Policy whilst it is being advertised. In addition, the heights prescribed in Policy No. 3.1.1 are justified and deemed appropriate as an interim measure.	No
Policy 3.1.2 Mount Hawthorn Centre Precinct – Scheme Map 2	This area is being closely evaluated as part of the Department of Planning's Scarborough Beach Road Activity Corridor Project. The draft Scarborough Beach Road Activity Corridor Framework is currently out for advertising until 17 December 2012. It is noted that although this document contains general built form principles the heights in Policy No. 3.1.2 are suitable and allow consistency with the strategic direction of the area for the short-medium term.	No
Policy 3.1.3 Leederville Precinct – Scheme Map 3	This precinct does not contain any zoning higher than Residential R60 and only consists of two lots which are zoned commercial <del>or any commercially zoned areas</del> . In light of this, a review is not necessary as the variations policy does not allow for height variations for residential areas coded below R60.	No
Policy 3.1.4 Oxford Centre Precinct – Scheme Map 4	This precinct is affected by Appendix No. 19 – Leederville Built Form Guideline and Leederville Masterplan and thus is being separately reviewed as part of the Leederville Structure Plan.	No
Policy 3.1.5 Cleaver Precinct – Scheme Map 5	Policy No. 3.1.5 was last amended and adopted 28 February 2012. In light of this, the areas heights have been recently reviewed and deemed suitable with further amendments not necessary.	No.
Policy 3.1.6 Smith's Lake Precinct – Scheme Map 6	This precinct does not contain any zoning higher than Residential R60 or any commercially zoned areas. In light of this, a review is not necessary as the variations policy does not allow for height variations for residential areas coded below R60.	No
Policy 3.1.7 Charles Centre Precinct – Scheme Map 7	The heights prescribed in this precinct are deemed appropriate for the area and allow a height of three storeys. This is generally consistent with the Department of Planning's Scarborough Beach Road Activity Corridor Project and draft Scarborough Beach Road Activity Corridor Framework.	No
Policy 3.1.8 North Perth Precinct – Scheme Map 8	This area is predominately Residential with heights prescribed for the area zoned 'Local Centre' of three storeys. This is fitting to the form of the surrounding context and thus does not require a review.	No
Policy 3.1.9 North Perth Centre Precinct – Scheme Map 9.	As part of the North Perth Masterplan a review of the heights is being conducted and therefore does not require amending as part of Amendment No. 106.	No.
Policy 3.1.10 Norfolk Precinct – Scheme Map 10	This area is predominately Residential with heights prescribed for the area zoned 'Local Centre' of three storeys. This is fitting to the form of the surrounding context and thus does not require a review.	No

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

In light of the above, the City's Officers have prepared Policy Amendment No. 106, to amend Policy No. 3.1.11 relating to Mount Lawley Centre Precinct - Scheme Map 1, Policy No. 3.1.12 relating to Hyde Park Precinct – Scheme Map 12, Policy No. 3.1.13 relating to Beaufort Precinct – Scheme Map 13 and Policy No. 3.1.14 relating to Forrest Precinct – Scheme Map 14, to ensure consistency and improve transparency in the decision making process.

The City's Town Planning Scheme No. 2, whilst remains confidential, has been acknowledged in the amending of Policy Nos. 3.1.11, 3.1.12, 3.1.13 and 3.1.14 and provided a sound framework in the determination and reconsideration of building heights. The City's Officers have ensured extensive investigation into the reconsideration of heights and have compared current provisions, site visits, and what is proposed in the City's Town Planning Scheme No. 2 to justify and support their decisions. As part of this investigation process, a building height review of Precinct Policies Nos. 3.1.11, 3.1.12, 3.1.13 and 3.1.14 were conducted. In preparation to this, the City's Officers recorded all developments (including residential) with a height of three (3) storeys or higher which were located along the following main roads:

- Beaufort Street;
- Brisbane Street;
- Bulwer Street;
- Fitzgerald Street;
- Lord Street;
- Newcastle Street;
- Vincent Street; and
- William Street.

In addition to the above, all areas zoned Residential-Commercial, Commercial, Local Centre and District Centre with a building height of three (3) storeys or higher were noted. This analysis allowed the City's Officers to largely understand the current form and structure of an area and accordingly propose appropriate heights for the precincts in acknowledging opportunity for future development and as an interim measure to the adoption of the City's Town Planning Scheme No. 2 and associated Precinct Policies.

The tables below illustrate a summary of the proposed changes made to each policy and why these amendments have been proposed.

**Policy No. 3.1.11 – Mount Lawley Centre Precinct Scheme Map 11**

Proposed Clause	Proposed Amendments	Comment
2.4	<p>a) <del>Minimum Height</del></p> <p><del>Two storey development or its equivalent (minimum wall height of 6.0 metres at the street alignment) is to be promoted to help achieve a strongly urban character.</del></p> <p>b) <del>Maximum Height</del></p>	The City's Officers want to remove all ambiguous language to ensure what is proposed in the City's Precinct Policies are enforceable and coherent.
2.4.2 and 3.2.1	<p><u>For all new buildings the minimum height limit is two storeys</u></p>	Ensuring all new developments have a minimum height of two storeys in areas zoned District Centre and Commercial, will encourage different levels of activity, accessibility, diversity of uses and density enabling casual surveillance of public spaces. This also remains consistent with the City's Town Planning Scheme No. 2, Draft Local Planning Strategy and Precinct Policies.

Proposed Clause	Proposed Amendments	Comment
2.4.2	<del>Three storeys, preferably at street corners</del>	The City's Officers want to remove all ambiguous language to ensure what is proposed in the City's Precinct Policies are enforceable and coherent.
2.4.2	<p><del>Extra height at corners through the use of parapets, tower elements, or similar features help's give prominence to these buildings and is therefore encouraged</del></p> <p><del>Buildings are to define corners by building to the street alignment and creating landmark features. Corners may be emphasised by greater scale or differing geometries relative to the remainder of the project or surrounding development.</del></p> <p><del>This could include chamfering, curving, additional varying height, different roof forms, verandahs, balconies, or other design elements which accentuate corners.</del></p>	These provisions are more appropriately suited to design features. In light of this the City's Officers have decided to remove this content and rather include under clause 2.4.9.
2.4.2 and 3.2.1	<u>Variations to the number of storeys proposed can be considered in accordance with the City's Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations to Standards or Requirements Set Out Under the Scheme or Prescribed Under a Local Planning Policy.</u>	This ensures consistency and transparency with Policy No. 3.5.11.
2.4.9	<p><u>Design features through the use of parapets, tower elements, or similar features help's give prominence to these buildings and is therefore encouraged.</u></p> <p><u>Buildings are to define corners by building to the street alignment and creating landmark features. Corners may be emphasised by greater scale or differing geometries relative to the remainder of the project or surrounding development.</u></p> <p><u>This could include chamfering, curving, additional varying height, different roof forms, verandahs, balconies, or other design elements which accentuate corners.</u></p>	These provisions are more appropriately suited to design features. In light of this the City's Officers have decided to remove this content from clause 2.4.2 and rather include under clause 2.4.9.

A review of current developments demonstrated a mix of one, two and three storey developments. However, it is noted that all heritage listed buildings have additional provisions and requirements relating to design guidelines and development. As a result, the existence of heritage listed buildings in the Mount Lawley Centre Precinct were considered in the review of building heights.

A detailed outline of all the proposed changes to Policies 3.1.11, relating to Mount Lawley Centre Precinct, Scheme Map 11, is shown Appendix 9.1.8A (001).

**Policy No. 3.1.12 – Hyde Park Precinct Scheme Map 12**

Proposed Clause	Proposed Amendments	Comment
2.2.1.	<del>Buildings with two storeys (including loft) are strongly encouraged</del>	The City's Officers want to remove all ambiguous language relating to height to ensure the provisions are enforceable and coherent.
3.2.1	A third storey, to a height of 12 metres (including loft) can be considered, <u>in the areas zoned Commercial located along Fitzgerald Street and Bulwer Street, provided that the amenity of the adjacent residential area is protected in terms of privacy, overshadowing scale and bulk</u>	The City's Officers have included more explicit details e.g. "to a height of 12 metres" to ensure guidelines are specific and enforceable. Furthermore, to ensure guidelines are clear and coherent the City has provided the relevant street names affected by the clause.
3.2.1	<u>Heights located along William Street are to be in accordance with Appendix 18 – Design Guidelines For William Street, Between Bulwer and Newcastle Streets, Perth contained in the City's Planning and Building Policy Manual.</u>	The City's Officers have included this clause to ensure consistency amongst the whole Planning and Building Policy Manual and ensure development along William Street is aware of the provisions set out in Appendix 18.

A review of current buildings and development applications demonstrated heights up to three storeys. In light of this, the City Officers did not change the height proposed in Policy No. 3.1.12 and rather ensured the provisions provided were clear and explicit.

A detailed outline of all the proposed changes to Policies 3.1.12, relating to Hyde Park Precinct, Scheme Map 12, is shown Appendix 9.1.8B (002).

**Policy No. 3.1.13 – Beaufort Precinct Scheme Map 13**

Proposed Clause	Proposed Amendments	Comment
2.4.4	(a) A <del>maximum of three</del> <u>third</u> storeys (including loft), to a <del>maximum</del> height of 12 metres, can be considered, <u>in the areas zoned Residential/Commercial R80</u> provided that the amenity of any adjacent residential area is protected in terms of privacy, scale and bulk  (b) <u>A fourth storey (including loft), to a height of 15 metres can be considered in the areas zoned Residential/Commercial R100, provided that the amenity of any adjacent residential area is protected in terms of privacy, scale and bulk.</u>	The City's Officers have deciphered a height variation between Residential/Commercial R80 and R100. This is deemed appropriate as land zoned R100 has potential for greater height and development opportunities.  For land zoned Residential/Commercial R100, a proposed height of four storeys is proposed as this is consistent with the existing heights of the area.
2.4.4 (c)	<u>For lots along Lacey Street (including No. 25 Brisbane Street, rear of 1/266 Stirling Street and No. 84 Brewer Street), heights are to be in accordance with Appendix No. 17 – Design Guidelines for Lacey Street, Perth, contained in the City's Planning and Building Policy Manual.</u>	The City's Officers have included this clause to ensure consistency amongst the whole Planning and Building Policy Manual and ensure development in this area is aware of the provisions and height variations set out in Appendix 17.

Proposed Clause	Proposed Amendments	Comment
2.4.4 (d)	<u>For the lots bounded by Fitzgerald Street, Newcastle Street Stuart Streets and Pandal Lane, heights are to be in accordance with Appendix 16 – Design Guidelines for the Half Street Blocks bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth, contained in the City’s Planning and Building Policy Manual.</u>	The City’s Officers have included this clause to ensure consistency amongst the whole Planning and Building Policy Manual and ensure development in this area is aware of the provisions and height variations set out in Appendix 16.
3.3.1	(b) <u>A third storey (including loft), to a height of 12 metres can be considered, in the area zoned Commercial located along Money Street and Lindsay Street,</u> provided that the amenity of the adjacent residential area is protected in terms of privacy, scale and bulk.	The City’s Officers have included more explicit details e.g. “ <i>to a height of 12 metres</i> ” to ensure guidelines are specific and enforceable. Furthermore, to ensure guidelines are clear and coherent the City has provided the relevant street names affected by the clause.
	(c) <u>A fourth storey (including loft), to a height of 15 metres can be considered, in the area zoned Commercial located along Beaufort Street and Stirling Street along Newcastle Street,</u> provided that the amenity of the adjacent residential area is protected in terms of privacy, <u>overshadowing,</u> scale and bulk.  (d) <u>A fifth storey (including loft), to a height of 18 metres can be considered, in the area zoned Commercial located north of and fronting Newcastle Street,</u> provided that the amenity of the adjacent residential area is protected in terms of privacy, <u>overshadowing, scale and bulk.</u>	As part of the preparation process in analysing building heights, the City’s Officers noted the area zoned Commercial in Policy No. 3.1.13 consists of multiple larger scale developments along Newcastle Street. In light of this, the City has proposed that a fifth storey can be considered along Newcastle Street as this is consistent with existing and approved development approvals.

A review of current buildings and development applications demonstrated a diverse height range further characterised by the streets e.g. Newcastle Street demonstrated height up to 6 storeys and Beaufort Street demonstrated a height of 5 storeys . In light of this, the City Officers have amended the building heights in accordance to their street locations and with what was observed on the site visit.

A detailed outline of all the proposed changes to Policies 3.1.13, relating to Beaufort Precinct, Scheme Map 12, is shown Appendix 9.1.8C (003).

**Policy No. 3.1.14 – Forrest Precinct Scheme Map 14**

Proposed Clause	Proposed Amendments	Comment
3.2.1	<del>A third storey</del> <u>A fourth storey (including loft), to a height of 15 metres</u> (including loft) can be considered, provided that the amenity of the adjacent residential area is protected in terms of privacy, scale and bulk.	The City's Officers have increased the height for areas zoned Commercial in Policy No. 3.1.14. This variation is supported by what is prescribed in the City's Town Planning Scheme No. 2 Precinct Policies and current development heights seen during a site visit. The City's Officers recognise the area has the potential to accommodate larger scale development and already consists of developments of six storeys.

A review of current buildings and development applications demonstrated a diverse mix of building heights. Within the Forrest Precinct exists buildings with heights beyond what is proposed in the precinct policy, however these sites demonstrate unique features such as large lot sizes and sloping land which can accommodate greater height. In light of this, the City's Officers maintain increasing the height limit from three to four storeys with Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations allowing for height variations for sites who can accommodate this.

A detailed outline of all the proposed changes to Policies 3.1.13, relating to Beaufort Precinct, Scheme Map 12, is shown Appendix 9.1.8D (004).

**CONSULTATION/ADVERTISING:**

<b>Required by legislation:</b>	Yes	<b>Required by City of Vincent Policy:</b>	Yes
<b>Consultation Type:</b>	<ul style="list-style-type: none"> <li>Advertisement in the Guardian Newspaper;</li> <li>City of Vincent website;</li> <li>Letters to affected landowners, WAPC, State and Local Government Agencies and Precinct Groups; and</li> <li>Notice at the City of Vincent Administration Centre and Library.</li> </ul>		
<b>Comment Period:</b>	4 weeks		

After the expiry of the period for submissions, the City's Officers will review all the submissions received in and report back to Council with a determination to proceed or not to proceed with the amendments/rescission.

**LEGAL/POLICY:**

- *Planning and Development Act 2005;*
- *City of Vincent Town Planning Scheme No. 1* and associated Policies; and
- *Residential Design Codes of Western Australia.*

**RISK MANAGEMENT IMPLICATIONS:**

**Low-Medium:** The proposed policies are under review due to an entire review of the City's Precinct Polices. Given these policies have not been reviewed for up to 10 years, there is a risk that the design guidelines provided in the Policies are outdated and do not reflect State legislation or local strategic directions.

**Medium:** The City's Officers have recognised that some of the existing Precinct Policies may not contain appropriate heights for the area and that the adoption of Policy No. 3.5.11 could affect future development with the possibility that Policy No. 3.5.11 will create outcomes that are of a lesser scale than the existing development that has been approved.

**STRATEGIC IMPLICATIONS:**

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

*"Natural and Built Environment*

1.1 *Improve and Maintain the Environment and Infrastructure.*

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

**SUSTAINABILITY IMPLICATIONS:**

This report related to the proposed amendment of Policies Nos. 3.1.11, 3.1.12, 3.1.13 and 3.1.14. does not have any sustainability implications.

**FINANCIAL/BUDGET IMPLICATIONS:**

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

'Town Planning Scheme Amendment and Policies'

Budget Amount:	\$80,000
Spent to Date:	<u>\$ 2,302</u>
Balance:	\$77,698

The expenditure associated with the subject Planning and Building Policy Amendment is within the balance of the budgeted item.

**COMMENTS & CONCLUSION:**

As stated in the 'Details' section of the report, the amendments made in Policies Nos. 3.1.11, 3.1.12, 3.1.13 and 3.1.14 relate largely to building height provisions, and reformatting. The proposed building heights for Policy No. 3.1.13 and 3.1.14 adequately caters for development, is consistent with the City's Town Planning Scheme No. 2 and allows Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations to be exercised accordingly.

Policy Nos. 3.1.11, 3.1.12, 3.1.13 and 3.1.14 constitute an area of rapid development and offer future development opportunities. In reviewing the buildings heights provisions and formatting of these Policies the City's Officers have removed the use of ambiguous language (i.e. encourage) and have sought to provide coherent and enforceable guidelines. In light of the review, the Beaufort and Forrest Precinct have allowed for an increased height. Furthermore Policies 3.1.11, 3.1.12, 3.1.13 and 3.1.14 have allowed for the transparency between Policy No. 3.5.11 and will provide a standardized and incentive based process which is envisioned to deliver a more robust and flexible system which enable best practice design outcomes.

As a result, it is recommend that the Council endorse the Officer Recommendation to amend Policies Nos. 3.1.11, 3.1.12, 3.1.13 and 3.1.14 and that this be advertised for four weeks, in accordance with clause 47 of the City of Vincent Town Planning Scheme No. 1.

**9.4.2 Pre-paid Car Parking Permits – Introduction of Administration Fee**

<b>Ward:</b>	Both	<b>Date:</b>	9 November 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	PKG0040
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J MacLean, Manager Ranger and Community Safety Services		
<b>Responsible Officer:</b>	J Anthony, Acting Director Community Services		

**OFFICER RECOMMENDATION:**

That the Council **APPROVES BY AN ABSOLUTE MAJORITY** in accordance with Section 6.16 of the Local Government Act 1995 to adopt the following new fee;

ITEM	Prescribed Fee
Application to make a refund or amendment for a Pre-Paid Car Parking Permit	\$15

**COUNCIL DECISION ITEM 9.4.2**

**Moved Cr Harley, Seconded Cr Maier**

**That the recommendation be adopted.**

**MOTION PUT AND CARRIED UNANIMOUSLY  
BY AN ABSOLUTE MAJORITY (7-0)**

**(Cr Buckels was on approved leave of absence.)  
(Cr Pintabona had departed the meeting.)**

**PURPOSE OF REPORT:**

To obtain Council approval for a fee to be levied for occasions when a customer who has purchased a pre-paid monthly parking permit, seeks a refund for the unused part of month, or who seeks to amend the registration details of the car parking permit.

**BACKGROUND:**

Over the past year or so, there has been an increasing number of people who are purchasing Pre-paid Monthly Parking Permits and are subsequently returning to the City to seek a refund of the unused portion of a permit, or who wish to re-allocate the permit to another vehicle.

The time necessary for the calculations and refund paperwork, or to enter the new details on a new permit, print it and laminate it, requires the Customer Services Centre and the CSO (Ranger and Community Safety Services Section – Permits) to promptly carry out the administrative work.

**DETAILS:**

In past years, refunds and replacement Pre-paid Monthly Parking Permits have not placed a large impost on the City, because there were very few permits being returned. However, in the past twelve months, the practice has been occurring with increasing frequency and is now estimated to occur between six (6) and ten (10) times each month.

Given the increasing number of requests for refunds and detail amendments, it is considered appropriate for the City to offset its costs by charging an administration fee.

It is recommended that the fee be set at fifteen dollars (\$15.00) initially and reviewed before the next budget is approved.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

The Local Government Act 1995 – Section 6.16 allows a Council to approve of fees and charges.

There is no legal impediment to the adoption of these fees.

**RISK MANAGEMENT IMPLICATIONS:**

Nil.

**STRATEGIC IMPLICATIONS:**

This recommendation is an alignment with the City's *Strategic Plan 2011–2016* where the following Objective states:

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

**SUSTAINABILITY IMPLICATIONS:**

Not Applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

It is estimated that up to \$1,000 per annum, will be generated from the introduction of the Administration Fee. However this will simply offset the costs that are incurred in the processing of any refunds or amendments of the Pre-paid Car Parking Permits.

**COMMENTS:**

The above recommendation to introduce an Administration Fee of initially fifteen dollars (\$15.00) will allow the City to recoup costs when a person requests a refund for an unused portion of a Pre-paid Monthly Parking Permit or where a person seeks to have the details contained in the permit amended. This is in keeping with a “User Pays” principle and is recommended for approval.

**9.4.3 Proposed Alternative Location for the Percent for Art Project relating to the Development at No. 375 Charles Street, North Perth**

<b>Ward:</b>	North	<b>Date:</b>	9 November 2012
<b>Precinct:</b>	Charles Centre, North Perth, Highgate	<b>File Ref:</b>	PRO0098
<b>Attachments:</b>	<a href="#">001</a> – Artists submission <a href="#">002</a> – Proposed alternative locations		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	R Gunning, Arts Officer; A Cole, Acting Manager Community Development		
<b>Responsible Officer:</b>	J Anthony, Acting Director Community Services		

**CORRECTED OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES IN PRINCIPLE** of an alternative location for the Artwork by Ken Sealy for the Percent for Art Project relating to the development at No. 375 Charles Street, North Perth to be either;
  1. Woodville Reserve North East corner (corner of Namur Street and Fitzgerald Street); or
  2. Woodville Reserve South East corner (corner of Farmer Street and Fitzgerald); or
  3. Jack Marks Reserve North East corner (corner of Wright Street and Turner Streets; and
2. Subject to an alternative location being selected, **AUTHORISES** the Chief Executive Officer to carry out community consultation for a period of ~~fourteen (14)~~ twenty-one (21) days, seeking comments from the community; and
3. **REQUESTS** that a report be submitted to the Council after the close of the Community Consultation period; and
4. **APPROVES** the amendment of Policy No. 3.5.13 relating to 'Percent for Public Art' to include a new clause 2) viii) to be added as follows:

If the proposed art work is to be located on private property, the owner(s) of the property will be consulted and permission obtained to install the Public Art.

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

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**PROCEDURAL MOTION**

Moved Cr McGrath, Seconded Cr Wilcox

That the item be DEFERRED for further consideration.

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

(Cr Buckels was on approved leave of absence.)  
(Cr Pintabona had departed the meeting.)

**PURPOSE OF REPORT:**

To seek approval for an alternative location for the proposed artwork by Ken Sealy for the cash-in-lieu Percent for Art Project related to the 375 Charles Street, North Perth development.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 14 August 2012 it was resolved as follows:

*“That the Council APPROVES the recommendation of the City’s Art Advisory Group for the commissioning of artwork as detailed in the Officer Report for the following;*

No	Artist	Address	Artwork
1.1	Ken Sealy	No. 274 Charles Street, North Perth	“Beseech”
1.2	Matt McVeigh	No. 331 Bulwer Street, Perth	“AAG”
1.3	Lucy Vader	No. 208 Beaufort Street, Perth	“OMG”

“  
The development at No. 375 Charles Street is a commercial project which was subject to the City’s Percent for Art Scheme requirements. In most cases the developers manage the artwork themselves; however they can also elect to pay cash-in-lieu. If this option is chosen, the City manages the project and the artwork is placed on City of Vincent land.

The developers of No. 375 Charles Street, elected the cash-in-lieu option. A proposal for art work by Ken Sealy and a location was then selected by the City as shown in the Artists submission in Appendix 9.4.3.

**DETAILS:**

In February 2012 an artist’s brief was sent out calling for submissions for the cash-in-lieu project. The brief stated that the artwork may be created specifically for the recommended locations, however an existing unique artwork may also be considered if deemed appropriate for the location.

Seven artists and artist’s teams responded to the brief. The submissions were then reviewed by the Art Advisory Group at their Meeting held on 16 April 2012. A short list was made and a final recommendation for the project was made at the Art Advisory Group Meeting held on 30 July 2012.

Ken Sealy’s submission ‘Beseech’; a three metre high concrete sculpture of a head situated in front the development was the recommended proposal. At the Ordinary Meeting held on 7 August 2012, the recommendation was approved and the City entered into a contract with the artist.

The owners of the development of 375 Charles Street, upon learning of the proposed sculpture and location, were unequivocal in their rejection of the proposal. The major concern expressed by owners was that the ‘artwork would de-value the property and detract potential lessees.

In the light of the negative response from the building owners, alternative sites were considered. The following locations were seen to be well suited by the City’s Officers and the artist:

27. The north-east corner of Woodville Reserve (corner of Namur Street and Fitzgerald);
28. The south-east corner of Woodville Reserve (corner of Farmer Street and Fitzgerald); or
29. The north corner of Jack Marks Reserve (corner of Wright Street and Turner Streets).

These locations will be subject to public consultation and the results will form a further report to Council.

**CONSULTATION/ADVERTISING:**

The community consultation process will abide by the guidelines set out by the City's Community Consultation Policy.

**LEGAL/POLICY:**

City of Vincent Policy No. 3.5.13 relating to Percent for Public Art.

**RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

In keeping with the City's *Strategic Plan 2011-2016*, Objectives 3.1 states:

*"3.1 Enhance and promote community development and well being.*

*3.1.1 Celebrate and acknowledge the City's cultural and social diversity."*

**SUSTAINABILITY IMPLICATIONS:**

The artwork is to be made of concrete, finished in a hard wearing dark sky blue two part poxy, materials noted for their durability.

**FINANCIAL/BUDGET IMPLICATIONS:**

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

Budget Amount:	\$35,000
Spent to Date:	<u>\$10,000</u>
Balance:	\$25,000

The money was paid to the City by the developer as their Percent for Art contribution. The City in turn pays the artist for the project; the first payment was made upon signing of the contract.

**COMMENTS:**

The original location proposed for Ken Sealy's sculpture would undeniably have a significant impact on 375 Charles Street and the surrounding environment. Although the developers relinquished their opportunity to manage the Percent for Art project when they chose the cash-in-lieu option, in the interest of community concord, it is appropriate the concerns of the owners should be taken in to account. It is therefore recommended that an alternative location be approved by the Council. All recommended locations provide an appropriate setting for the work offering excellent public access not only by the community using the parks but also by those viewing the work from the road. The proposed alternative locations will be subject to public consultation and the results will form a further report to the Council.

**9.4.6 Street Prostitution in Stirling Street, Highgate – Action and Proposed Works**

<b>Ward:</b>	South	<b>Date:</b>	12 November 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	TES0175
<b>Attachments:</b>	<a href="#">001</a> – Meeting notes public forum <a href="#">002</a> – Report It Card <a href="#">003</a> – Mayors letter to residents <a href="#">004</a> – Example of Solar Powered LED Light		
<b>Tabled Items:</b>			
<b>Reporting Officers:</b>	Michael Wood Safer Vincent Coordinator; C Wilson, Manager Asset & Design Services		
<b>Responsible Officers:</b>	R Boardman, Director Community Services – Community Safety; R Lotznicker, Director Technical Services – Street Lights/Trees		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** the report regarding street prostitution and “street walkers” in the Stirling Street, Highgate area;
2. **NOTES** the action taken by the City’s administration concerning the matter as detailed in the report;
3. **AUTHORISES** the Chief Executive Officer to investigate the installation of additional and/or upgrade of Western Power Street lighting, as well as alternative lighting methods in Stirling Street and surrounding streets; and
4. **REQUESTS** the Safer Vincent Committee to consider this matter at its next meeting.

Moved Cr Topelberg, Seconded Cr McGrath

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

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

5. **APPROVES BY AN ABSOLUTE MAJORITY** the immediate installation of a solar powered LED streetlight adjacent the payphone at 290 Stirling Street, Highgate, at an estimated cost of \$7,800 to be funded from the 2012/2013 Street Lighting Upgrade budget.”

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY  
BY AN ABSOLUTE MAJORITY (7-0)**

(Cr Buckels was on approved leave of absence.)

(Cr Pintabona had departed the meeting.)

**COUNCIL DECISION ITEM 9.4.6**

That the Council;

1. **RECEIVES** the report regarding street prostitution and “street walkers” in the Stirling Street, Highgate area;
2. **NOTES** the action taken by the City’s administration concerning the matter as detailed in the report;
3. **AUTHORISES** the Chief Executive Officer to investigate the installation of additional and/or upgrade of Western Power Street lighting, as well as alternative lighting methods in Stirling Street and surrounding streets;

4. **REQUESTS the Safer Vincent Committee to consider this matter at its next meeting; and**
  5. **APPROVES BY AN ABSOLUTE MAJORITY the immediate installation of a solar powered LED streetlight adjacent the payphone at 290 Stirling Street, Highgate, at an estimated cost of \$7,800 to be funded from the 2012/2013 Street Lighting Upgrade budget.**
- 

#### **PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of the street prostitution and "street walkers" in the Stirling Street, Highgate and the action taken to date, including the immediate and longer term options for improving the level of street lighting in Stirling Street and surrounding streets, Highgate.

#### **BACKGROUND:**

Stirling Street, Highgate, between Bulwer Street and Lincoln Street has been know for at least twelve (12) years as an area frequented by prostitutes, however it, however has recently seen a significant increase in the number of 'street walkers' touting for business to detriment of the local residents.

#### **Public Meeting**

A public forum was held on 25 October 2012 and was attended by approximately forty (40) Local residents. The meeting was arranged by the Mayor Hon. Alannah MacTiernan and attended by various City Officers and a number of Police Officers. Residents expressed the view that the amenity is suffering because of the increase of level of street prostitution. The City agreed to action the following:

1. Improve the street lighting, particularly around the telephone box on Stirling Street;
2. Prune trees to remove shadowing of light; (completed)
3. Develop a 'Report It' card to issue to residents to clearly identify best police contact; (completed)
4. Provide a 'Report It' function on the City of Vincent's website where residents can notify the City when they have contacted police so we can keep track of the scale of the problem and liaise accordingly with WA Police;
5. Investigate the installation of CCTV and 'eyes on the street' signage; and
6. Establish an email list of the City of Vincent to keep concerned residents informed of resultant courses of future actions.

#### **Street Lighting**

One of the matters raised at the forum was the inadequacy of the street lighting.

#### **Number of Lights not working**

An inspection by City Officers in the area revealed that a number of street lights were not operating and these have been reported to Western Power for urgent repair.

#### **Current Lighting**

All except one (1) power pole in the aforementioned section of Stirling Street is fitted with a 125 watt Mercury Vapour Lamp (MVL), where as the standard for an access road (residential street) is 80 watt\* MVL on every second pole.

(\*the new standard is the 42 watt Compact Fluorescent Lamp (CFL), equivalent to an 80 watt MVL.)

The City has subsequently made application to Western Power for an additional 125 watt MVL on the remaining pole. Typically it takes 8 weeks from acceptance of the quotation (which in itself takes approximately 4 weeks) to installation. The expected cost will be in the order of \$2,500. The City will pursue the matter with Western Power for prompt action.

#### Need for a Street Light

The power poles, and therefore streetlights, are located on the western side of Stirling Street whereas the street walker activity is centred around the payphone on the eastern side of the street, much of which is in shadow because of the street trees.

#### **DETAILS:**

The City has made application to Western Power for an additional 125 watt MVL on the remaining pole. As indicated above this process typically takes 8 weeks from acceptance of the quotation (which in itself takes approximately 4 weeks) to installation. The expected cost will be in the order of \$2,500.

However given the time frame involved, and the urgency of the matter, there are alternative options that can be implemented more expeditiously.

#### Solar Powered LED Streetlight

A 60 watt solar powered LED streetlight, (approximately equivalent to a 125 watt lamp) can be installed adjacent the payphone, at an estimated cost of \$7,800, within a fortnight of approval. If no longer required in Stirling Street in the future, the unit could be moved to another location such as park. This option is not recommended due to the high cost involved and street lighting being the responsibility of Western Power.

#### Installing a floodlight on the Telstra Payphone's service pole (290 Stirling Street)

While Telstra's Payphone Provision Manager is not adverse to the idea, he is not aware of its having been suggested before. His immediate response was to look at their internal approval processes and also seek Western Power's approval. While there is an existing 'un-metered' power supply any changes (as defined) by Western Power may result in Telstra having to upgrade the Payphone to comply with current standards, which will in-turn incur additional costs and delays. However Telstra has indicated that they will consider the City's request and are keen to assist if possible.

#### Power Watch Security Lights

A Power Watch Security Light could be installed upon the power pole opposite 290 Stirling Street and focused on the payphone.

Power Watch Security lights were introduced by Western Power / Synergy approximately 10 years ago to illuminate specific and/or difficult locations, at the cost of the applicant. The City has sixteen (16) power watch lights of varying wattage (either 400watt or 1000watt) depending upon the location. As an example the Water Corporation Reserve / Public Access Way linking Oxford Street to the Avenue carpark (adjacent Funky Bunches) is illuminated by a 1000watt Metal Halide (MH) floodlight at an annual cost of \$1,280 (inclusive of running costs and any maintenance, including vandalism).

However Western Power initially suspended and then discontinued Power Watch lights approximately 18 months ago, existing lights exempted. The City has contacted Synergy to see if an exception can be made in this case and if so the establishment cost to install a 400 watt MH light, for which the current annual fee is \$557. The City will continue to make every effort to get Western Power to consider this to be an exception and to install the power watch light.

### Private Security Lighting

There is an existing floodlight on the external wall of the adjacent units closest the payphone. The wattage, type and operating times of the light are unknown. However there may be an opportunity for the City to upgrade (if required) and contribute to its running costs, if the strata management were to agree.

### Possible upgrade of existing Western Power street lights

The existing and proposed additional streetlights are all 125 MVL. They can be upgrade to either 250 watt MH, which is a 'white' light, or High Pressure Sodium (HPS), a 'yellow' light. While MH costs more they are preferred by the Police as the white light provides greater clarity of skin tones making identification easier. The estimated cost to install 250 watt lamps is \$12,500 to \$15,000.

However, this will be discussed with the Local residents as the 250 watt lamps are bright and have the potential to be intrusive to residences. Therefore a consultation should be carried out to ascertain the degree of support or otherwise for upgrading the lights.

### Assessment of lighting in surrounding streets

While the street walker issue is yet to be linked to adjoining streets it is proposed to assess the level and adequacy of the existing street lighting in the immediate area and where necessary suggest improvements and determine costs to upgrade the lighting to an appropriate standard.

Depending upon the outcomes of the assessment, and Councils priorities, it may require an additional funding allocation as part of the mid-year budget review or a specific budget allocation in 2013/14.

### Stirling Street – between Newcastle & Bulwer Street – Other works

A survey of Stirling Street (between Newcastle and Bulwer Streets) and the surrounding streets has also been carried out. The following works are required to improve the safety and security of the area. These works should also be carried out, as the works in Stirling Street - north of Bulwer Street may cause the street walkers to relocate to this part of Stirling Street (which previously occurred many years ago).

### Stirling Street- Lights

1. Lights not working outside No: 245 – Reported to Western Power.
2. Lights not working above phone box outside No. 239 - Reported to Western Power .
3. Upgrade existing street light adjacent to Reece's Plumbing driveway.
4. Stirling & Brewer Streets intersection- additional new lighting required to remove dark area.
5. Lighting between Parry St and Newcastle Streets needs checking and possibly upgrading.

### Edward Street Lights

1. Install additional lighting north side - between Stirling and Pier Streets

### Brewer Street Lights

1. Upgrade / Install additional lighting north side - between Stirling and Pier Streets

Parry Street

1. Lights not working adjacent to McDonalds – City's contractor to repair (lights originally installed by EPRA and now the City's responsibility)
2. Additional lighting required along Weld Square.

Stirling Street- East Side-Tree Pruning

1. Tree outside No 206 needs moderate pruning – Completed.
2. Trees outside Psaros development at corner of Parry St need major pruning – Completed.

Beaufort Street

1. Light not working corner Bulwer Street- south west corner adjacent Weld Square Reported to Western Power.
2. Several lights not working between Bulwer and Lincoln Streets - Reported to Western Power.

**Action by WA Police**

WA Police have indicated their preparedness to respond to concerns of street prostitution reported by residents. They will continue to coordinate uniform and plain clothes patrols to target anti-social and/or criminal behaviour including street prostitution and 'kerb crawling' activities. Perth City Detectives will collate information and apply for Restraining Orders against recidivist offenders. WA Police will issue "Move on" notices where appropriate, and prosecute those persons committing offences against the Prostitution Act.

WA Police have advised that even if a street sex worker or "kerb crawler" is moved on or arrested, they may come back to the same place after the move on order expires or bail conditions are no longer in place. Residents are encouraged to report all anti social or criminal behaviour to promptly to WA Police, will assist police to be respond to any emerging issues or trends accordingly.

**Additional supporting crime prevention strategies employed by the City**

In response to recent concerns raised, the City of Vincent has developed a "report it" function on the City of Vincent's website where residents can notify the City of street prostitution concerns. Residents have been requested to utilise this report function after they have contacted WA, to keep track of the scale of the problem in Vincent. The City of Vincent has also developed in conjunction with WA Police a 'Report card' to clarify WA Police and Council roles along with the best ways residents can report street prostitution concerns.

Eyes on the Street signage, encouraging reporting of all crimes directly to WA Police on the 131 444 number and also advertising that the area is under patrol of Council rangers and field staff, will be installed at strategic points on Stirling street as a further deterrent to crime activity in this area. Whilst Rangers and Council field staff are not security guards they will report any anti social or criminal behaviour through to WA Police in the course of their general duties.



**CONSULTATION/ADVERTISING:**

If the solar powered LED is approved the strata management and residents of 290 Stirling Street will be advised of the installation. The Safer Vincent Crime Prevention Partnership will continue to be updated with any further concerns raised on street prostitution and their suggestions sought for any additional strategies or partnership actions that can be employed to deter street prostitution and crime.

**LEGAL/POLICY:**

The City's Policy No. 2.2.9 "Street Lighting" states the objectives of this policy are to provide effective and efficient street lighting throughout the City and to provide a mechanism by which street lighting requests and designs can be assessed and sets out the minimum standard according to road classification.

**STRATEGIC IMPLICATIONS:**

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

"Natural and Built Environment

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

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

**SUSTAINABILITY IMPLICATIONS:**

A solar powered LED streetlight is in keeping with the City's Sustainable Environment Strategy 2011-16.

**FINANCIAL/BUDGET IMPLICATIONS:**

As indicated above the cost of the additional streetlight in Stirling Street will be in the order of \$2,500, to be funded from the *Lighting and Electrical Maintenance & Upgrade* budget allocation. Further, if Synergy and Western Power agree to an installing a Power Watch Security light the installation cost would be funded from the above budget while the annual running costs would be borne by the operating budget.

**COMMENTS:**

While improved street lighting alone will not directly lead to a reduction in 'street walker's' it make it harder for them to ply their trade. Further it should help lessen the resident's anxiety, particularly the elderly, as there is a perception that poorly lit areas are unsafe.

The City's Safer Vincent Co-ordinator will continue to monitor the matter and liaise with WA Police and the local residents, as requested.

**9.5.1 Adoption of Annual Financial Report 2011/2012**

<b>Ward:</b>	Both	<b>Date:</b>	9 November 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	ADM0032
<b>Attachments:</b>	<a href="#">001</a> – Draft Annual Financial Report 2011/2012		
<b>Tabled Items:</b>	Draft Annual Financial Report 2011/2012		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **APPROVES BY AN ABSOLUTE MAJORITY** to **ACCEPT** the Annual Financial Report of the City of Vincent for the financial year 2011/2012, as shown in Appendix 9.5.1, “Tabled” and forming Attachment 001, to this report.

**COUNCIL DECISION ITEM 9.5.1**

**Moved Cr Topelberg, Seconded Cr Maier**

That the recommendation be adopted.

**MOTION PUT AND CARRIED UNANIMOUSLY  
BY AN ABSOLUTE MAJORITY (7-0)**

(Cr Buckels was on approved leave of absence.)  
(Cr Pintabona had departed the meeting.)

**PURPOSE OF REPORT:**

To consider and accept the 2011/2012 Annual Financial Report and the Independent Auditor's Report.

**BACKGROUND:**

In accordance with Section 6.4 of the Local Government Act 1995, the 2011/2012 Annual Financial Report has been prepared and the accounts and the report have been submitted to the City's Auditors. The preparation of an Annual Financial Report and the submission of the report and the City's accounts to the Auditors for audit are statutory requirements of the Local Government Act 1995.

The City's Auditors have completed their audit of the City's accounts and the Annual Financial Report for the 2011/2012 financial year in accordance with the terms of their appointment and the requirements of the Local Government Act 1995 Part 7 Division 3 and have submitted their report.

Section 6.4 of the Local Government Act 1995 sets out the requirements for a Local Government to prepare an Annual Financial Report and to submit both the report and its accounts to the Auditor by the 30<sup>th</sup> September each year.

The City of Vincent has met these requirements and the City's Auditors have completed the audit of Council's accounts and Annual Financial Report for the financial year 2011/2012.

**DETAILS:**

The Annual Financial Report is required to be accepted by the Council in order to enable the holding of an Annual General Meeting of Electors at which the City's Annual Report containing the financial report (or at a minimum the abridged version) will be considered.

A copy of the Annual Financial Report is also required to be submitted to the Director General of the Department of Local Government.

The Annual Financial Report for the financial year 2011/2012 is included with the report at Appendix 9.5.1, which is "Tabled" and also as an electronic Attachment 001.

The City's Auditors provided the Annual Financial Report to the City on 6 November 2012.

**CONSULTATION/ADVERTISING:**

There is no legislative requirement to consult on the preparation of the Annual Financial Report. The Local Government Act 1995 requires an Annual General Meeting of Electors to be held and the City's Annual Report incorporating the financial report (or at a minimum, the abridged version) to be made available publicly. The full Annual Financial Report will also be publicly available.

As per previous years, it is proposed that the Annual Financial Report will be produced on CD-Rom and made available on the City's public website. A minimal number of printed, bound colour copies will be available for viewing at the Library and Local History Centre and the Administration's Customer Service Centre.

A printed copy of the Annual Financial Report is provided to the Council Members.

**LEGAL/POLICY:**

Local Government (Financial Management) Regulation 51(2) states:

*"A copy of the annual financial report of a local government is to be submitted to the Executive Director within 30 days of the receipt by the CEO of the Auditor's Report on that financial report."*

Section 5.53 of the Local Government Act 1995 states:

**"5.53 Annual Reports**

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain:*
  - f. *the financial report for the financial year;"*

Section 6.64 of the Local Government Act states:

**"6.64 Financial Report**

- (1) *A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.*
- (2) *The financial report is to –*
  - (a) *Be prepared and presented in the manner and form prescribed; and*
  - (b) *Contain the prescribed information.*

- (3) *By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its Auditor –*
- (a) *The accounts of the local government, balanced up to the last day of the preceding financial year; and*
- (b) *The annual financial report of the local government for the preceding financial year.”*

**RISK MANAGEMENT IMPLICATIONS:**

**High:** The risk associated with not adopting the 2011/2012 Annual Financial Report will result in non-compliance with the requirement of the Local Government Act 1995.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the City's Strategic Plan 2011-2016

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

**SUSTAINABILITY IMPLICATIONS:**

Not Applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost of preparing the Annual Report, which contains the Financial Report, will primarily be carried out in-house. This will provide cost savings of approximately \$4,000, for typesetting of the report.

The Auditor's total costs are \$12,530 (GST inclusive).

The Financial Report is prepared by the City's administration, as such these costs are contained in the City's Operating Budget.

**COMMENTS:**

As in previous years, it is proposed that the Annual Financial Report will be produced on CD Rom and made available on the City's public website. A minimal number of printed, bound colour copies will be available for viewing at the Library and Local History Centre and the City's Customer Service Centre.

In order for the City to meet its legislative requirements, it is recommended that the Council accepts the Annual Financial Report for the financial year 2011/2012.

**9.5.2 Adoption of Annual Report 2011/2012 and Annual General Meeting of Electors 2012**

<b>Ward:</b>	Both	<b>Date:</b>	9 November 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	ADM0032/ADM0016
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	<a href="#">001</a> – Draft Annual Report 2011/2012		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council:

1. **APPROVES BY AN ABSOLUTE MAJORITY to ACCEPT the 2011/2012 Annual Report of the City of Vincent as shown in Appendix 9.5.2, “Tabled” and forming Attachment 001 to this report;**
2. **CONVENES the 2012 Annual General Meeting of Electors on Monday 17 December at 6pm in the City of Vincent, Leederville;**
3. **ADVERTISES by public notice that the City of Vincent Annual Report 2011/2012 will be available from 28 November 2012; and**
4. **PROVIDES a copy of the Annual Report and Annual Financial Statements to the Director General, Department of Local Government, in accordance with Local Government (Financial Management) Regulation 51(2).**

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**COUNCIL DECISION ITEM 9.5.2**

**Moved Cr Topelberg, Seconded Cr Harley**

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY  
BY AN ABSOLUTE MAJORITY (7-0)**

(Cr Buckels was on approved leave of absence.)  
(Cr Pintabona had departed the meeting.)

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**PURPOSE OF REPORT:**

The purpose of the report is to accept the 2011/2012 Annual Report and set a date for the Annual General Meeting of Electors.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 8 November 2011, the Council considered the matter and resolved as follows:

*“That the Council:*

1. *APPROVES BY AN ABSOLUTE MAJORITY to ACCEPT the 2010/2011 Annual Report of the City of Vincent as shown in Appendix 9.4.3, “Tabled” and forming Attachment 001 to this report;*

2. *CONVENES the 2011 Annual General Meeting of Electors on Monday 28 November 2011 at 6.00pm in the City of Vincent, Leederville;*
3. *ADVERTISES by public notice that the City of Vincent Annual Report 2010/2011 will be available from approximately Monday 21 November 2011;*
4. *PROVIDES a copy of the Annual Report and Annual Financial Statements to the Director General, Department of Local Government, in accordance with Local Government (Financial Management) Regulation 51(2); and*
5. *REQUESTS that;*
  - 5.1 *reference to the Community Satisfaction Survey be included in the Annual Report; and*
  - 5.2 *the figures for the Corrected Officer Recommendations on page 67 of the Annual Report, be reviewed."*

**DETAILS:**

The Local Government Act requires that every Local Government prepares an Annual Report and holds an Annual General Meeting (AGM) of Electors. Both the Annual Report and the Financial Report reflect on the City's achievements during 2011/2012 and focus on the many highlights of a busy year.

In accordance with Section 5.53 of the Local Government Act 1995, the 2011/2012 Annual Report has been prepared, summarising the year's highlights and achievements, as well as including specific statutory requirements.

The City's Auditors have completed the audit of Council's financial statements for the 2011/2012 financial year. The Financial Statements will form part of the 2011/2012 Annual Report.

The Annual Report and the Financial Report will form an integral part of Council's report to the electors at the Annual General Meeting.

Section 5.27 of the Local Government Act 1995 requires that the Annual General Meeting of Electors is to be held on a day selected by the Local Government, but not more than 56 days after the report is accepted by the Local Government.

The Local Government Act 1995 under Section 5.27(1) requires every Local Government to hold a General Meeting of Electors once each financial year. The Act provides that the Order of Business at such a meeting is:

- (a) Welcome, Introduction and Apologies;
- (b) Contents of the Annual Report; and
- (c) General Business.

**PROCESS:**

The Council previously resolved that the Chief Executive Officer streamline the process so that the Annual General Meeting can be held earlier. However, it should be noted that the process timetable is predominantly dictated by the availability of the City's Auditor. The City's Auditor is also the Auditor for many other Local Governments and their workload at this time of the year is very heavy, due to their commitments.

The City's administration compiles the Annual Report within two (2) months of the end of the financial year. It also prepares the Annual Financial Report. The Annual Financial Report is then submitted to the Auditor's for auditing. The Auditors are unable to complete their work until about mid October, due to their work load with other Local Governments.

Therefore, the earliest opportunity for the Council to consider and adopt the Annual Report and Financial Report is late October (at the earliest) or the first meeting in November. Once adopted, the City must give at least fourteen (14) days notice of the date of the Annual General Meeting.

To ensure there is sufficient time to advertise the Annual General Meeting and finalise the Annual Report, it is suggested that the most appropriate date for holding the Annual General Meeting of Electors is Monday 3 December 2012, commencing at 6pm.

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

There is no legislative requirement to consult on the Annual Report, but the Local Government Act 1995 requires an Annual General Meeting of Electors to be held and the Annual Report to be made available publicly.

It is proposed that the Annual Report will be produced on CD-Rom and made available on the City's public website. A minimal number of printed, bound colour copies will be available for viewing at the Library and Local History Centre and the City's Customer Service Centre.

A printed copy of the Annual Report is provided to the Council Members.

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

The Local Government Act 1995, Section 5.53 requires every Local Government to prepare an Annual Report. Section 5.54 states that the Annual Report is to be accepted by the Local Government no later than 31 December of that financial year.

Local Government (Financial Management) Regulation 51(2) states:

*"A copy of the annual financial report of a Local Government is to be submitted to the Executive Director within 30 days of the receipt by the CEO of the Auditor's Report on that financial report."*

Section 5.53 of the Local Government Act 1995 states:

#### **5.53 Annual Reports**

- (1) *The Local Government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain:*
  - a. *a report from the mayor or president;*
  - b. *a report from the CEO;*
  - (c) *and (d) deleted*
  - e. *an overview of the plan for the future of the district made in accordance with Section 5.56 including major activities that are proposed to commence or to continue in the next financial year;*
  - f. *the financial report for the financial year;*
  - g. *such information as may be prescribed in relation to the payments made to employees;*
  - h. *the auditor's report for the financial year;*
  - ha. *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and*
  - i. *such other information as may be prescribed.*

Section 5.54 of the Local Government Act states:

**5.54 Acceptance of Annual Reports**

- (1) *Subject to subsection (2) the annual report for a financial year is to be accepted\* by the Local Government no later than 31 December after that financial year.*

*\* Absolute majority required*

- (2) *If the Auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the Local Government no later than 2 months after the Auditor's report becomes available.*

Section 5.55 of the Local Government Act 1995 states:

**5.55 Notice of annual reports**

*The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the Local Government.*

Section 5.27 states:

**5.27 Electors' general meetings**

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the Local Government but not more than 56 days after the Local Government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

**RISK MANAGEMENT IMPLICATIONS:**

**High:** The risk associated with not adopting the 2011/2012 Annual Report and failure to set a date for the 2012 Annual General Meeting of electors will result in non-compliance with the requirement of the Local Government Act 1995.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the City's Strategic Plan 2011-2016

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

**SUSTAINABILITY IMPLICATIONS:**

Not Applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost of preparing the Annual Report, which contains the Financial Report, will be carried out in-house. This will provide cost savings of approximately \$4,000 for typesetting of the report.

The Auditor's total costs are \$12,530 (GST inclusive).

The Annual Report is prepared by the City's administration, as such these costs are contained in the City's Operating Budget.

**COMMENTS:**

The Annual Report 2011/2012 has been reported to the first Ordinary Meeting of the Council after receiving the Annual Financial Report from the City's Auditors. (The Annual Financial Report forms part of the City's Annual Report).

In order for the City to meet its legislative requirements, it is recommended that the Council accepts the Annual Report for 2011/2012 and convenes the 2012 Annual General Meeting of Electors for Monday 17 December at 6pm. (The latest date for the meeting is Tuesday 15 January 2013, as it must be held within 56 days of the acceptance of the Annual Report.)

**9.5.3 Delegated Authority – Council Recess Period 2012-2013**

<b>Ward:</b>	-	<b>Date:</b>	9 November 2012
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0018
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	Jerilee Highfield, Executive Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **APPROVES BY AN ABSOLUTE MAJORITY**, pursuant to Section 5.42 of the Local Government Act 1995 to delegate authority to the Chief Executive Officer to deal with any items of business that may arise from 21 December 2012 to 11 February 2013, subject to:

1. The action taken being in accordance with the Officer Recommendation;
2. The Chief Executive Officer being authorised to make minor amendments to the Officer Recommendation which may be necessary, as a result of responses received from Council Members;
3. Reports being issued to all available Council Members for a period of three (3) days prior to approval and a simple majority of the responses received be accepted;
4. Items being displayed in the City of Vincent Administration Centre, the Library and on the City's website for a period of three (3) days prior to approval;
5. A report summarising the items of business dealt with under delegated authority being submitted for information to the Council at its meeting to be held in February 2013; and
6. A Register of Items Approved under Delegated Authority being kept and made available for public inspection during the period that the delegation applies.

**COUNCIL DECISION ITEM 9.5.3**

**Moved Cr Maier, Seconded Cr McGrath**

That the recommendation be adopted.

**MOTION PUT AND CARRIED UNANIMOUSLY  
BY AN ABSOLUTE MAJORITY (7-0)**

(Cr Buckels was on approved leave of absence.)  
(Cr Pintabona had departed the meeting.)

**PURPOSE OF REPORT:**

To obtain the Council's approval for Delegated Authority to deal with matters during the Council recess period 2012-2013.

**BACKGROUND:**

The Council will be in recess from 21 December 2012 to 11 February 2013. Therefore, it will be necessary to make arrangements to enable items of business that may arise during that period to be dealt with.

This procedure has operated satisfactorily in previous years and is identical to that which operated during the 2011-2012 recess period.

**CONSULTATION/ADVERTISING:**

Whilst there is no statutory requirement to do so, items being processed under delegated authority will be advertised for a period of three (3) days.

**LEGAL/POLICY:**

The Local Government Act 1995 states:

*“Delegation of some powers and duties to CEO:*

*Section 5.42(1) A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act (other than those referred to in section 5.43 and this power of delegation).”*

Matters requiring an Absolute Majority decision of the Council cannot be approved under Delegated Authority.

**RISK MANAGEMENT IMPLICATIONS:**

**Medium High:** If the Council does not approve of the Delegated Authority for the festive season and January, it would result in the delay of issuing approvals to some development approvals, thereby disadvantaging these applicants.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the City's Strategic Plan 2011-2016 - Objective 4 – *“Leadership, Governance & Management and 4.1.2 – Manage the organisation in a responsible, efficient and accountable manner”*.

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The Council is in recess from 21 December 2012 until 11 February 2013. A Council resolution is required to approve of matters which may arise under delegated authority (other than those matters which require an Absolute Majority decision).

In keeping with the Council's philosophy of providing a high standard of customer service, it is appropriate to continue processing ratepayer requests and development applications. Where possible, these should be determined as soon as practicable, in order to minimise any delays or inconvenience.

In keeping with the City's previous practice, reports will be issued to all available Council Members for a period of three (3) days, (usually on a Thursday evening). The reports will be placed on the City's webpage on the Friday (usually by midday).

Responses from Council Members are required to be received by the Chief Executive Officer by midday on the Monday (following issue). The item will be processed if a simple majority of the written responses received is achieved.

The procedure is identical to that which was approved for the 2011-2012.

It is therefore recommended that the Council approve of the arrangements to be made to deal with items of business that may arise during the 2012-2013 recess period.

**9.5.4 Council Meeting and Forum Dates and Times for 2013 – Approval**

<b>Ward:</b>	-	<b>Date:</b>	9 November 2012
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0016 & ADM0066
<b>Attachments:</b>	<a href="#">001</a> – Council Meeting and Forum Schedule 2013; <a href="#">002</a> – Policy No. 4.2.3 – Council Meetings and Forums – Format, Procedures and Maximum Duration		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	Jerilee Highfield, Executive Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council APPROVES:

1. To hold its Council meetings on the second and fourth Tuesday of each month in 2013 (except November and December 2013 (first and third Tuesday) and January (no meeting) in accordance with the Council Policy No. 4.2.3 – “*Council Meetings and Forums – Format Procedure and Maximum Duration*”, as detailed in Appendix 9.5.4;
2. Of the dates and time of Forums to be schedule in 2013, as detailed in Appendix 9.5.4;
3. Of its meetings to be held at the City’s Administration and Civic Centre (Council Chamber), commencing at 6.00pm on the dates as detailed in Appendix 9.5.4; and
4. In accordance with Regulation 12 of the Local Government (Administration) Regulations 1996, to GIVE local public notice of the meeting and forum dates detailed in Appendix 9.5.4.

**COUNCIL DECISION ITEM 9.5.4**

**Moved Cr Topelberg, Seconded Cr Harley**

That the recommendation be adopted.

Debate ensued.

**AMENDMENT**

**Moved Cr Maier, Seconded Cr Topelberg**

“That the officer recommendation be amended as follows:

That the Council;

1. **APPROVES BY AN ABSOLUTE MAJORITY to amend the Council Policy No. 4.2.3 – “Council Meetings and Forums – Format Procedure and Maximum Duration”, to allow for a revised Council Meeting and Agenda Briefing Sessions Schedule, as specified in Appendix 9.5.4A and Clause 2.1 below;**
2. **APPROVES:**
  - 2.1 **Subject to Clause 1 above being carried, to hold its Council meetings and Agenda Briefing Sessions at the times and dates on the second and fourth Tuesday of each month in 2013 (except November and December 2013 (first and third Tuesday) and January (no meeting) in accordance with as detailed in Appendix 9.5.4A;**
  - 2.2. **Of the dates and time of Forums to be schedule in 2013, as detailed in Appendix 9.5.4A;**

**2.3. Of its meetings to be held at the City's Administration and Civic Centre (Council Chamber), commencing at 6.00pm on the dates as detailed in Appendix 9.5.4A; and**

**2.4. In accordance with Regulation 12 of the Local Government (Administration) Regulations 1996, to GIVE local public notice of the meeting, agenda briefing sessions and forum dates detailed in Appendix 9.5.4A; and**

**3. REQUESTS that a report be submitted to the Council in May 2013 reviewing the effectiveness of the revised meeting schedule."**

**AMENDMENT PUT AND LOST (1-6)**

**For:** Cr Maier

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

**(Cr Buckels was on approved leave of absence.)  
(Cr Pintabona had departed the meeting.)**

**Debate ensued.**

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

**(Cr Buckels was on approved leave of absence.)  
(Cr Pintabona had departed the meeting.)**

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**ADDITIONAL INFORMATION:**

At the Ordinary Meeting of Council held on 23 November 2010 a comprehensive report concerning a review of the Council Meetings and Forums (covering a ten year period), was considered by the Council. The Council resolved in part as follows:

*"That the Council:*

- (ii) DOES NOT SUPPORT a change from the current Council Meeting and Forum format to a "three weekly cycle" for the following reasons:*
  - (a) the current system has been in operation since the inception of the Council and works reasonably well;*
  - (b) the advantages and benefits of a three weekly Forum/Agenda Briefings/Council Meeting cycle per month does not appear to provide any significant additional benefits to the Council;*
  - (c) it will have a potential adverse impact on the timely and efficient processing of Development Applications;*
  - (d) an additional cost of approximately \$13,500 per annum;*
  - (e) an increased imposition on the Council Members and Senior Officers time; and*
  - (f) whilst there would be a significant increase in time spent at Briefings and Forums, there would be less time spent on actual decision making by the Council.*

## **ADVANTAGES AND DISADVANTAGES OF AGENDA BRIEFINGS PRIOR TO COUNCIL MEETING**

### **Two Council Meetings per Month**

#### Advantages

1. Meeting dates are specific and more well known (i.e. 2<sup>nd</sup> and 4<sup>th</sup> Tuesday except January, November and December);
2. Current system has been working (without complaint) since the inception of the City;
3. Faster turnaround for Deferred Items; and
4. More Council meetings (22) per annum, whereby decisions can be made by the Council.

#### Disadvantages

1. Constant meeting cycle results in increased work pressure at times;
2. The Monday (and sometimes Tuesday) before the meeting is often very busy answering questions and responding to emails.

### **Three Weekly Cycle**

#### Advantages

1. Less time per year spent on preparation of Agenda's and Minutes (i.e. 15 Agenda's and 15 Minutes).
2. More information available for Council Members for each item, before a decision is made.
3. Less costly for Minute Secretary wages (i.e. less Overtime).
4. Officer Recommendation is made public much sooner, as it will be public knowledge at the Agenda Briefing Session.

#### Disadvantages

1. Meeting dates are not specific;
2. Less Council meetings per annum (15);
3. More items per meeting;
4. More time spent by Council Members and Senior Officers at Briefings and Forums;
5. More travel/trips to the Administration and Civic Centre;
6. More resources spent preparing the Draft Agenda and subsequent final Agenda;
7. More expensive to operate (approximately \$13,500/year); and
8. Meeting will most likely be longer – due to more items.

### **Number of Deferred Items**

For information, the number of items, deferred by the Council for the period November 2011 to November 2012 is as follows:

<b>Directorate</b>	<b>Number of Items Deferred</b>
Planning Services	29
Technical Service	8
Chief Executive Officer	8
Corporate Services	5
Community Services	2
<b>Total</b>	<b>52</b>

### **Agenda Briefing Session**

An Agenda Briefing Session is an opportunity for the Council Members to ask questions and to be provided with information by the City's Chief Executive Officer and the City's Directors on agenda items for the forthcoming meeting. The same information is provided to all Council Members.

The Local Government Act 1995 prohibits any debate on an item presented at an Agenda Briefing Session. Furthermore there must be no opportunity for a collective Council Decision, or implied decision that binds the Local Government to be made during such a session.

Officer Recommendations and Reports cannot be amended or changed, as a result of any information or discussion which occurs at an Agenda Briefing Session.

If Agenda Briefing Sessions are introduced, the Chief Executive Officer considers that the current procedure of Council Members submitting their questions by 12 noon on the Monday prior to the Tuesday meeting, will discontinue – as the information would have been provided at the Agenda Briefing Session.

For information, the Department of Local Government has issued Operational Guidelines for Council Forums, which include Agenda Briefing Sessions. The Council adopted Forum Guidelines on the 10 August 2004 (amended on 21 November 2006), but has not previously introduced Agenda Briefing Sessions.

### **PURPOSE OF REPORT:**

The purpose of the report is for the Council to approve of the Council Meeting dates and times for 2013 and the schedule of dates for its Forums for 2013.

### **BACKGROUND:**

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

### **DETAILS:**

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

### **CONSULTATION/ADVERTISING:**

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

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

### **LEGAL/POLICY:**

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

*"Ordinary and Special Council meetings:*

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

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

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

### **Council Meeting Dates and Night**

During the Festive Season holiday period, many of the City's employees and a number of Council Members proceed on annual leave. It is therefore appropriate and beneficial that this period be used to have a break from the hectic meeting schedule. Furthermore, in accordance with the City's community consultation policy, the advertising of development applications will not be carried out from 21 December 2012 to 11 February 2013. As such, it is recommended that no meetings be held in January.

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

#### Public Holidays

No Public Holidays fall on a Tuesday.

#### Other Local Governments

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

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

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

#### Citizenship Ceremonies

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

### **Council Meeting Time**

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

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

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

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

### **Agenda Settlement, Format and Procedures**

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

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

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

### **Forums**

There is no statutory requirement to advertise Forum dates.

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

### **RISK MANAGEMENT IMPLICATIONS:**

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

### **STRATEGIC IMPLICATIONS:**

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

### **SUSTAINABILITY IMPLICATIONS:**

Nil.

### **FINANCIAL/BUDGET IMPLICATIONS:**

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

### **COMMENTS:**

It is recommended that the:

1. Council continue to meet on the second and fourth Tuesday of each month in 2013, with the exception of November and December (first and third Tuesday) and January (no Meeting); and
2. Forums continue to be scheduled on the third Tuesday of every month in 2013, except November and December (second Tuesday) and January (no Forum)

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

Nil.

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

Nil.

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

Nil.

**13. URGENT BUSINESS**

Nil.

**PROCEDURAL MOTION**

**At 8.05pm**      **Moved Cr Harley Seconded Cr Topelberg**

That the Council proceed "behind closed doors" to consider confidential item 14.1, as this matter contains information relating to the appointment of Business Representatives to the City of Vincent Local Business Advisory Group, as the matter relates to the personal affairs of a person.

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

(Cr Buckels was on approved leave of absence.)  
(Cr Pintabona had departed from the meeting.)

There were no members of the public present.

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

Journalists Lauren Stringer and David Bell departed the meeting.

**PRESENT:**

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Warren McGrath ( <i>Deputy Mayor</i> )	South Ward
Cr John Carey	South Ward
Cr Roslyn Harley	North Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Community Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services

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

**14.1 CONFIDENTIAL REPORT: City of Vincent Local Business Advisory Group - Appointment of Business Representatives**

<b>Ward:</b>	-	<b>Date:</b>	12 November 2012
<b>Precinct:</b>	-	<b>File Ref:</b>	ORG0088
<b>Attachments:</b>	001 - Confidential Nominations		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	M McKahey, Personal Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPOINTS** one (1) Business Representative to the City's Local Business Advisory Group for the term from date of appointment until 12 October 2013, for each of the following activity centres:

- Mount Hawthorn
- Perth

from the following nominees;

**Mount Hawthorn:**

1. Mr Greg Johnson (Proprietor, Tredway Shoes); or
2. Ms Karen Kotze (Proprietor, The Bodhi Tree);

**Perth:**

1. Ms Kate McKie (Shopkeeper, William Topp); and
2. **NOTES** that the Local Business Groups in the City's three other Activity Centres have each nominated the following representative onto the Local Business Advisory Group:

**Leederville:**

Mr Mark Jones, Leederville Connect Inc;

**North Perth:**

Mr Stephen Catania, North Perth Business and Residents Group Inc;

**Mount Lawley/Highgate:**

Ms Pam Herron, Beaufort Street Network.

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**Moved** Cr Topelberg, **Seconded** Cr Maier

That the recommendation be adopted, with Mr Greg Johnson being appointed as the representative for Mt Hawthorn.

Debate ensued.

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

(Cr Buckels was on approved leave of absence.)  
(Cr Pintabona had departed the meeting.)

**Note:** The Chief Executive Officer has made public this report, except for Confidential information, relating to the personal affairs of nominees.

**COUNCIL DECISION ITEM 14.1**

That the Council;

1. **APPOINTS one (1) Business Representative to the City's Local Business Advisory Group for the term from date of appointment until 12 October 2013, for each of the following activity centres:**

- **Mount Hawthorn**
- **Perth**

**As follows;**

**Mount Hawthorn:**

1. **Mr Greg Johnson (Proprietor, Tredway Shoes); and**

**Perth:**

1. **Ms Kate McKie (Shopkeeper, William Topp); and**

2. **NOTES that the Local Business Groups in the City's three other Activity Centres have each nominated the following representative onto the Local Business Advisory Group:**

**Leederville:**

**Mr Mark Jones, Leederville Connect Inc;**

**North Perth:**

**Mr Stephen Catania, North Perth Business and Residents Group Inc;**

**Mount Lawley/Highgate:**

**Ms Pam Herron, Beaufort Street Network**

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**PURPOSE OF REPORT:**

The purpose of the report is for the Council to appoint Business Representatives from the Mount Hawthorn and Perth Activity Centres to the City's Local Business Group for the term from date of appointment until 12 October 2013 and note the nominations of other business representatives.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 25 October 2011, the Council considered the appointment of members to the Advisory Group and resolved as follows:

*"That the Council:*

4. ***Business Liaison and Economic Development Advisory Group (3 Council Members)***

*Members:*

1. *Mayor MacTiernan*
2. *Cr Harley*
3. *Cr Topelberg ; and*

*the Chair of the Group be Mayor MacTiernan*

2.3 Business Liaison and Economic Development Advisory Group (Newly formed Advisory Group) (up to 5 required - 1 from each of the following City Centres)\*;

- Leederville
- Mount Hawthorn
- Mount Lawley/Highgate
- North Perth
- Perth

*Appointment of Community Representatives to be carried out at a later date, after the Advisory Group has met".*

#### **Notice of Motion**

At the Ordinary Meeting of Council held on 22 May 2012, the Council approved a Notice of Motion from Cr Joshua Topelberg and resolved as follows;

*"That the City's officers provide a presentation to the 29 May 2012 Council Member Forum in relation to the establishment of a Local Business Advisory Group. The presentation should include:*

1. *Various options for membership of the Group (e.g. by ward, by activity centre, by business type etc);*
2. *Terms of Reference;*
3. *Relationship with existing/proposed local business groups;*
4. *Level of council involvement and investment;*
5. *Any other relevant matters; and*
6. *Alternative models or approaches to achieve a similar outcome".*

A presentation was made to the Council forum held on 22 May 2012.

#### **DETAILS:**

At the Ordinary Meeting of Council held on 14 August 2012, the Council considered this matter and resolved (in part) as follows:

"1. *That the Council; APPROVES BY AN ABSOLUTE MAJORITY to;*

- 1.1 *Change the name of the City of Vincent's "Business Liaison and Economic Development Advisory Group" to "Local Business Advisory Group"..."*

#### **Activity Centre Business Groups**

Of the City's five (5) Activity Centres, Mount Hawthorn and William Street (Perth) do not have any formal Business Group to represent the interest of the local businesses. It is in keeping with the City's Economic Development Strategy to assist with the formation of a Business Group for these Activity Centres.

At the meeting, it was also recommended that it would be appropriate for the City to re-advertise for nominations from Business Proprietors, as the formation of a Business Group would take several months.

#### **Expressions of Interest**

An advertisement calling for nominations from the community was placed in a local newspaper on 11 September 2012, with nominations closing on 28 September 2012. The cut-off date was further extended to 5 October 2012 to allow extra time for nominations to be received.

In addition, approximately 200 letters were distributed to businesses in the Mount Hawthorn and Perth Activity Centres.

Letters were also sent to the three Business/Community Associations in the Leederville, North Perth and Mount Lawley/Highgate Activity Centres, namely:

- Leederville Connect Inc;
- North Perth Business and Residents Group Inc; and
- Beaufort Street Network;

requesting these Associations to nominate a person to the Advisory Group, as a representative for each of these Activity Centres.

At the close of the nomination period, five (5) nominations were received. Two nominations did not meet the criteria of owning a business in either the Mount Hawthorn or Perth Activity Centres, so these were not further considered.

The following is a summary of each nominee. A copy of the nominees' Application Forms (including personal details/information) is attached as a confidential appendix. (*For privacy reasons, personal contact details have been deleted.*)

### **Mount Hawthorn Activity Centre**

<b>Information Confidential</b>
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#### **CONSULTATION/ADVERTISING:**

Expressions of Interest were advertised in the local newspaper for over two (2) weeks.

In addition, approximately 200 letters were distributed to businesses in the Mount Hawthorn and Perth Activity Centres

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

#### **Statutory Authorities/Committees/Working Groups/Advisory Groups**

The City of Vincent does not have any Statutory Committees (other than the Audit Committee) with delegated authority, as prescribed by the Local Government Act 1995. All "Committees", Working Groups/Advisory Groups have Terms of Reference and can only deal with matters referred to them by the Council. These groups can only make recommendations which are reported to the Council for its consideration.

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

**Low:** Advisory Groups play an advisory role; however, do not have any legal status under the Local Government Act 1995. The operation of Advisory Groups must be closely monitored to ensure that they operate in accordance with the City's Policy.

#### **STRATEGIC IMPLICATIONS:**

This is in keeping with the City's Plan for the Future 2011-2016 - Key Result Area Four – "Leadership, Governance and Management" and, in particular, "4.1 - Manage the organisation in a responsible, efficient and accountable manner".

#### **SUSTAINABILITY IMPLICATIONS:**

Not applicable.

#### **FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable.

#### **COMMENTS:**

The appointment of two community representatives from local businesses in the respective Activity Centres will ensure that the Advisory Group can function with input from the community's perspective.

**PROCEDURAL MOTION**

At 8.13pm **Moved Cr Wilcox Seconded Cr Carey**

That the Council resume an "open meeting".

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

(Cr Buckels was on approved leave of absence.)  
(Cr Pintabona had departed the meeting.)

**15. CLOSURE**

**There being no further business, the Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting closed at 8.13pm with the following persons present:**

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Warren McGrath ( <i>Deputy Mayor</i> )	South Ward
Cr John Carey	South Ward
Cr Roslyn Harley	North Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Community Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services

No members of the Public or Journalists were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 20 November 2012.

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

Dated this ..... day of ..... 2012