



CITY OF VINCENT

ORDINARY COUNCIL MEETING

2 DECEMBER 2014

Notice of Meeting and Agenda

Notice is hereby given that an Ordinary Meeting of the Council of the City of Vincent will be held at the Administration and Civic Centre, at 244 Vincent Street (corner Loftus Street), Leederville, on **Tuesday 2 December 2014** at 6.00pm.

Len Kosova
CHIEF EXECUTIVE OFFICER

26 November 2014

ENHANCING AND CELEBRATING OUR DIVERSE COMMUNITY

This document is available in other formats and languages.

“Enhancing and celebrating our diverse community”

PURPOSE - The purpose defines the *business we are in*. It describes our reason for being, and the services and products we provide. Our purpose is:

“To provide and facilitate services for a safe, healthy and sustainable community.”

VISION – The vision statement is *what we are striving to become*, what we will look like in the future. Based on accomplishing key strategic challenges and the outcomes of Vincent Vision 2024, the City’s vision is:

“A sustainable and caring community built with vibrancy and diversity.”

GUIDING VALUES (*Describes what values are important to us*)

- **Excellence and Service**
We aim to pursue and deliver the highest possible standard of service and professionalism to the Vincent community.
- **Honesty and Integrity**
We are honest, fair, consistent, accountable, open and transparent in our dealings with each other and are committed to building trust and mutual respect.
- **Innovation and Diversity**
We encourage creativity, innovation and initiative to realise the vibrancy and diversity of our vision.
- **Caring and Empathy**
We are committed to the wellbeing and needs of our employees and community and value each others views and contributions.
- **Teamwork and Commitment**
Effective teamwork is vital to our organisation and we encourage co-operation, teamwork and commitment within and between our employees and our business partners and community.

DISCLAIMER

No responsibility whatsoever is implied or accepted by the City of Vincent (City) for any act, omission, statement or intimation occurring during Council meetings. The City disclaims any liability for any loss however caused arising out of reliance by any person or legal entity on any such act, omission, statement or intimation occurring during Council meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council meeting does so at their own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning or development application or application for a licence, any statement or intimation of approval made by an Elected Member or Employee of the City during the course of any meeting is not intended to be and is not to be taken as notice of approval from the City. The City advises that anyone who has any application lodged with the City must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Council in respect of the application.

Copyright

The City wishes to advise that any plans or documents contained within this Agenda may be subject to copyright law provisions (Copyright Act 1968, as amended) and that the express permission of the copyright owner(s) should be sought prior to their reproduction. It should be noted that Copyright owners are entitled to take legal action against any persons who infringe their copyright. A reproduction of material that is protected by copyright may represent a copyright infringement.

PROCEDURE FOR PUBLIC SPEAKING TIME

The City of Vincent Local Law Relating to Standing Orders prescribes the procedure for persons to ask questions or make public statements relating to a matter affecting the City, either verbally or in writing, at a Council meeting.

Questions or statements made at an Ordinary Council meeting can relate to matters that affect the City. Questions or statements made at a Special Meeting of the Council must only relate to the purpose for which the meeting has been called.

1. Shortly after the commencement of the meeting, the Presiding Member will ask members of the public to come forward to address the Council and to give their name, address and Agenda Item number (if known).
2. Public speaking time will be strictly limited to three (3) minutes per member of the public.
3. Members of the public are encouraged to keep their questions/statements brief to enable everyone who desires to ask a question or make a statement to have the opportunity to do so.
4. Public speaking time is declared closed when there are no further members of the public who wish to speak.
5. Questions/statements are to be directed to the Presiding Member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a Council Member or City Employee.
6. Where the Presiding Member is of the opinion that a member of the public is making a statement at a Council meeting, that does not affect the City, he may ask the person speaking to promptly cease.
7. Questions/statements and any responses will be summarised and included in the Minutes of the Council meeting.
8. Where practicable, responses to questions will be provided at the meeting. Where the information is not available or the question cannot be answered, it will be *"taken on notice"* and a written response will be sent by the Chief Executive Officer to the person asking the question. A copy of the reply will be included in the Agenda of the next Ordinary meeting of the Council.
9. It is not intended that public speaking time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

RECORDING OF COUNCIL MEETINGS

- ◆ All Ordinary and Special Council Meetings are electronically recorded (both visual and audio), except when the Council resolves to go behind closed doors;
- ◆ All recordings are retained as part of the City's records in accordance with the General Disposal Authority for Local Government Records produced by the Public Records Office;
- ◆ A copy of the recorded proceedings and/or a transcript of a particular section or all of a Council meeting is available in accordance with Policy No. 4.2.4 - Council Meetings – Recording and Access to Recorded Information.

ORDER OF BUSINESS

1. **(a) Declaration of Opening**
 - (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**

Nil.
 3. **(a) Public Question Time and Receiving of Public Statements**
 - (b) Response to Previous Public Questions Taken On Notice**
 - 3.1 Letter to Ms D Saunders relating to questions taken on Notice at the Ordinary Meeting of Council held on 18 November 2014.
 4. **Applications for Leave of Absence**
 - 4.1 Mayor John Carey from Friday 12th December 2014 to Sunday 14th December 2014.
 5. **The Receiving of Petitions, Deputations and Presentations**

Nil.
 6. **Confirmation of Minutes**
 - 6.1 Special Meeting of Council held on 18 November 2014 – regarding Town Planning Scheme No. 2
 - 6.2 Ordinary Meeting of Council held on 18 November 2014.
 7. **Announcements by the Presiding Member (Without Discussion)**

Nil.
 8. **Declarations of Interest**

Nil.
 9. **Reports**

As listed in the Index.
 10. **Motions of which Previous Notice has been given**

Nil.
 11. **Questions by Members of which Due Notice has been given (Without Discussion)**

Nil.
 12. **Representation on Committees and Public Bodies**

Nil.
 13. **Urgent Business**

Nil.
 14. **Confidential Items/Matters for which the Meeting May be Closed (“Behind Closed Doors”)**

Nil.
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9.1 PLANNING SERVICES

9.1.1 FURTHER REPORT: Nos. 5/160 and 6/160 (Lot: 5 D/P: 43015) Scarborough Beach Road, Mount Hawthorn – Proposed Change of Use from Showroom/Photographic Gallery to Eating House and Small Bar (Unlisted Use)

Ward:	North	Date:	21 November 2014
Precinct:	Mount Hawthorn Centre; P2	File Ref:	PRO6219; 5.2013.491.1
Attachments:	001 – Property Information Report 002 – Development Application Plans 003 – Summary of Comments from Previous Advertising 004 – Acoustic Report		
Tabled Items:	'Nil'		
Reporting Officer:	C Sullivan, Planning Officer (Statutory)		
Responsible Officer:	G Poezyn, Director Planning Services		

FURTHER OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and Metropolitan Region Scheme, **APPROVES BY ABSOLUTE MAJORITY** the application submitted by P and J Parin on behalf of the owner Yokine Nominees Pty Ltd, for the Proposed Change of Use from Showroom/Photographic Gallery to Eating House and Small Bar (Unlisted Use), at Nos 5/160 and 6/160 Scarborough Beach Road, Mount Hawthorn, as shown on plans date-stamped 30 October 2013, subject to the following conditions:

1. Use of the Premises

- 1.1 The maximum patronage for the Small Bar shall be Seventy Two (72) persons;
- 1.2 Packaged liquor is not to be sold at the premises; and
- 1.3 Any proposed increase to the number of patrons of the proposed Small Bar will require a further development application;

2. Hours of Operation

The hours of operation relate to the indoor public area only and shall be as follows:

- 2.1 **Small Bar (Unlisted Use):**
 - Monday to Thursday – 8am – 10pm
 - Friday and Saturday – 8am – Midnight
 - Sunday – 8am – 10pm
- 2.2 Trading hours for New Year's Eve on a Sunday, New Year's Day, Good Friday, Christmas Day and ANZAC day are covered by Part 4 of the *Liquor Control Act 1988*.

3. Noise

- 3.1 Entry doors to the venue must be closed from 7pm til closing Monday – Saturday and at all times on Sunday;**
- 3.2 All doors shall be fitted with an operating self-closing mechanism;**
- 3.3 No subwoofers are to be installed with the sound system;**
- 3.4 Speakers fitted external to the premises are not permitted; and**
- 3.5 Patron and music noise shall be limited to an internal reverberant sound level of no more than 90 dB(A);**

4. Building

- 4.1 The windows, doors and adjacent floor area facing Scarborough Beach Road and Flinders Street shall maintain an active and interactive frontage to this street with clear glazing provided; and**
- 4.2 All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Scarborough Beach Road and Flinders Street;**

5. Signage

A separate application is required to be submitted for any proposed signage that does not comply with the requirements of the City's Policy relating to Signs and Advertising;

- 6. No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning;**

- 7. PRIOR TO THE ISSUE OF A BUILDING PERMIT, the following shall be submitted to and approved by the City;**

7.1 Refuse and Recycling Management Plan

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

7.2 Acoustic Report and Implementation

7.2.1 All recommendations detailed in Section 5 of the 'Noise Impact Assessment' by Lloyd George Acoustics 28 October 2014 (their reference 14072860-01) must be implemented with plans detailing required modifications to the building; and

7.2.2 An additional Acoustic Report is required to detail compliance of any proposed mechanical plant and equipment with the City's Sound Attenuation Policy No. 7.5.21 (Section 4.4 of policy);

8. **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be submitted to and approved by the City:**

8.1 **Venue Management Plan**

A Venue Management Plan is to be submitted for assessment and approval by the City in line with the recommendations/advice notes made in the 'Noise Impact Assessment' by Lloyd George Acoustics and must include the following:

- 8.1.1 Complaints register/management log;
- 8.1.2 Protocol for closing the doors at required times;
- 8.1.3 Style of music;
- 8.1.4 Patron noise (upon arrival and departure from the premises);
- 8.1.5 Waste collection;
- 8.1.6 Deliveries;
- 8.1.7 Antisocial behaviour; and
- 8.1.8 Community relations;

8.2 **Bicycle Parking Facilities**

Five (5) Class Three and Two (3) Class One or Two bicycle facilities shall be provided at a location convenient to the entrances of the proposed eating house/small bar. Details of the design and layout of bicycle parking facilities shall be submitted to and approved by the City prior to the installation of such facility; and

8.3 **Acoustic Report**

Certification shall be provided that the measures recommended in the Acoustic Reports approved for this development have been implemented; and

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

9.1 **Cash-in-lieu**

9.1.1 pay a cash-in-lieu contribution of \$17,971.20 for the equivalent value of 3.456 car parking spaces, based on the cost of \$5,200 per bay as set out in the City's 2014/2015 Budget; OR

9.1.2 lodge an appropriate assurance bond/bank guarantee of a value of \$17,971.20 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:

- (a) to the City at the date of issue of the Building Permit for the development, or first occupation of the development whichever occurs first; or
- (b) to the owner/applicants following receipt by the City with a Statutory Declaration on the prescribed form endorsed with the owner (applicants) and stating that they will not proceed with the subject 'Approval to Commence Development' or

- (c) to the owner/applicants where the subject 'Approval to Commence Development', did not commence and subsequently expired.

The car parking shortfall and consequent cash-in-lieu contribution can be reduced as a result of a greater number of car bays being provided on-site and to reflect the new changes in the car parking requirements.

ADVICE NOTES:

1. The applicant/owners are reminded to seek the necessary authority for the approval of the use from the Strata Body;
2. Any proposed alfresco dining area is not part of this application and is subject to a separate Outdoor Eating Area Permit from the City's Compliance Services;
3. No building work shall commence without a Building Permit having been issued; and
4. It is an offence under the Building Act to occupy a building (other than Class 1 and 10 Buildings) without an appropriate occupancy permit. This will confirm that the building has been built in accordance with the approved plans and, the Certificate of Compliance, and it complies with the relevant building standards.

PURPOSE OF REPORT:

The proposal is referred to Council for determination as the previous application was deferred by Council pending further advertising for 21 days to a radius of 200 metres and the submission of an Acoustic Report. The Acoustic Report was undertaken by Lloyd George Acoustics and received by the City on 28 October 2014.

BACKGROUND:

The property is currently operating as a showroom/photographic gallery (Red Dust) across units 5 and 6 on the ground floor level. The current use has been operating since the building was built in about 2002.

The development originally comprised of 6 commercial (retail) units at ground floor level along the south-western elevation (fronting onto Scarborough Beach Road), 2 office units on level three, and 10 residential apartments.

History:

Date	Comment
23 January 2001	Council at its Ordinary Meeting conditionally approved the demolition of the existing house and construction of a three storey mixed use development comprising six (6) shops, two (2) offices, nine (9) single bedroom grouped dwellings and one (1) grouped dwelling
13 March 2001	Council at its Ordinary Meeting conditionally approved a similar application for the demolition of the existing house and construction of a three storey mixed use development comprising six (6) shops, two (2) offices, nine (9) single bedroom grouped dwellings and one (1) grouped dwelling
13 August 2002	Council at its Ordinary Meeting conditionally approved an application for the change of use of two (2) office units to one (1) grouped dwelling, within previous mixed use development
27 May 2014	Council at its Ordinary Meeting deferred the application for Change of Use from Showroom/Photographic Gallery to Eating House and Small Bar (unlisted use) to a later meeting subject to additional advertising being undertaken and the submission of an Acoustic Report.

Previous Report to Council:

The Minutes of Item 9.1.7 from the Ordinary Meeting of Council held on 27 May 2014 relating to this report are available on the City's website.

DETAILS:

Landowner:	Yokine Nominees Pty Ltd
Applicant:	P and J Parin
Zoning:	District Centre
Existing Land Use & Use Class:	Photographic Gallery 'P'/Showroom 'P'
Proposed Land Use & Use Class:	Eating House 'P' and Small Bar (unlisted use) 'SA'
Lot Area:	1157 square metres
Right of Way:	N/A

Use

The proposal seeks a change of use for units 5 and 6 from a photographic gallery/showroom (Red Dust) to a small bar/eating house. The applicant proposes an eating house operating as a cafe for breakfast and lunch and to serve food and hot drinks, and then in the early afternoon into the evening, the venue will operate as a small bar (wine bar).

The application site covers all of unit 5 and 6 on the ground floor, with a small mezzanine level in unit 6. The total floor area is 166 square metres (83 square metres for unit 6 plus 30 square metres mezzanine and 53 square metres for unit 5). The total estimated patron numbers is 72 persons.

No outdoor seating area is proposed as part of this application although there is potential for al fresco dining, which could only operate once a further approval has been granted.

Hours

The applicant proposes the following hours of operation for the eating house/small bar as a maximum, but stated that the business is likely to operate below these times:

- 8am to 12am (midnight) Monday to Sunday.

Car Parking

The proposal provides 3 car parking bays within the development, 1 of which is allocated to unit 5 and 2 to unit 6 on the strata plan.

Noise

A number of objections relating to concerns about noise were submitted during the first period of advertising in January/February 2014. The application was deferred at Council in May 2014 in order to get an Acoustic Report undertaken to ascertain whether the property was capable of containing noise levels within the Noise Regulations.

The applicant has advised that music would be provided at a low level as background, and they do not propose to host live music.

An Acoustic Report has been submitted which details that a number of alterations to the property would be required to be implemented to ensure compliance with the Environmental Protection (Noise) Regulations 1997.

Signage

The proposed signage shown the submitted plan is insufficient in detail and is therefore not considered under this application.

ASSESSMENT:

Land Use

The site is located within a District Centre Zone and an eating house in this location is a “P” use subject to compliance with all other policies. The eating house element of the proposal is considered to be acceptable.

When the application was submitted a small bar was considered to be an “SA” use in this zone. With the adoption of the City’s Policy No. 7.5.7 – ‘Licenced Premises’ (11 March 2014) after the application had been submitted and advertised, a ‘Small Bar’ became an ‘unlisted use’ in this zone.

The Mount Hawthorn Centre Precinct Policy states with regards to appropriate uses, that only shops and other uses ‘which require display windows/interactive fronts’ are to have frontage to Scarborough Beach Road at street or pedestrian level. The Precinct policy does not preclude ‘Small Bars’ and as the application proposal broadly complies with these criteria, a small bar is considered to align with the intent of the Precinct Policy, and to be appropriate for a District Centre.

Any outdoor seating area would be subject to a separate al fresco licence application.

Hours of operation

The Licensed Premises Policy No. 7.5.7 details the acceptable trading hours for a small bar in a District Centre Zone as follows:

Day(s)	Trading Hours	
	Indoor Areas	Outdoor Areas
Monday – Saturday	7.00am – midnight	7.00am – midnight
Sunday	7.00am* – 10.00pm	7.00am* – 10.00pm

*the sale, supply and consumption of alcohol is restricted by those times listed in the Liquor Control Act 1988.

The application site is located as part of a mixed use development with residential uses on the upper floors.

Section 3.3.1 of the Licensed Premises Policy No. 7.5.7 enables the City to adjust trading hours to protect residential amenity.

In this instance, as there have been a number of objections received from surrounding residents, it is considered appropriate to apply reduced hours from Monday to Thursday and Sunday from 8am to 10pm, and 8am to midnight on Friday and Saturday.

It is considered that reduced hours on Monday to Thursday and Sunday, together with the recommendations of the Acoustic Report, would ameliorate potential noise implications to the surrounding properties, sufficiently to allow for the operation of a ‘Small Bar’.

Car Parking

The development has been strata titled, and a total of three car bays are allocated to the two units.

A City of Vincent owned Public Car Park at Flinders Street is available for patrons to utilise, and the property is on a bus route. There are also privately owned car parks in the area and on street car parking available for patrons to use, albeit these are not considered in the car parking adjustment factors for the parking calculations.

The car parking calculation is assessed under the current Parking and Access Policy No. 7.7.1 as follows:

Existing Car Parking Requirements (under current Parking and Access Policy)

Car Bays	
Car parking requirement (nearest whole number) <ul style="list-style-type: none"> • Shop (existing) <ul style="list-style-type: none"> ○ (1 space per 20 square metres NLA) ○ 166 square metres NLA Total car bays required: 8.3	8 car bays
Adjustment factors <ul style="list-style-type: none"> • 0.80 (within 400m of a bus stop) • 0.80 (within 200m of a car park with over 50 car bays) • 0.90 (in a town centre) 	(0.576) 4.608 car bays
Minus the car parking provided on site	3
Minus the existing on-site car parking shortfall	N/A
Resultant Shortfall	1.608 car bays

Proposed Car Parking requirements for this Proposal

Car Bays	
Car parking requirement (nearest whole number - calculations based on patron numbers) <ul style="list-style-type: none"> • Eating House/Small Bar <ul style="list-style-type: none"> ○ 1 space per 5 patrons ○ 72 patrons Total car bays required: 14.4	14 car bays
Adjustment factors <ul style="list-style-type: none"> • 0.80 (within 400m of a bus stop) • 0.80 (within 200m of a car park with over 50 car bays) • 0.90 (in a town centre) 	(0.576) 8.064 car bays
Minus the car parking provided on site	3
Minus the existing on-site car parking shortfall	1.608
Resultant Shortfall	3.456 car bays

The Parking and Access Policy requires a cash-in-lieu payment if there is a car parking bay shortfall. The current rate is \$5,200 per car parking bay as per the City's 2014/2015 Budget. The proposal requires a cash-in-lieu contribution for 4.032 car parking bays, which equates to \$17,971.20 and it is recommended that a condition to this effect is imposed.

Bicycle Parking

The Parking and Access Policy has a bicycle requirement of 1 bicycle bay per 20 square metres of public floor area for an eating house (8.3), and a requirement of 1 bicycle bay per 20 persons for a small bar (3.6).

The higher bicycle parking requirement (eating house) is used in the calculations.

The bicycle parking calculation is assessed under the current Parking and Access Policy as follows:

Bicycle Bays	
Bicycle bay requirement (nearest whole number) <ul style="list-style-type: none"> • Eating House/Small Bar <ul style="list-style-type: none"> 1 per 20 square metres PFA 166 square metres Total bicycle bays required: 8.3	8 bicycle bays
65% Class 3	5
35% Class 1 or 2	3
Minus the bicycle bays provided on-site	4
Resultant Shortfall	4 bicycle bays

A condition should be applied to ensure bicycle bays are provided for the development.

Signage

The applicant is advised that in the absence of scaled plans being submitted, any signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Comment Period:	24 January 2014 – 28 February 2014 Additional advertising 23 June 2014 – 14 July 2014 (200m radius)
Comments Received:	Initial Advertising: <ul style="list-style-type: none"> • Seven (7) objections • One (1) Petition • Two (2) comments in support Additional Advertising: <ul style="list-style-type: none"> • Six (6) objections • Sixteen (16) comments in support • Some duplicates

Consultation consistent with the procedures outlined in Town Planning Scheme No.1 Clause 37 for an unlisted use has been undertaken.

Additional public consultation was undertaken in June 2014 to an area of 200m radius from the application property. A number of letters of support were received, the main comments being that an eating house/small bar use would be good for the vibrancy and mix of uses in the Mount Hawthorn area.

Summary of Objections Received:	Officer Comment:
<u>Vandalism/Alcohol</u> There are already 5 venues that sell alcohol in the immediate vicinity causing drunken people to vandalise or urinate on surrounding properties. An additional bar will just add to this issue.	The application site is located within a District Centre where eating houses and small bars are acceptable uses and can be considered subject to certain requirements being met.
<u>Strata Company</u> The Strata Company has not given approval for a bar to open or operate on the premises.	This is not a planning consideration, but the applicant is advised to gain a separate approval from the Strata Company.
<u>Car Parking</u> The entire parking block only has 5 visitor parking bays, and there are limited on street car parking bays available for the residents in the evenings which would be when the pressures are from this proposed use.	It is noted that there is limited car parking provision on site, and that the three (3) bays provided as part of the application are internal to the development, and therefore more appropriate to be used by employees than patrons, therefore any patrons would rely on the existing on-road car parking and off street car parking available in the area. Flinders Street public car park is in close proximity to the site, and there are numerous on street public car parking bays in the vicinity. The car parking shortfall (after taking into account the site's existing shortfall and previously paid cash-in-lieu) is 4.032 car bays amounting to \$20,966.40 and a condition to this effect is recommended.

Summary of Objections Received:	Officer Comment:
<p><u>Location</u> Mount Hawthorn is classed as a family friendly suburb in a safe and peaceful environment The existing building is a 75% residential Narrow footpath and no outdoor area will mean that smokers congregate on footpath</p>	<p>The site is located within a District Centre Zone. An eating house in this location is a "P" use. A small bar is an 'unlisted use' but is also a use that is considered appropriate in a District Centre Zone.</p>
<p><u>Existing Building</u> The existing building was approved with the ground floor commercial units designated as retail/showroom use, not as a small bar or eating house and would devalue the existing residential units. The proposed bar would be located directly below the balconies of the residential units above. Noise etc. from customers of the bar would impact the useability of these balcony areas. The existing building has not been built with double glazing.</p>	<p>The proposed change of use would be required to meet certain standards for noise etc. and gain relevant approvals from Health and Building with regards to internal fit outs. Perceived devaluation of property value is not a planning consideration.</p>
<p><u>Noise</u> There are already issues with hearing occupants in adjoining units, a bar will exacerbate this noise issue and could result in health problems to the occupants. The proposed sound system during the day and night would affect the ability of neighbouring businesses to operate, and residents to sleep. Appropriate measures and works would need to be undertaken to make the building meet suitable noise dampening levels.</p>	<p>The submitted Acoustic Report as well as the submission by the applicant of further information relating to noise attenuation measures details controls that would be required to be put in place to ensure minimum disruption and impact to adjacent residential properties. Opening hours are proposed to be restricted.</p>
<p><u>Waste Management</u> The applicant proposes to utilise the existing bin store of the development which would create an issue for other residents. Noise from late night emptying of bins will cause further noise issues to residents. Increased toilet requirement for small bar/eating house may exceed capacity of plumbing services of building.</p>	<p>The applicant will be required to provide an appropriate bin store and also a Refuse Management Plan prior to the issue of a Building Permit. A Venue Management Plan is required to be submitted for assessment and approval by the City's Health Services in line with recommendations and advice notes made in the Noise Impact Assessment by Lloyd George Acoustics</p>

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

Design Advisory Committee:

Referred to Design Advisory Committee: N/A

LEGAL/POLICY:

Clause 39 of Town Planning Scheme No 1 requires that Council can grant planning approval for an unlisted use provided “*it is satisfied, by an absolute majority that the proposed development is consistent with the matters listed in Clause 38(5).*” These matters include among others that the proposal aligns with the planning framework, represents orderly and proper planning and contributes towards the conservation of the amenities.

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1;
- Mount Hawthorn Centre Precinct Policy No. 7.1.2;
- Parking and Access Policy No. 7.7.1;
- Development Guidelines for Commercial and Mixed Use Developments Policy No. 7.5.12; and
- Licensed Premises Policy No. 7.5.7.

RISK MANAGEMENT IMPLICATIONS:

Should 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 2005*.

STRATEGIC IMPLICATIONS:

The City’s Strategic Plan 2013-2017 states:

Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City’s Strategic Plan 2013-2017 states:

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

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

ENVIRONMENTAL
The adaptive re-use of this existing space has a lower environmental impact than the creation of a new building

SOCIAL
The development will act as a social meeting place location providing a variety of food and beverage for the immediate and surrounding public.

ECONOMIC
The development will provide increased employment opportunities.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Health and Technical Services

The City's Health Services have advised that the small bar use will require a public building assessment.

The Noise Impact Assessment submitted on 28 October 2014 (undertaken by Lloyd George Associates) has been reviewed by the City's Health Services, who have advised that providing all conditions and requirements detailed in the recommendations of the Noise Impact Assessment are met, the premises can achieve compliance with the Environmental Protection (Noise) Regulations 1997.

Technical Services require further detail on bin stores and waste management.

Planning Services

It is considered that the Eating House use is appropriate in this location, and the Small Bar type use is also consistent with the objectives of the District Centre and therefore is considered appropriate in this location.

The application provides for three (3) car bays that are located within the existing development. However, these would likely not be available to members of the public due to the security access restrictions to the parking area, but would be available to accommodate staff car parking. However, the small shortfall in car parking is supported in this instance due to the site's close proximity to public transport links and public car parks such as Flinders Street Car Park subject to a cash in lieu contribution to the public facilities in the area.

The proposal requires the applicant to provide 8 bicycle bays. The proposal includes 4 bays at this stage. The provision of the additional 4 bicycle bays has been conditioned.

In order to minimise concerns from neighbours with regards to noise it is recommended that the recommendations of the Acoustic Report are implemented and the hours of operation controlled.

The Licensed Premises Policy requires the submission of a Public Interest Assessment to be submitted with the Development Application. However, as this policy was adopted five months after the submission of this proposal, it is considered unreasonable to require the applicant to provide this information at this stage especially as the applicant will be required to provide this information when making the application for a liquor licence under the Liquor Control Act 1988.

CONCLUSION

For the reasons outlined above, the proposal is recommended for approval subject to condition.

9.1.2 FURTHER REPORT: No. 2 (Lot 1; D/P: 3785) Coogee Street, Corner of Anzac Road, Mount Hawthorn – Proposed Change of Use from Local Shop/Residential to Local Shop/Eating House including Alterations and Additions

Ward:	North	Date:	25 November 2014
Precinct:	Mount Hawthorn; P1	File Ref:	PR11888; 5.2014.429.1
Attachments:	001 – Property Information Report 002 – Development Application Plans 003 – Applicant Submission Report 004 – Applicants Justification to Submissions dated 25 August 2014 005 – Applicants additional information dated 20 November 2014 006 – Amended Application Plans dated 24 November 2014 007 – Car Parking Assessment Table		
Tabled Items:	Nil		
Reporting Officer:	A Groom, Planning Officer (Statutory)		
Responsible Officer:	G Poezyn, Director Planning Services		

FURTHER OFFICER RECOMMENDATION:

That Council in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and Metropolitan Region Scheme, REFUSES the application submitted by GHD on behalf of the owners R V & A Burton and Coogee Street Pty Ltd, for the Change of Use from Local Shop/Residential to Local Shop/Eating House including alterations and additions at No. 2 (Lot: 1 D/P: 3785) Coogee Street, corner of Anzac Road, Mount Hawthorn as shown on amended plans date-stamped 5 August 2014 and 24 November 2014, included as Attachment 002 and 006, for the following reasons:

1. The proposed use is not compatible with the surrounding residential uses and does not meet objective (b) of the City’s Town Planning Scheme No. 1 to protect and enhance the health, safety and physical welfare of the City’s inhabitants and the social, physical and cultural environment due to exacerbating parking pressures;
2. The lack of provision of car parking bays is excessive and contrary to the City’s Parking and Access Policy No. 7.7.1 and does not align with objective (c) of the City’s Town Planning Scheme No. 1 to ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework as the site cannot effectively accommodate all the requirements of the proposed use; and
3. The proposal is contrary to the orderly and proper planning of the area as it does not recognise the individual character and needs of the locality due to the inadequacy of parking for the proposed use in an area which already has limited parking availability.

PURPOSE OF REPORT:

The report was referred to Council for determination given that the development comprises an “SA” use and one (1) objection was received.

This report is a further report to the application which was deferred at the OMC on 18 November 2014.

This report includes an alternative recommendation with appropriate conditions and advice notes based on the Council Member feedback provided at the OMC of 18 November 2014.

BACKGROUND:

The property is currently operating as a local shop in the front section of the building fronting Coogee Street, with an existing residential component in the rear section. The uses are linked with access to the residential rooms through the kitchen of the existing shop. In addition, approval was granted on 12 February 2001 for the double garage and second storey single house located at the eastern end of the property.

The current use has been operating since its approval in 1989. The local shop element has been restricted to the provision of a maximum of two tables and eight chairs for the consumption of products sold within the premises.

It is noted that Council resolved to refuse the proposed rezoning of No. 2 Coogee Street, Mount Hawthorn from "Residential R30" to "Commercial C1" at the Ordinary Meeting of Council on 28 August 1995.

This proposal was considered by Council on 18 November 2014, where it was resolved to defer consideration of the proposal in order to obtain further information.

The minutes of Item 9.1.3 from the Ordinary Meeting of Council held on 18 November 2014 relating to this report is available of the City's website.

ADDITIONAL INFORMATION:

Following the deferral of the proposal on the OMC on 18 November 2014, the applicant provided additional information (attachment 005 and 006) relating to the following:

- Car Parking: no car parking proposed on site. The applicant has applied two adjustment factors in their submission;
- Landscaping: a detailed landscaping plan for the outdoor eating area;
- Fencing Details: visually permeable fencing along the Anzac Road elevation;
- Interaction with Anzac Road and Coogee Street:
 - proposed byfold windows along the Anzac Road elevation;
 - extending the southern elevation of the existing building facing Anzac Road to the property boundary with the lot in order to increase the internal area surrounding the servery and indoor dining area; and
 - an art mural on the Coogee Street elevation;
- Alfresco: proposed synthetic grass within the existing alfresco area;
- Signage: removal of existing signage and replacement with two (2) signs;
- Hours of Operation being 6:00am to 6:00pm 7 days a week for the Café and 7:00am to 9:00pm 7 days a week for the Local Shop; and
- Rear wall.

Despite the changes proposed in relation to landscaping, fencing, interaction with Anzac Road and Coogee Street, a proposed alfresco area, Signage and Hours of Operation, the position to refuse the proposal is still maintained as the proposal is not considered to be appropriate to the location.

DETAILS:

Landowner:	R V & A Burton and Coogee Street Pty Ltd
Applicant:	GHD
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R30
Existing Land Use:	Single House and Local Shop
Use Class:	Eating House and Local Shop
Use Classification:	"SA"
Lot Area:	541 square metres
Right of Way:	N/A

The proposal seeks a change of use from Residential to Eating House for the rear portion of the building. The eating house is proposed to accommodate a maximum of 15 persons at any one time. The proposal retains the existing local shop portion at the front of the building, with alterations being made to incorporate a larger kitchen, a servery, wash closets and indoor and outdoor dining areas in the garden setting of the property.

The local shop already has a maximum alfresco area of 15 square metres approved within the road reserve. The proposed eating house is an extension of the existing local shop with the proposed hours of operation being 7 days a week from 7:00am to 9:00pm for the local shop and 7 days a week from 6:00am to 6:00pm for the eating house component. No car parking is proposed on the site. The applicant has provided a detailed change of use submission, however many of the details provided are not relevant to this application.

ASSESSMENT:

Use

The site is zoned Residential. An eating house in this zone is an "SA" use, meaning the use is not permitted unless Council has exercised its discretion to approve this use.

The existing Local Shop provides convenience goods to the surrounding residential properties. This use does not generate significant amounts of vehicle movement, with many of the local residents travelling by foot.

However, the proposed use is not considered appropriate or viable at this location. The site is located only a short distance from the Mount Hawthorn Town Centre which is sufficiently catered for with eating houses and cafes. The use is not complementary to the surrounding residences with potential for adverse effects such as increased noise, loss of privacy and traffic generation to occur.

The City's Policy No. 7.5.12 Development Guidelines for Commercial and Mixed Use Developments states "*The City generally does not support the ad-hoc or indiscriminate use of Residential zoned properties for commercial uses, where it would result in an unreasonable interruption of the amenity and continuity of residential land uses*". These location restrictions of non-residential uses are intended to protect the amenity of residential zoned areas by preventing agglomeration. As such, the information relating to the use and car parking are further reiterated from the OMC of 18 November 2014.

Car Parking:

The applicant has proposed no parking on the site. Instead, the applicant has advised that the aim of the proposal is to provide a local deli and café for the surrounding community which relies on patrons walking and cycling to the area rather than driving. The applicant has included a car parking calculation as part of their submission report. These calculations are incorrect as it takes into account:

- Street Parking: It is considered that four (4) car bays are included in the applicant's calculation which do not form part of the site.
- Incorrect adjustment factors: The applicant's submission has included the inability to reasonably accommodate onsite parking due to the presence of an existing building as an adjustment factor. The site has the ability to provide onsite parking, however no attempt has been made to amend the proposal to provide any on-site car parking.

While the above adjustment factor cannot apply, the adjustment factor relating to development located within 400 metres of an existing off-street public car park with in excess of 25 car bays can be taken into consideration. However this adjustment factor is on the brink of inclusion, as it only applies when the measurement is taken from the absolute closest point of the property boundaries as opposed to entry/exit points of the proposed use. Adjustment factors permitted include 0.80 (bus) and 0.95 (off-street public car park) equating to a reduction in 0.76 percent. The car parking assessment is contained within attachment 007.

The City's Policy No. 7.7.1 relating to Parking and Access provides for cash-in-lieu to be considered for the proposed shortfall to provide and/or upgrade parking bays in a nearby existing or proposed public parking facility, which may include on-street parking. Clause 2.2 "Cash-in-lieu" of the Policy states:

"The payment of cash-in-lieu is not to be seen as an alternative to providing sufficient parking on site, but rather as a mechanism to enable otherwise desirable developments to proceed where it can be demonstrated that it is not possible to provide sufficient parking on site".

It is considered in this instance, that approving a local shop and eating house without any car parking onsite allows the developer to escape the responsibility to provide the on-site car parking required for the use, which would be inappropriate. The proposed expansion of this commercial activity is also not considered desirably within this Residential Area.

Given the adjustment factor of 0.76 percent, the car parking shortfall is 4.56 car bays or \$23,712.

Landscaping:

The applicant has provided a landscaping plan including a list of potential species. The plan is intended to detail how the garden area of the development will fit in with the surrounding locality. The landscaping plan is acknowledged and would make a positive contribution to the development.

Fencing Details:

Amended plans provided show indicative fencing proposed. The fence is proposed to be located along the Anzac Road boundary and will be visually permeable. Plantings are proposed along the inside of the fence to provide a level of privacy to the garden area where outdoor dining is proposed whilst maintaining passive surveillance to the street.

The proposed fencing will however exacerbate the noise emanating from the site to the surrounding residential properties especially with the proposed café operating from as early as 6:00am.

Interaction with Anzac Road and Coogee Street:

Byfold windows are proposed for the elevation fronting Anzac Road where the café development will be situated. This will increase surveillance to the street and assist to break up the solid façade. However, the provision of byfold windows/doors on Anzac Road will result in noise affecting the adjoining residential properties.

In addition, the applicant has proposed further changes to the footprint of the building by removal and relocation of the wall fronting Anzac Road from its existing position to the Anzac Road lot boundary. While this will result in an increase in internal floor area for the use, it will reduce the amenity for street as it increases the length of the façade of the building with a nil setback to Anzac Road and reduces area for on-site landscaping.

An art mural is proposed on the Coogee Street elevation. The public art is intended to provide a positive contribution to the amenity of the locality and provide interest on the blank wall. In addition, the mural art wall is expected to reduce graffiti.

Alfresco:

The applicant has proposed the use of synthetic grass within the existing alfresco area. The City does not typically support the use of synthetic grass within the verge area. The City's Technical Services have advised that as the alfresco area is already concrete, the incorporation of synthetic grass would not have a further detrimental impact to drainage and as such can be supported. The alfresco area is subject to a separate outdoor eating application.

Signage:

The existing signage on the building does not relate to advertising the deli, rather advertises the products that are sold within. The applicant proposes to remove all existing signage and replace with signage that relates directly to the proposal. No plans have been submitted relating to signage.

Hours of Operation:

The hours of operation of the original application were 8:00am to 8:00pm seven (7) days a week.

Following discussion at the Council meeting the applicant has proposed amended hours of operation being: 7:00am to 9:00pm 7 days of week for the deli and 6:00am to 6:00pm 7 days a week for the café. The development has proposed no features to reduce the noise and loss of privacy to the people living in nearby dwellings. This significant increase in intensity of the use and alteration to the hours of operation will result in noise spill as early as 6:00am 7 days a week resulting in a significant loss of amenity of the surrounding residential properties.

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
Comment Period:	1 September 2014 to 22 September 2014		
Comments Received:	Four (4) letters of support, one (1) general concern and two (2) objections were received.		

Note: The proposed changes made by the applicant following the Ordinary Meeting of Council on 18 November 2014 have not been readvertised.

Summary of Comments Received:	Officer Technical Comment:
<p><u>Issue: Car Parking</u></p> <p><i>"Limited on-street parking in Coogee Street. This is exacerbated by the Council allowing traffic volumes to increase considerably in Anzac Road. By allowing this development, together with 6 car bays, this council will increase traffic volume in an already high traffic area. This development will increase overall parking demand and decrease parking availability for residents".</i></p> <p><i>"There is not enough parking available in the street either and there are already more than enough cafes and restaurants in the immediate area and in Leederville".</i></p>	<p>The proposed change of use is not in keeping with the surrounding residential properties and the City's Policy No. 7.7.1 relating to Parking and Access. The existing Local Shop provides a service to the community of minimal intensity relying predominantly on foot traffic of surrounding residents. An Eating House use expands this level of activity with a strong likelihood of attracting vehicles to the site. It is therefore not considered to be compatible with the surrounding residential properties as it will increase traffic and place pressure on the existing on-street parking.</p>
<p><u>Issue: Privacy and Noise</u></p> <p><i>"I imagine noise levels and pedestrian and vehicle traffic will only increase if the shop is converted into an eating house with an alfresco area".</i></p>	<p>The proposal is not in keeping with the objectives of the City of Vincent Town Planning Scheme No. 1 with respect to protecting amenity. The increased intensity of the site will increase vehicle traffic within the area to the detriment of the surrounding residential properties.</p> <p>The alfresco area is subject to a separate application to the City's Compliance Sector. An Alfresco Permit was granted for an area of 15 square metres.</p>

Summary of Comments Received:	Officer Technical Comment:
<p><u>Issue: Appearance</u></p> <p><i>“This refurbishment missed the opportunity to improve the way the shop addresses the corner frontage, retaining the existing blank wall to Coogee Street. I think it would be a better planning outcome if the remodelling works included new windows in the blank corner walls of the shop, which would surely also improve the interior as well”.</i></p>	<p>The development proposal is aimed to minimise the changes to the shell of the building, with external alterations proposed to the rear elevation to Anzac Road only.</p>

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

LEGAL/POLICY:

The following legislation and policies apply to the Change of Use from Local Shop/Residential to Eating House and Local Shop including alterations and additions.

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1;
- Parking and Access Policy No, 7.7.1; and
- Mount Hawthorn Precinct Policy No. 7.1.1.

RISK MANAGEMENT IMPLICATIONS:

The applicant may have the right to have Council decision reviewed in accordance with Part 14 of the *Planning and Development Act*.

STRATEGIC IMPLICATIONS:

The City’s Strategic Plan 2013-2017 states:

“Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City’s Strategic Plan 2013-2017 states:

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

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

ENVIRONMENTAL	
Issue	Comment
The adaptive re-use of this existing space has a lower environmental impact compared to constructing a new building for this purpose.	

SOCIAL	
Issue	Comment
The development will act as a social meeting place location providing a variety of food and beverage for the immediate and surrounding public.	

ECONOMIC	
Issue	Comment
The development will provide increased employment opportunities.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

Comments:

Building, Health and Technical Services

Should the proposal be approved, detailed floor plans are required to be submitted and approved before any building work commences.

Planning Services

The proposed expansion to include an eating house is expected to increase the intensity of activity on this site to an extent that is beyond the realms of what is acceptable in a purely residential area. The proposal represents ad hoc intensification of commercial activity which is contrary to the City's Policy No. 7.5.12.

The proposal also does not provide for any of its car parking needs on site, despite space being available. This approach will place unnecessary and unacceptable pressure on parking available on the residential streets.

In its current form the proposal represents a significant departure from the City's Policy No. 7.7.1 relating to Parking and Access which is considered to be unacceptable as it will be to the detriment of the residential area.

The changes proposed by the applicant following the OMC on 18 November 2014, have not been readvertised. Of particular concern in this regard are the changes proposed to the hours of operation which surrounding landowners have not had an opportunity to comment on.

Conclusion:

While the proposal may have certain merits, on balance it's expected that its negative impact on this purely residential area outweighs this benefit and it is therefore maintained with recommendation for refusal.

9.1.3 No. 5/177 (Lot 5; STR: 59820) Stirling Street, Corner Parry Street, Perth – Renewal Application for Consulting Rooms (Non-Medical – Massage Therapy)

Ward:	South	Date:	21 November 2014
Precinct:	Beaufort; P13	File Ref:	5.2014.425.1
Attachments:	001 – Property Information Report 002 – Development Application Plans 003 – Applicant Justification dated 18 July 2014		
Tabled Items:	Nil		
Reporting Officer:	A Terni, Planning Officer (Statutory)		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and Metropolitan Region Scheme, **APPROVES** the application submitted by Tara Massage Therapy on behalf of the owner, Mark Anthony Investments Pty Ltd for the Renewal Application for Consulting Rooms (Non-medical – Massage Therapy) at No. 5/177 (Lot 5; STR: 59820) Stirling Street, Corner Parry Street, Perth as shown on plans date-stamped 1 August 2014, subject to the following conditions:

1. **Interactive Front**

Windows, doors and adjacent areas at ground level fronting Parry Street shall maintain an active and interactive relationship with the street;

2. **Consulting Rooms (Non – Medical)**

2.1 The use shall be limited to a maximum of one (1) consulting room operating at any one time. Any increase in the number of consulting rooms/consultants shall require Planning Approval to be applied for and obtained from the City;

2.2 The hours of operation shall be limited to the following times:

- Monday to Friday - 8.00am to 6:00pm
- Saturday – 8:00am to 5:00pm
- Sunday – 11am to 5pm
- Closed Christmas Day, Good Friday and Anzac Day; and

2.3 The use shall not be used for massage activity of a sexual nature, prostitution, as a brothel business, as an agency business associated with prostitution, as an escort agency business, or the like; and

3. 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, are designed integrally with the building, and be located so as not to be visually obtrusive from Parry and Stirling Streets.

ADVICE NOTES:

1. All signage that does not comply with the City's Policy No. 7.5.2 relating to Signs and Advertising shall be subject to a separate planning application; and
2. All signage shall be subject to a separate sign licence application, being submitted to and approved by the City prior to the erection of the signage.

PURPOSE OF REPORT:

Planning applications relating to Consulting Rooms are required to be referred to Council for determination. Additionally, this use was valid to 5 August 2014 and requires further approval from Council to continue operating.

BACKGROUND:

Date	Comment
23 of July 2013	Council approved a Change of Use from Office to Consulting Rooms (Non-Medical) for a period of 12 months. The approval was issued on 5 August 2013.

DETAILS:

Landowner:	Mark Anthony Investments Pty Ltd
Applicant:	Tara Massage Therapy
Zoning:	RC80/Commercial
Existing Land Use:	Consulting Rooms (Non-Medical)
Use Class:	Consulting Rooms
Use Classification:	'SA' for RC80 and 'AA' for Commercial
Lot Area:	2284 square metres
Right of Way:	Not Applicable

An application for the renewal of the use of Consulting Rooms at 5/177 Stirling St, Perth, was received on 1 August 2014, days prior to the original approval expiring 5 August 2014.

The applicant proposes to operate without a time limited approval that was imposed on the previous approval.

Although the approval technically expired on 5 August 2014, the City is withholding any action until such time as renewal application has been determined.

The applicant has provided a letter to the City detailing that the massage therapy business has operated in accordance with the City's conditions.

It should be noted that the City has not received any complaints in relation to the use since it commenced operation.

ASSESSMENT:

Over the past 12 months it has become apparent that the current use of these premises is appropriate. A continuation of this use is therefore supported without further restrictions on the approval time.

As the current proposal does not include any variations from the manner in which the existing business is operating, the same conditions relating to the operation of the business apply and are recommended to be imposed as part of the approval.

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Comment Period:	20 October 2014 to 3 November 2014
Comments Received:	Two (2) objections and four (4) letters of support were received. 5 of the submissions had only ticked the box in the consultation letter, to indicate their position. Only one submission provided the following additional information: <i>I have attended the business and found the owner to be extremely professional, clean and clinical. The business does not attract any undesirable clientele and provides a safe environment for the client. The owner offers therapeutic massage service which has helped tremendously with my back pain to a point where my regular sessions have meant I no longer require seeing a chiropractor.</i>

LEGAL/POLICY:

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No.1;
- Beaufort Precinct Policy No. 7.1.13;
- Parking and Access Policy No. 7.7.1; and
- Consulting Rooms Policy No. 7.5.22.

RISK MANAGEMENT IMPLICATIONS:

Should 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 2005*.

The City's Strategic Plan 2013-2017 states:

"Economic Development

2.1 *Progress economic development with adequate financial resources.*

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2017 states:

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

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

ENVIRONMENTAL
Nil

SOCIAL
The use will provide a service for the area.

ECONOMIC
The renewal of the consulting rooms will allow for the commercial tenancy to be occupied which will complement the business in the area.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

It is noted from the previous approval that the applicant has provided valid massage therapy qualifications and certificates to validate the use of the premises.

A site visit from the City's officers to the business also confirmed that the business is legitimate and not used as a massage business of a sexual nature.

CONCLUSION:

Given that no complaints were received during the operation of this business in the past 12 months and there is no evidence that suggests the business offers services of a sexual nature, it is recommended that this proposal is supported without a time limited approval.

9.1.4 No. 25 (Lot 442; D/P: 2334) Green Street, Mount Hawthorn – Reconsideration of the hours of operation of an Existing Small Bar (Unlisted Use)

Ward:	North	Date:	21 November 2014
Precinct:	Mount Hawthorn; P1	File Ref:	PR13899; 5.2014.465.1
Attachments:	001 – Property Information Report 002 – Development Application Plans 003 – Applicant Justification dated 27 August 2014 004 – Current Management Plan received on 27 August 2014 005 – Updated Management Plan dated 5 November 2014 006 – Herring Storer Acoustics’ ‘Small Bar Acoustic Assessment’ dated 1 May 2013 007 – Applicant Response to Advertising Submissions received on 3 November 2014 008 – State Administrative Tribunal Order dated 16 January 2014		
Tabled Items:	Nil		
Reporting Officer:	R Rasiah, Coordinator Statutory Planning		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and Metropolitan Region Scheme, REFUSES the application submitted by Paul Mavor on behalf of the owners New Frontier Pty Ltd for the proposed reconsideration to the hours of operation of the Existing Small Bar, at No. 25 (Lot: 442 D/P: 2334) Green Street, Mount Hawthorn as shown on amended plans date-stamped 27 August 2014 and included as Attachment 002, as the proposal is contrary to the orderly and proper planning of the locality for the following reasons:

1. The proposal will result in an unreasonable intensification of the land use which will have a negative impact on the amenity of the residential area in the locality;
2. The proposal does not align with the objectives of the City’s Town Planning Scheme No. 1 and draft Town Planning Scheme No. 2 as it is inconsistent with the primary intention of the Local Centre Zone, which is to provide services for the immediate locality which do not adversely impact on adjoining residential areas; and
3. The proposal does not comply with the City’s Licensed Premises Policy No. 7.5.7 in relation to the:
 - (a) extended hours of operation in outdoor areas, which will have a detrimental effect on the surrounding residential area on weeknights, particularly in relation to amplified noise and car parking; and
 - (b) permitted hours of operation for Small Bars in Local Centre Zones, which are restricted in order to protect the existing residential amenity.

PURPOSE OF REPORT:

The proposal is referred to Council for determination, given the proposal is an extension to the operating hours of the Pirate Bar, which is an existing small bar (unlisted use).

BACKGROUND:

The following table provides an overview of key decisions that have been taken in relation to this tenancy:

Date	Comment																
28 June 1999	Council at its Ordinary Meeting resolved to approve a development application for alterations and addition to shop (pharmacy) and construction of consulting rooms (naturopath) at No. 25 Green Street, corner of Dunedin Street, Mount Hawthorn.																
12 March 2013	Council at its Ordinary Meeting resolved to conditionally approve the Proposed Change of Use from Shop to Unlisted Use (Small Bar) and Associated Additions and Alterations.																
28 March 2013	<p>The owner subsequently appealed the Council's decision at the State Administrative Tribunal (SAT) in relation to the following Conditions 2, 3 and 4.</p> <p>2. <i>The hours of operation of the small bar shall be limited to:</i></p> <table border="1" data-bbox="628 788 1353 927"> <thead> <tr> <th>DAY</th> <th>HOURS OF OPERATION</th> </tr> </thead> <tbody> <tr> <td>Monday to Thursday</td> <td>7:00am to 10:00pm</td> </tr> <tr> <td>Friday and Saturday</td> <td>7:00am to 12:00 midnight</td> </tr> <tr> <td>Sunday</td> <td>7:00am to 10:00pm</td> </tr> </tbody> </table> <p>3. <i>The hours of operation of the outdoor courtyard of the small bar shall be the same as the operating hours (as outlined in condition 2) for a twelve month trial period, from the date of opening/occupation of the small bar;</i></p> <p>4. <i>The hours of operation of the small bar where alcohol can be sold and/or served shall be limited to:</i></p> <table border="1" data-bbox="619 1205 1343 1341"> <thead> <tr> <th>DAY</th> <th>HOURS OF OPERATION</th> </tr> </thead> <tbody> <tr> <td>Monday to Thursday</td> <td>11:00am to 10:00pm</td> </tr> <tr> <td>Friday and Saturday</td> <td>11:00am to 12:00 midnight</td> </tr> <tr> <td>Sunday</td> <td>11:00am to 10:00pm"</td> </tr> </tbody> </table>	DAY	HOURS OF OPERATION	Monday to Thursday	7:00am to 10:00pm	Friday and Saturday	7:00am to 12:00 midnight	Sunday	7:00am to 10:00pm	DAY	HOURS OF OPERATION	Monday to Thursday	11:00am to 10:00pm	Friday and Saturday	11:00am to 12:00 midnight	Sunday	11:00am to 10:00pm"
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25 June 2013	Council at its Ordinary Meeting resolved not to support the deletion of Conditions 2, 3 and 4 of the approval granted on 12 March 2013.																
20 November 2013	The State Administrative Tribunal Ordered that Conditions 3 and 4 of the Council approval granted on 12 March 2013 were to be deleted in its entirety and that the parties were to <i>"negotiate in good faith to agree the form of wording to vary Condition 2"</i> to include provision for appropriate restrictions on hours of operation for public holidays. This matter was resolved so that the hours of operation for public holidays be similar to those in the Liquor Act 1988.																
16 January 2014	The SAT Orders of 16 January 2014 confirmed that the hours of operation for public holidays are to be in accordance with Section 98 of the Liquor Control Act 1988.																

As a result of the above decisions the current operation has the following opening hours:

	Permitted Opening Hours	Opening hour provisions for small bars in Local Centre Zones under Policy No. 7.5.7
Indoor:	<ul style="list-style-type: none"> • Monday to Thursday: 7.00am – 10.00pm • Friday & Saturday: 7.00am – midnight • Sunday: 10.00am – 10.00pm 	<ul style="list-style-type: none"> • Monday to Thursday: 7.00 – 10.00pm • Friday & Saturday: 7.00am- midnight • Sunday: 7.00am – 10.00pm
Outdoor	<ul style="list-style-type: none"> • Monday to Thursday: 7.00am – 10.00pm • Friday & Saturday: 7.00am – midnight • Sunday: 10.00am – 10.00pm 	<ul style="list-style-type: none"> • Monday to Thursday: 7.00 – 10.00pm • Friday & Saturday: 7.00am – 10.00pm • Sunday: 7.00am – 10.00pm

As can be seen from the table above, the bar already enjoys longer hours in relation to the outdoor area on Fridays and Saturdays than the policy would permit.

DETAILS:

Landowner:	New Frontier Pty Ltd
Applicant:	Paul Mavor
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1: Local Centre
Existing Land Use:	Small bar (Unlisted Use) and Shop
Use Classification:	“SA” and “P”
Lot Area:	630 square metres
Right of Way:	N/A. On the southern side is a dedicated road.

The Pirate Bar is located on the corner of Green St and Dunedin St, Mt Hawthorn.

The proposal is for the extension of operating hours on Monday to Thursday from 7am to midnight for the indoor and outdoor areas. The applicant has advised that the existing curfew prevents the premises from adequately catering to its patrons as the venue is often at capacity at closing time on these days. Furthermore, the applicant has advised that there is an intention to make the venue available for corporate functions.

As no change is proposed to the adjoining shop on the subject site and there are no other additions/alterations proposed, the car parking requirements remain unchanged.

The proposal is supported by an existing and revised Management Plan (attachment 004 and 005) that identify mechanisms the business intends to put in place to address any negative impacts its activity will have on the adjoining residential properties.

The City has received a number of complaints from residents particularly relating to noise from the courtyard and antisocial behaviour of patrons later in the evenings.

ASSESSMENT:

The subject site is zoned Local Centre. The objective of this zone is to provide services for the immediate neighbourhood which do not expand into or adversely impact on adjoining residential areas.

Currently, the Pirate Bar’s outdoor area operates to midnight on Friday and Saturdays, which is a two hour variance to the opening hours which are permitted in the City’s Licenses Premises Policy. This concession is considered reasonable and offers some flexibility to enable the business to cater for the weekend crowd which may frequent the bar.

Whilst the City promotes vibrancy within its community and supports active uses such as small bars, it must also be satisfied that licenced premises are appropriately located and managed when considering applications to vary the standards applied in the Licenced Premises policy. It must be content that any variation proposed to the hours of operation does not compromise the amenity of adjoining residents.

The proposed extension of the operating hours to midnight in both the indoor and outdoor areas of the bar from Monday to Thursday will intensify activity in the area. This intensification of activity during the week will increase noise levels, specifically in relation which will have a negative impact on the residents in the locality.

Given that the City has received a number of complaints in relation to the operation of the existing business, and the advertising of this proposal has yielded many objections, the requested extension of trading hours from Monday to Thursday is not supported particularly as it represents a further deviation from the City's policy.

CONSULTATION/ADVERTISING:

Required legislation:	by	Yes	Required by City of Vincent Policy:	Yes
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Comment Period:	19 September 2014 to 10 October 2014
Comments Received:	<p>39 submission were received of which:</p> <ul style="list-style-type: none"> • Twenty eight (28) were objections (summarised below); • Nine (9) provided in support for the proposal (box ticked) and one (1) stated that there was no objection, and • One (1) provided neither support nor objection to the proposal. <p>One petition objecting to the proposal was also received with 18 signatures.</p>

Summary of Comments Received:	Officer Technical Comment:
<p><u>Loss of amenity</u></p> <p>Residents are experiencing a considerably lower standard of amenity and loss in privacy, since the bar started operating. The extended operating times will only add further to the negative impact of the bar on residents and also magnify the current problems being faced by residents, such as noise, traffic, parking, littering and anti-social behaviour.</p> <p>Current hours are considered adequate, as this area is a residential area and the premises was not built for a small bars. No good reason for offering further concessions in the way of extended operating hours. The area already caters to enough liquor outlets. Council should stick to its policy.</p>	<p>The concerns raised are noted, and require ongoing monitoring by the City's Health and Ranger Services.</p> <p>The current operation already enjoys concessions that extend beyond the City' policy provisions.</p>

Summary of Comments Received:	Officer Technical Comment:
<p><u>Noise</u></p> <p>Most noise is experienced during Fridays and Saturdays, which will increase should the opening hours be increased. Patrons outside the doors smoke and make a lot of noise, which progresses, as alcohol consumption increase. This noise outside the door is carried down the street to the surrounding suburb. The noise has affected the ability of residents to sleep.</p> <p><u>Noise report</u></p> <p>The applicant's noise reports states that the noise levels will increase after 10pm.</p> <p>This noise report allowed for noise from other businesses in the area, as part of the background noise. However there are no other businesses in the area operating at 10pm or later, and as such the noise levels attributable to the venue contribute more to the surrounding noise levels at this time.</p> <p>The noise report does not cover the car park and the socialising of staff after closing hours until 3 or 5am, with music switched on in the courtyard.</p>	<p>The concerns raised have been noted and referred to Health and Rangers.</p> <p>While the acoustic report provides measures for the control of noise within the premises and the outdoor courtyard area, the report does not address the associated issues in relation to noise which occurs when patrons leave the premises.</p> <p>The Management Plan provides various measures in relation to resident complaints concerning the behaviour of patrons leaving the premises, including the display of an A4 sign near the exit advising customers to be quiet and respectful of neighbours when leaving the premises.</p> <p>However, the behaviour of patrons once having left the premises is out of the control of the business operator.</p>
<p><u>Traffic</u></p> <p>Since the bar opened, there has been increased volume of speed and traffic on Dunedin Street, and the rear laneway between Dunedin and London Streets, which is a safety concerns in the area, where there are many young families with children.</p> <p>Furthermore the bar is also a destination for "pub crawl" buses, as witnessed on several occasions, dropping off <i>"large groups of loud and drunk passengers to drink at the bar."</i></p>	<p>The City's Rangers have monitored the area over the last four weeks, in particular on weekends and have not experienced any unlawful or irregular traffic movement.</p>
<p><u>Parking</u></p> <p>The car parking provided by the bar is insufficient for its operation, and the initial shortfall supported by the City has failed the residents along Dunedin Street.</p> <p>Impacted by bar patron's cars parked on our front verge, including a regular increase in the number of car parked on the street, thereby preventing residents and their visitors parking outside their homes.</p>	<p>Ranger Services have reported that the car park at its busiest is at 90 per cent capacity.</p> <p>One (1) report has been received in relation to a vehicle parked on a verge. The City has made arrangements to install a 'No Parking on Verge' sign for the area.</p>

Summary of Comments Received:	Officer Technical Comment:
<p><u>Litter</u></p> <p>Increased amount of litter such as empty bottles and food wrappers left on front wall and verge of house, including in the car park. Bar staff have only collected empty bottles from car park, after complaints made to the bar.</p>	<p>There have been no previous reports to the City of any litter related issues.</p>
<p><u>Anti-social behaviour</u></p> <p>Bar patrons have been seen drinking and smoking drugs in the car park.</p> <p>Noise and hoon behaviour in the car park, ever since the bar started operating. This is affecting the way residents live and is contrary to the bar's management agreement which specified regular surveillance of the car park.</p>	<p>Anti-social behaviour is a Police issue, however there have been no reported incidents such as "drinking and smoking drugs in the car park" to Police to date.</p> <p>Rangers will continue to monitor the premises to ensure the area is safe.</p>
<p><u>Screening vegetation</u></p> <p>Planting of vegetation in the strip of land between car park and adjoining lot boundary has not been maintained and has since died. The surviving plants do not offer protection to noise of the bar and patrons in car park.</p>	<p>The City has investigated this claim and found that the garden area between the car park and adjoining property is pretty well established, and is very dense in parts. Some of the newer plants have flourished and will provide further screening as they mature. Although here is limited opportunity to provide additional planting any plants that have died will be replaced but such planting is unlikely to extend to more than 3-4 large shrubs. Not much more can be done to provide further screening in an effort to reduce noise.</p>
<p><u>Signage</u></p> <p>Consider the existing front signage of a skull and crossbone fronting Green and Dunedin Streets as "offensive" and "unsightly", and not compatible with the neighbourhood.</p> <p>The sign is considered not to comply with the City's Sign Policy No. 7.5.2, as it adversely affects the character and amenity of the area it is located in.</p>	<p>The sign complies with City policy.</p>
<p><u>Revocation of approval</u></p> <p>The small bar approval should be revoked, to re-establish the venue as a café, as initially proposed. This application for extended trading hours is submitted well before the 12 month trial period, and should not be considered accordingly.</p>	<p>Once a planning approval for the use has been granted and activated it cannot be revoked.</p>
<p><u>Other matters</u></p> <p>Bicycle parking provisions has not be been complied with.</p>	<p>This matter has been referred to the City's Compliance Services area for investigation.</p>

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

Design Advisory Committee:

Referred to Design Advisory Committee: Not required.

LEGAL/POLICY:

Clause 39 of Town Planning Scheme No 1 requires that Council can grant planning approval for an unlisted use provided “*it is satisfied, by an absolute majority that the proposed development is consistent with the matters listed in Clause 38(5).*” These matters include among others that the proposal aligns with the planning framework, represents orderly and proper planning and contributes towards the conservation of the amenities.

The following legislation and policies apply to the above proposal.

- *Planning and Development Act 2005;*
- *State Administrative Tribunal Act 2004;*
- *City of Vincent Town Planning Scheme No. 1;*
- *Licensed Premises Policy No. 7.5.7;*
- *Mount Hawthorn Precinct Policy No. 7.1.1;*
- *Environmental Protection Act 1986;* and
- *Environmental Protection (Noise) Regulations 1997.*

RISK MANAGEMENT IMPLICATIONS:

Should 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 2005*.

STRATEGIC IMPLICATIONS:

The City’s Strategic Plan 2013-2017 states:

“Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City’s Strategic Plan 2013-2017 states:

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

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

ENVIRONMENTAL	
Issue	Comment
The proposal uses the existing building footprint. No further building works is proposed.	

SOCIAL	
Issue	Comment
Already provides a venue for socialising and entertainment.	

ECONOMIC	
Issue	Comment
Will provide employment opportunities.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

Comments:

Health

Since the premises opened to the public in 2013, Health and Compliance Services has received four complaints in relation to noise and anti-social behaviour.

Health and Compliance Services do not support the extension of hours due to non-compliance with the City's policy and the potential for unreasonable noise being emitted from activities related to the premises and the objections received by surrounding residences during the advertising of this proposal for extended opening hours.

Rangers

Ranger Services have visited the premises on 11 occasions in order to patrol the area in relation to complaints which have been made regarding parking, noise and anti-social behaviour. Rangers have reported the car park to be close to full capacity on a number of occasions but have otherwise had no major issues in relation to the bar. Signs have been installed on Dunedin St in response to complaints that vehicles have been parked on the verge.

Planning

The applicant has noted that Council has previously supported similar proposals for the extension of operating hours for the Amani Wine Bar and Brikka. It should be noted that these licenced premises are both located in areas zoned Commercial, which has a higher concentration of active and accessible uses that are compatible with one another.

In contrast, a licensed premises in a Local Centre Zone must be more sympathetic to its setting, which is typically that of a neighbourhood residential scale. In order to protect the existing amenity of such areas, the Department of Racing, Gaming and Liquor (DRGL) encourages Local Government to restrict the trading hours of licenced premises where it is considered appropriate to protect the existing residential amenity. The City's Licenced Premises Policy provides a clear framework on the requirements for licensed premises in response to the DRGL's direction for the management of such uses.

The application for extension of operating hours is inconsistent with planning for licenced premises in Local Centre areas. It seeks to intensify a use which is causing considerable concern and disruption to the local community particularly as patrons leave the bar.

While the applicant has provided justification in support of the proposal in the attached management plan, these concerns of disruption and noise cannot be adequately addressed as they are beyond the control of the bar operator.

As they do however have a negative impact on the amenity of the residential area, it is considered that the current hours of operation are the appropriate limit in this location and that it is inappropriate to extend the hours of operations as requested.

Conclusion:

In consideration of the significant community concern which has been documented in relation to this proposal, the preceding order from the SAT regarding the hours of operation and non-compliance with the City's Licenced Premised policy, it is recommended that the application for an extension to the hours of operation is refused.

9.1.5 Nos. 484 & 488/492 (Lots 51 & 52) Beaufort Street, Highgate – Proposed Amendment to Existing Tavern

Ward:	South	Date:	21 November 2014
Precinct:	Mount Lawley Centre, P11	File Ref:	PRO1151, 5.2014.491.1, PR18322
Attachments:	001 – Property Information Report 002 – Development Application Plans 003 – Applications Submission dated 8 September 2014		
Tabled Items:	Nil		
Reporting Officer:	A Groom, Planning Officer (Statutory)		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and Metropolitan Region Scheme, **APPROVES** the application submitted by S Taylor on behalf of the owner Benjamin and Co Pty Ltd, for an amendment to the Existing Tavern at Nos. 484 & 488-492 (Lots 51 and 52) Beaufort Street, Highgate, as shown on amended plans date-stamped 9 September 2014, included as Attachment 002, subject to the following conditions:

1. **Maximum Occupancy**
 The maximum patronage for the combined premises is 225 patrons;

2. **Building Appearance**
 - 2.1 The windows, doors and adjacent floor area facing Beaufort Street shall maintain an active and interactive frontage to this street; and

 - 2.2 All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Beaufort Street;

3. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:**
 - 3.1 **Schedule of External Finishes**
 A detailed schedule of external finishes (including materials and colour schemes and details);

 - 3.2 **Refuse and Recycling Management Plan**
 Bin numbers, collection and stores shall meet with the City's minimum service provision;

 - 3.3 **Acoustic Report**
 An Acoustic Report in accordance with the City's Policy No. 7.5.21 relating to Sound Attenuation; and

3.4 Amalgamation

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

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

4.1 Cash-in-lieu

4.1.1 Pay a cash-in-lieu contribution of \$16,016 for the equivalent value of 3.08 car parking spaces, based on the cost of \$5,200 per bay as set out in the City's 2014/2015 Budget;

4.1.2 lodge an appropriate assurance bond/bank guarantee of a value of \$16,016 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:

- (a) to the City at the date of issue of the Building Permit for the development, or first occupation of the development, whichever occurs first; or
- (b) to the owner(s)/applicant following receipt by the City with a Statutory Declaration on the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or
- (c) to the owner(s)/applicant, where the subject 'Approval to Commence Development', did not commence and subsequently expired; and

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

5.1 Car Parking

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

5.2 Management Plan

A detailed management plan that addresses the control of noise, anti-social behaviour, traffic, car parking, disposal of rubbish and its collection and litter associated with the development and any other appropriate matters shall be submitted to and approved by the City to the satisfaction of the City; and

5.3 Acoustic Report

Certification shall be provided that the measures recommended in the Acoustic Reports approved for this development have been implemented.

ADVICE NOTES:

1. The proposed alfresco area outside the premises, is not part of this application and is subject to an Alfresco Dining Permit.
2. **Signage**
 - 2.1 All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application; and
 - 2.2 All signage shall be subject to a separate Sign Permit application, being submitted to and approved by the City prior to the erection of the signage.

PURPOSE OF REPORT:

To consider amending the previous approval granted by Council at its meeting held on 24 September 2013 for the existing taverns (Beaufort Street Merchant and Enrique's) located at Nos. 484 & 488-492 Beaufort Street, Highgate.

BACKGROUND:

History:

Date	Comment
12 April 1999	Council at its Ordinary Meeting conditionally approved the Change of Use of the Vacant Ground Floor Tenancy to an Eating House subject to conditions at No. 484 Beaufort Street.
4 November 2003	Council at its Ordinary Meeting approved a Change of Use from Shop to Eating House and Residential Dwelling and Associated Signage, Alterations at No. 484 Beaufort Street, Highgate.
27 April 2004	Council at its Ordinary Meeting approved a Change of Use from Shop to Eating House and Residential Dwelling and Associated Signage, Alterations at No. 484 Beaufort Street, Highgate, for a reconsideration of condition.
13 December 2005	Council at its Ordinary Meeting approved a Development Application for a Change of Use from Shop to Shop and Eating House at Nos. 488-492 Beaufort Street.
11 May 2010	Council at its Ordinary Meeting approved an application for a Liquor Control Act Section 40 Certificate at No. 484 Beaufort Street.
24 September 2013	Council at its Ordinary Meeting approved the change of use from Eating House to Tavern at No. 484 & 488-492 Beaufort Street.

DETAILS:

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

The applicant proposes to increase the permitted maximum number of patrons from 154 to 225 persons. In the approval granted on 23 September 2011, approval was granted for 154 patrons. The applicant seeks to cater for 150 patrons in the Beaufort Merchant and 75 patrons in the Enriques site. The hours of operation for the sites are in accordance with the Licensed Premises Policy No. 7.5.7.

In addition, the applicant proposes structural changes to both sites. In relation to the Beaufort Street Merchant the applicant proposes to include a garden bar, alterations to the existing bar and dining layouts and a new kitchen and bar area. The Enriques site proposes to include additional toilets and a new bar area. Both sites will operate under the name "Beaufort House" with the Beaufort Street Merchant operating as one part and Enriques operating as the other.

The sites are required to be amalgamated as per the City's Policy No. 7.5.19, as the car parking bays and car parking manoeuvring areas straddle a lot boundary. This condition was applied to the planning approval dated 24 September 2013. This condition remains outstanding.

ASSESSMENT:

Land Use:

The site is zoned Commercial. A tavern in this zone is an "SA" use, meaning the use is not permitted unless Council has exercised its discretion and granted planning approval. The Beaufort Merchant and Enriques sites were granted planning approval for a tavern use in September 2013. Since commencing operations both sites have been operating successfully, bringing substantial numbers of people to the sites and Mount Lawley on a regular basis.

The properties are located at the Highgate end of Mount Lawley, which is slightly separated from the main intersection of Beaufort Street and Walcott Street where many of the businesses thrive. As such, the use and location of the Beaufort Merchant and Enriques ensures that business occurs along the whole of Beaufort Street with many people travelling from one end of the street to the other. This further intensification of the sites is therefore encouraged and supportable.

In addition, the proposed building changes are internal to the properties and will have no impact on the adjoining commercial and residential properties.

Car Parking

Under the City's current Car Parking Policy No. 7.7.1, the parking rate is: 1 space per 5 persons for a Tavern.

Accordingly the following car parking calculations apply for this proposal:

Commercial Car Parking	
Tavern – 1 space per 5 persons – 225 persons/5 = 45 car bays	
Total = 45 car bays	45 car bays
Adjustment Factors 0.80 – The development is located within 400 metres of a bus route 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 0.90 - The proposed development is within a Town Centre	(0.684) x 45 30.78 car bays
Available Car Parking Bay on-site 2.0 car bays (488/492 Beaufort Street) 6.0 car bays (484 Beaufort Street)	8.0 car bays
Minus the most recently approved on-site car parking shortfall 1.23 car bays (OMC 4.11.03) -484 Beaufort Street - Paid 2.522 car bays (OMC 4.11.03) 488 Beaufort - Paid 15.00 car bays (Memorandum dated 1/09/2008) – 488 Beaufort Street - Paid 0.765 car bays (1.09.08) – 488 Beaufort – Paid 0.1925 car bays (26.10.09) – 488/492 Beaufort Street - Paid	19.7 car bays
Shortfall	3.08 car bays

If the site is not able to provide additional car parking, the City's Policy No. 7.7.1 relating to Parking and Access provides for cash-in-lieu to be considered for the proposed shortfall to provide and/or upgrade parking bays in a nearby existing or proposed public parking facility, which may include on-street parking. Clause 2.2 "Cash-in-lieu" of the Policy states:

"The payment of cash-in-lieu is not to be seen as an alternative to providing sufficient parking on site, but rather as a mechanism to enable otherwise desirable developments to proceed where it can be demonstrated that it is not possible to provide sufficient parking on site".

The proposed use is considered desirable for the area and as such the payment of cash-in-lieu is considered to be appropriate in this instance.

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Comment Period:	14 October 2014 to 28 October 2014
Comments Received:	Five (5) letters of support, one (1) general concern and one (1) objection was received during the community consultation period.

Summary of Comments Received:	Officer Technical Comment:
<p><u>Issue: Noise</u></p> <p><i>"I am not convinced that there won't be any "undue" noise or disturbance as a result of the Tavern operations or that patrons leaving the premises will act in a quiet and orderly manner".</i></p>	<p>The noise levels are required to comply with the Environmental Protection Act 1986 and Environmental Protection (Noise) Regulations 1997. Furthermore as a condition of Planning Approval an acoustic report will be required to ensure noise attenuation measures are incorporated into the venue to address noise concerns</p>

Summary of Comments Received:	Officer Technical Comment:
<p><u>Issue: Liquor Control</u></p> <p><i>“Control of the sale of packaged liquor late at night so as to reduce the risk of persons leaving the tavern drinking on their way home”.</i></p>	<p>Section 65 of Liquor Control Act 1988 states that <i>“a licence or permit that authorises the sale of packaged liquor is subject to the condition that the liquor sold is not, unless authorised by an extended trading permit, consumed on or in the immediate proximity of the licenced premises”.</i></p> <p>The Liquor Control Act 1988 enables Racing, Gaming and Liquor to act in relation to any non-compliance issues.</p>
<p><u>Issue: Car Parking</u></p> <p><i>“There is a lack of parking in the area and nothing extra provided for patrons in the proposal”.</i></p>	<p>The car parking demand in the area is high and adding additional patrons will result in more pressure on the existing facilities.</p>
<p><u>Support:</u></p> <p><i>“I’m happy to add my support to this venue. It is mainly due to them that our end of Beaufort Street is so vibrant, encouraging others to invest down here”.</i></p> <p><i>“Small bars are the way forward for Beaufort St”.</i></p>	<p>Noted.</p>

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

LEGAL/POLICY:

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1;
- Parking and Access Policy No. 7.7.1; and
- Mount Lawley Centre Precinct Policy No. 7.1.11.

RISK MANAGEMENT IMPLICATIONS:

The applicant may have the right to have Council decision reviewed in accordance with Part 14 of the *Planning and Development Act 2005*.

STRATEGIC IMPLICATIONS:

The City’s Strategic Plan 2013-2017 states:

“Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City’s Strategic Plan 2013-2017 states:

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

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

ENVIRONMENTAL	
Issue	Comment
The adaptive re-use of this existing space has a lower environmental impact compared to constructing a new building for this purpose.	

SOCIAL	
Issue	Comment
The development will act as a social meeting place location providing a variety of food and beverage for the immediate and surrounding public.	

ECONOMIC	
Issue	Comment
The development will provide increased employment opportunities.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

Comments:

Planning Services

The application site is located within the Local Centre of the Mount Lawley Centre Precinct. Within this precinct, it is considered that careful consideration is given to the nature of commercial uses and their layout to ensure levels of noise, visual amenity and privacy are appropriate to any adjacent residences. Since commencing operations, the properties have ensured movement along Beaufort Street from the main intersection of Beaufort Street and Walcott Street to the Highgate end of Beaufort Street. This has allowed a variety of businesses to develop successfully along the whole length of Beaufort Street. Both developments are considerate of the surrounding residential properties with neither of them having received complaints in regards to noise since operating.

The proposal meets the objectives of the Precinct Policy, however due to the sites' limitations, is not able to provide for extra car parking spaces. Given that this proposal wishes to rely on using existing parking bays that are publically available, it is considered appropriate to require the payment of cash in lieu for the resultant car parking shortfall. Accordingly a condition requiring payment for 3.08 bays is imposed on the approval.

Conclusion:

Overall it is considered the proposed alterations to the existing tavern are appropriate to the Beaufort Street location. On the above basis, the proposal is supported, subject to the relevant conditions and advice notes.

9.1.6 No. 16/193-195 (Lot: 16 STR: 44402) Oxford Street, Leederville – Proposed Change of Use from Office to Consulting Room (Non-Medical)

Ward:	South	Date:	21 November 2014
Precinct:	Oxford Centre; P4	File Ref:	PR28125, 5.2014.477.1
Attachments:	001 – Property Information Report 002 – Development Application Plans 003 – Applicants Submission dated 24 September 2014		
Tabled Items:	Nil		
Reporting Officer:	A Groom, Planning Officer (Statutory)		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That 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 XEMO Design Pty Ltd on behalf of the owner N E Kamil, for the proposed Change of Use from Mixed Use Residential Office to Mixed Used Residential Office and Consulting Room (Non-Medical) at No. 16/193-195 (Lot: 16 STR: 44402) Oxford Street, Leederville, as shown on amended plans date-stamped 24 September 2014, as included as Attachment 002, subject to the following conditions:

1. Use

- 1.1 This approval for consulting rooms (Non-Medical – Massage Therapy) is for a period of twelve (12) months only and should the applicant wish to continue the use after that period, it shall be necessary to re-apply to and obtain approval from the City prior to the continuation of the use;
- 1.2 The hours of operation shall be limited to the following times:
Monday to Friday: 8:00am to 9:00pm;
Saturday: 8:00am to 5:00pm;
Sunday: 11:00am to 5:00pm; and
CLOSED Christmas Day, Good Friday and Anzac Day;
- 1.3 The use shall be limited to a maximum of one (1) consulting room operating at any one time. Any increase in the number of consulting rooms/consultants shall require Planning Approval to be applied for and obtained from the City;
- 1.4 Any change of use from Non-Medical Consulting Rooms (Massage Therapy) shall require Planning Approval to be applied for and obtained from the City prior to the commencement of such use; and
- 1.5 The proposed use shall not include massage activity of a sexual nature, prostitution, as a brothel business, as an agency business associated with prostitution, as an escort agency business, or the like;

2. Building Appearance

- 2.1 Doors, windows and adjacent floor areas fronting Oxford Street shall maintain an active and interactive relationship with the street; and

- 2.2 All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Oxford Street;
3. **WITHIN TWENTY-EIGHT (28) DAYS OF THE ISSUE DATE OF THIS 'APPROVAL TO COMMENCE DEVELOPMENT', the owner or the applicant on behalf of the owner shall comply with the following requirements:**
- 3.1 pay a cash-in-lieu contribution of \$2,912, for the equivalent value of 0.56 car parking spaces, based on the cost of \$5,200 per bay as set out in the City's 2014/2015 Budget; OR
- 3.2 lodge an appropriate assurance bond/bank guarantee of a value of \$2,912 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:
- 3.2.1 to the City at the date of issue of the Building Permit for the development, or first occupation of the development, whichever occurs first; or
- 3.2.2 to the owner(s)/applicant following receipt by the City with a Statutory Declaration on the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or
- 3.2.3 to the owner(s)/applicant, where the subject 'Approval to Commence Development', did not commence and subsequently expired.
- The car parking shortfall and consequent cash-in-lieu contribution can be reduced as a result of a greater number of car bays being provided on-site and to reflect the new changes in the car parking requirements; and
4. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning.

ADVICE NOTES:

1. **Signage**
- 1.1 All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application; and
- 1.2 All signage shall be subject to a separate Sign Permit application, being submitted to and approved by the City prior to the erection of the signage;
2. In regards to condition 1.1, if the applicant wishes to continue the use after that twelve (12) month period, planning approval is required to be sought prior to the planning approval lapsing; and
3. In regards to condition 1.3, the floor area of the massage treatment room shall not exceed 17.58 square metres. The proposed storage and waiting room shall not be used for massage therapy at any time.
-

PURPOSE OF REPORT:

This proposal is referred to Council for determination as the proposal is an “SA” use, and one (1) objection was received.

BACKGROUND:

History:

Date	Comment
14 May 2002	Council at its Ordinary Meeting conditionally approved the proposed Demolition of the Existing Lodging House and Construction of a Three-Storey Mixed Development comprising two (2) offices, four (4) multiple dwellings, and ten (10) two-storey grouped dwellings and associated undercroft car parking at No. 193-195 Oxford Street, Leederville.

DETAILS:

Landowner:	N E Kamil
Applicant:	XEMO Design Pty Ltd
Zoning:	RC80
Existing Land Use:	Office
Use Class:	Consulting Room (Non-Medical)
Use Classification:	“SA”
Lot Area:	1728 square metres
Right of Way:	N/A

The applicant proposes a change of use of the subject tenancy from Office to Consulting Rooms (Non-Medical – Massage Therapy). Details of the proposal are as follows:

- Maximum number of clients per time is one (1);
- One car bay is provided at any one time within the mixed use complex;
- Proposed Hours of Operation: Monday to Friday – 8:00am to 9:00pm;
Saturday – 8:00am to 5:00pm;
Sunday – 11:00am to 5:00pm
- Maximum number of employees at any one time is one (1); and
- Awning Sign (attachment No. 002).

The applicant has provided qualifications (attachment No.003) from Central Institute of Australia and the Department of Beauty Esthetics. Two (2) people will be employed by the Consulting Room, however only one employee will be working at any one time.

ASSESSMENT:

Land Use

The site is zoned Residential/Commercial R80. A consulting room (non-medical) in this zone is an “SA” use, meaning the use is not permitted unless Council has exercised its discretion and granted planning approval. The proposed change of use is in relation to the premises that are located within an existing mixed use development.

The proposal incorporates one massage treatment room only which can accommodate only one client at any one time.

Car Parking

The following car parking calculations apply for this proposal:

Commercial Car Parking	
Consulting Room (3 spaces per consulting room or consultant whichever is lesser – 1 consulting room) 1 consulting room = 3 car bays	3 car bays
Adjustment Factors 0.85 – the development is located within 800 metres of a rail station 0.80 – the development is located within 400 metres of a bus route 0.85 – the development is located within 400 metres of an existing off-street public car park with in excess of 75 car bays 0.90 – the development is located in a Town Centre	(0.5202) x 3 1.56 car bays
Proposed Car Parking Bays on-site	1 car bay
Shortfall	0.56 car bays

There is one (1) car bay provided internally within the mixed use complex. This car bay is located within the secure parking section of the complex and will to be utilised by the staff only. Due to the limited intensity nature of the use, there will not be substantial traffic, as the majority of clients attend by appointment. As such, the public car parks in the area can be utilised to accommodate the anticipated car parking demand. Both car parks (Loftus Centre and the Avenue car parks) have a minimum of 250 car bays. However, given that this proposal wishes to rely on using existing parking bays that are publically available it is appropriate and in accordance with the City's policy to require the payment of cash in lieu so that the public facilities in the vicinity are contributed to.

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
Comment Period:	3 October 2014 to 24 October 2014		
Comments Received:	One (1) objection was received during the community consultation period.		

Summary of Comments Received:	Officer Technical Comment:
Issue: Use <i>"I have concerns about the nature of Koom Massage on 193-195 Oxford Street and its probable dealing in commercial arrangements of a sexual nature".</i>	A requirement for the submission of a Development Application for Consulting Rooms is the proof of qualifications are provided as evidence that the proposed use is bona fide. The applicant has provided copies of the qualifications of their employees which are contained in attachment No. 003. As a further safeguard it is recommended that Planning Approval for Consulting Rooms (Non-Medical) is granted for a period of 12 months only. In addition it is recommended that a condition is imposed that prohibits the proposed use from becoming a business offering sexual services.

LEGAL/POLICY:

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1;
- Parking and Access Policy No. 7.7.1;
- Oxford Centre Precinct Policy No. 7.1.4;
- Consulting Rooms Policy No. 7.5.22; and
- Sign and Advertising Policy No. 7.5.2.

RISK MANAGEMENT IMPLICATIONS:

The applicant may have the right to have Council decision reviewed in accordance with Part 14 of the *Planning and Development Act 2005*.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2017 states:

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2017 states:

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

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

ENVIRONMENTAL	
Issue	Comment
Nil.	

SOCIAL	
Issue	Comment
The use will provide a service for the area.	

ECONOMIC	
Issue	Comment
The change of use of the premises for the purpose of a consulting room will allow for the currently vacant commercial tenancy to be occupied, which will contribute to business vitality in the area.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

Comments:

Planning Services:

The proposed change of use is located along Oxford Street within a commercial tenancy. The proposal is of low intensity as it includes only one (1) consulting room and one (1) staff member operating at any one time which limits the number of clients coming to and from the premises. Therefore it will not have any undue impact on the immediately adjoining residential properties within the complex.

The site is well serviced by public transport and within close proximity to the City's Public Car Parks (The Avenue and Loftus Centre). The site cannot sufficiently cater for the car parking bays required. It is considered appropriate to require the payment of cash-in-lieu for the shortfall in car parking.

Given that there is a perceived fear that a business of this nature may offer sexual services it is recommended that Planning Approval is granted for one (1) year only. This will enable to City to reconsider the proposal once a greater understanding of its potential impacts are known.

The signage proposed is compliant with the City's Sign and Advertising Policy No. 7.5.2.

Conclusion:

It is recommended that the use be supported, subject to the relevant conditions and advice notes.

9.2 TECHNICAL SERVICES

9.2.1 Review of the Posted Speed Limit on Fitzgerald Street between Angove Street and Raglan Road - Progress Report No 3

Ward:	South	Date:	20 November 2014
Precinct:	North Perth Centre (9)	File Ref:	SC979, SC228
Attachments:	001 - Letter from MRWA 29 August 2013 002 – Letter from MRWA 13 November 2014		
Tabled Items:	Nil		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

1. **ADVISES Main Roads WA that it APPROVES permanently lowering the posted speed limit in the section of Fitzgerald Street, North Perth between Angove Street and Raglan Road to 40kph; and**
2. **ADVISES local businesses and residents between Angove Street and Raglan Road of its decision.**

PURPOSE OF REPORT:

To request Council's approval for permanently lowering the posted speed limit in the section of Fitzgerald Street, North Perth between Angove Street and Raglan Road.

BACKGROUND:

Ordinary Meeting of Council - 24 August 2004:

Council adopted a Notice of Motion seeking, in part, a review of 60kph speed limits in the City, with particular reference to whether a lower speed limit would be appropriate for roads passing through or in close proximity to concentrations of activity and sensitive uses such as primary schools.

Ordinary Meeting of Council - 24 April 2007 and 11 November 2007:

Council subsequently received two progress reports advising of unsuccessful endeavours to have MRWA review the 60 kph speed limit on higher order roads.

December 2007:

MRWA advised that they had re-considered their stance and were prepared to trial the use of 'speed cushions' as a means of reducing traffic speed and selected Fitzgerald Street, based upon:

- Traffic accident statistics
- Volume and speed data
- Ease of implementation and
- As an acknowledgment of the work already undertaken by the within the precinct.

Ordinary Meeting of Council - 13 May 2008:

A report on the matter was considered where the following decision (in part) was made:

“That the Council;

- (ii) *APPROVES IN PRINCIPLE the Main Roads WA proposal to trial the installation of speed cushions in Fitzgerald Street, North Perth, between Raglan Road and Angove Street, as a means of reducing traffic speed and improving pedestrian safety in the North Perth Centre Precinct;*
- (iii) *APPROVES the Main Roads WA proposed community consultation, acknowledging the Town’s pivotal role precipitating the trial;*
- (iv) *AUTHORISES the Director Technical Services to approve, in conjunction with Main Roads WA, the location of the speed cushions, regulatory signage and changes to on-road parking as part of the implementation of the trial; and...*”

Ordinary Meeting of Council - 23 July 2013:

The Council adopted the following Notice of Motion (in part):

“That the Council;

- 1. *AUTHORISES the Chief Executive Officer to;*
 - 1.1 *Requests that Main Roads WA complete their current review as a matter of priority on the ‘speed cushion’ trial on Fitzgerald Street between Angove Street and Raglan Road with reference to:*
 - 1.1.1 *Their effectiveness in reducing traffic speeds;*
 - 1.1.2 *Community safety, given observed motorist behaviour to avoid current speed cushions; and*
 - 1.1.3 *Permanently lowering the posted speed in this section of Fitzgerald Street to 40kph; and...*”

MRWA letter 29 August 2013:

The City received a comprehensive MRWA review of the Speed Cushion Trial which in part advised (refer attached):

As it can be concluded that substantial speed reductions have been achieved through speed cushions, and Main Roads, at officer level will look favourably at the request to permanently reduce the speed limits provided speed cushions are retained or other measures are implemented that will facilitate reducing vehicles speed....”

Ordinary Meeting of Council 8 October 2013:

Following the comprehensive advice received from MRWA a further report on the matter was considered where Council decided *“to authorise the Chief Executive Officer to write to MRWA advising that the existing speed cushions in Fitzgerald Street will be made permanent and request that consideration be given to permanently lowering the posted speed along Fitzgerald”*

The City subsequently wrote to MRWA on 21 October 2013 requesting they consider making the speed cushions permanent and lowering the posted speed along Fitzgerald Street between Burt Street and Raglan Road to 40kph.

MRWA letter 13 November 2014:

MRWA advised that:

“Recommendations from this assessment, which was based on MRWA current guidelines, standards and practices, is to apply a permanent 40km/h area speed limit on Fitzgerald St as suggested.

The decision to impose a 40km/h speed limit was based on the nature of the roadside environment which meets the criteria for an Alfresco/Shopping Precinct with a high level of pedestrian activity as per Main Roads Speed Zoning Guidelines. To maintain compliance from road users, Main Roads agrees to the proposal under the conditions to retain the speed plateaus as mentioned in previous correspondence dated 21 October 2013.

After having driven the section of Fitzgerald St under review I can confirm that the proposed 40km/h speed limit was appropriate and did not appear unrealistic however, prior to any speed limit implementation/amendment on local roads, MRWA would appreciate Councils concurrence and/or comments for the above proposal”.

DETAILS:

As previously reported to Council, MRWA undertook a before and after study to investigate the effect of speed cushions on vehicles speed which found there was an average reduction in speed ranging from between 53kph to 56kph(before the trial) to 38km/h and 47km/h (after the trial). Hence they concluded that speed cushions had been very effective in reducing traffic speeds.

In summary MRW concluded that speed cushions are effective in reducing traffic speeds. It is evident that severities of crashes were reduced, and also major crashes were substantially reduced.

Officer Comment:

In its most recent letter MRWA has requested Council’s concurrence and/or comments for the proposal prior to any speed limit implementation/amendment on local roads. Council previously authorised the Chief Executive Officer to write to MRWA advising that the existing speed cushions in Fitzgerald Street would be made permanent and to request that consideration be given to permanently lowering the posted speed along Fitzgerald Street. On this basis, it is considered that Council has previously indicated its desire to reduce the posted speed limit in the section of Fitzgerald Street through the commercial Centre (between Angove Street and Raglan Road).

CONSULTATION/ADVERTISING:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Medium/High: Before and after studies to investigate the effect of speed cushions on vehicles speed found there was an average reduction in speed ranging from between 53kph to 56kph (before the trial) to 38km/h and 47km/h (after the trial) and it was concluded that speed cushions are effective in reducing traffic speeds, severities of crashes were reduced, and major crashes.

STRATEGIC IMPLICATIONS:

In keeping with the City's Strategic Plan 2011-2023 Objective 1:

"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:

Positive step to improve amenity of the commercial strip.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable at this stage however some or all of the existing speed cushions will need to be replaced over time.

COMMENTS:

Council has been an advocate for lowering posted speeds on higher order roads and the MRWA proposal is in line with the Council's desires.

9.2.2 Perth Central Transport Plan 2016-2025

Ward:	Both	Date:	20 November 2014
Precinct:	All	File Ref:	SC1973
Attachments:	001 – Perth Central Area Trans. Priority Map 002 – Existing PPMA Plan from the WA Government Gazette 003 – Information Sheet		
Tabled Items:	Nil		
Reporting Officer:	C Wilson, Manager Asset and Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

1. **ADVISES** the Department of Transport that it;
 - 1.1 **APPROVES IN PRINCIPLE** the objectives and aspirations of the Perth Central Transport Plan 2016-2025 subject to:
 - 1.1.1 the plan incorporating the framework of the City's Town Planning Scheme No. 2, as adopted by Council at its Special Meeting of 18 November 2014;
 - 1.1.2 the Department agreeing to consult and engage the wider Vincent Community when the 'draft' Perth Central Transport Plan 2016-2025 is released for public comment in 2015;
 - 1.1.3 The plan promoting east-west public transport connections across the City of Vincent; and
2. **RECEIVES** further reports as the Perth Central Transport Plan 2016-2025 develops.

PURPOSE OF REPORT:

To seek Council's preliminary comments on the Department of Transport's (DoT's) proposed Perth Central Transport Plan 2016-2025 for which the DoT is currently seeking input from Local Governments and the various state agencies that fall within the area of influence.

BACKGROUND:

Perth Central Business District (CBD) Transport plan 2012:

The \$105m plan, to be staged over four (4) years (2012-2016), aims to ensure that the Perth CBD has a sustainable and integrated transport system to accommodate and complement major CBD developments such as the Perth City Link, Riverside and Elizabeth Quay projects. Works completed under the plan to date included adding lanes to the Graham Farmer Freeway and the introduction of the Green Cat service between Leederville Station and the Esplanade Bus Port (www.transport.wa.gov.au/projects/cbd-transport-plan-to-2016.asp).

Councillor Forum of 14 October 2014:

The DOT presentation focused on the Perth Central Area Transport Plan 2016-2025 with the aim of developing a longer term strategy for all modes of transport and to link the transport strategy to land use plans. Further, the scope of the transport strategy is to be expanded beyond the CBD to include the activity centres and trip generators around the fringe off the 'traditional' CBD to include areas such as UWA/QEII Medical Centre, Subiaco, Leederville, Mt Lawley, South Perth, Victoria Park and the Burswood Peninsula.

The DoT envisages that the final plan will result in a ten (10) year (2016-25) vision and strategy document and a four (4) year (2016-2019) priority action plan.

DETAILS:

September 2014:

The DoT wrote to the City advising that it *“is currently co-ordinating the preparation of a transport strategy for the central area of metropolitan Perth to 2025, and beyond. This plan is being developed with our Transport Portfolio partners, the Public Transport Authority and Main Roads WA, as well as the City of Perth and the Metropolitan Redevelopment Authority and wider input and consultation from key stakeholders.”*

The letter also indicated that:

“The project team proposes to have an initial draft of the Plan completed in the first quarter of 2015, with formal consultation to follow, subject to approval of Government. I would hope, however, that we would have captured and discussed significant issues from your organisation prior to formal consultation.

In the meantime, I would like to provide the opportunity for your organisation to have initial formal input into the plan. The project team would be happy to accept any written comments you wish to provide up until the end of November 2014, which will enable them to be considered in the development of the draft Plan. The project team will continue liaising with your team to develop a plan that integrates the needs of your organisation with the needs of the transport network for the inner city.”*

*since extended to December 2014.

The DoT was subsequently invited to make a presentation to the Council Forum of 14 October 2014. The purpose of the presentation was to allow the Councillors an opportunity to gain an overview of the Perth Central Transport Plan 2016-2025 and to provide comment to the respective DoT Officers in attendance.

In its presentation, the DoT identified a possible expansion of the Perth Parking Management Area (*PPMA) to include a significant portion of the City of Vincent up to Vincent Street and encapsulating the Leederville and Mt Lawley Town Centre's. The ramifications being that all commercial and public parking spaces within the expanded zone would be subject to an annual levy as currently imposed within the existing PPMA.

*the current PPMA boundary follows Newcastle, Lindsay, Parry, Lord and Summers Street. (refer Attachment 002 - Existing PPMA Plan from the WA Government Gazette).

The DoT also acknowledged that as the 'level of public transport service' diminished with increasing distance from the core CBD, an incremental or sliding scale PPMA fee system could be introduced.

At the Council Forum, Elected Members identified that the 'area of influence' could also be expanded to include Oxford and Fitzgerald Streets, both of which are currently undergoing a period of significant redevelopment. The DoT highlighted that if the City of Perth's boundary is expanded through the Local government Reform Program to take in the entire City of Vincent, then the 'area of influence' could also be expanded to match (refer Attachment 001 - Perth Central Area TransPriority Map).

Elected Members also raised concerns about the lack of an east/west public transport link across the City of Vincent. The DoT acknowledged this as a relevant issued that would need to be addressed in the strategy document.

Officer Comment:

The Western Australian Newspaper of 20 November 2014 (page 3) featured an article titled 'Call for third Transport System' in which the WA Government Architect, Professor Geoff Warn, was quoted as saying that a developing Perth required '... a series of light rail, trams and buses that moved diagonally across the city'.

In respect of the 'Free Transit Zone' (FTZ) other than a small section of Newcastle Street and Lord Street, it does not extend into, or offer, benefits to the City commensurate with the annual PPMA fee the City already paid to the DoT.

The DoT indicated that they will do some work (modelling) on a possible Blue CAT extension to Leederville and the benefits and costs of extending the FTZ to include the Leederville Town Centre. However no mention was made of including Leederville Station in the FTZ. Another suggestion was to increase the frequency of the No. 15 Transperth bus service which services the Glendalough, Mt Hawthorn and Leederville areas.

CONSULTATION/ADVERTISING:

The DoT be requested to consult and engage with wider Vincent community upon the release 'draft' Perth Central Transport Plan 2016-2025 when released for public comment in 2015.

LEGAL/POLICY:

Not applicable.

STRATEGIC IMPLICATIONS:

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

"1.1: Improve and maintain the natural and built environment and infrastructure

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

SUSTAINABILITY IMPLICATIONS:

The Perth Central Transport Plan 2016-2025 potentially has significant ramifications upon the future sustainability of the City of Vincent and it is imperative that the State Government's planning processes achieved an equitable and sustainable outcome for the wider community.

FINANCIAL/BUDGET IMPLICATIONS:

Nil at this time.

COMMENTS:

As indicated in the body of the report the DoT are seeking Council thoughts and comments on what the City's priority's and aspirations are in respect of the future of public and private transport within the City of Vincent to best manage the impact of rapidly developing and evolving greater City of Perth. Further in light of the Council having endorsed the City's new Town Planning Scheme No. 2 (TPS2) at its special meeting of 18 November 2014 that the 'Draft' reflects the framework of TPS.

9.2.3 Vincent Bike Network Plan 2013 – Quarterly Progress Report No. 9

Ward:	Both	Date:	20 November 2014
Precinct:	All	File Ref:	SC423
Attachments:	001 - Council Decision History 002 - Bike Network Plan Works Update 003 – Proposed ‘Look Before Opening’ Sticker		
Tabled Items:	Nil		
Reporting Officers:	F Sauzier, Travel Smart Officer R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

That Council:

- NOTES** the progress on the Vincent Bike Network Plan PHASE 1 and PHASE 2 works as outlined in the report; and
- AUTHORISES** the Chief Executive Officer to undertake a marketing and education campaign to cost a maximum of \$20,000 as discussed in the report, to be funded from the project budget, to promote the works and to advise of the changed traffic conditions.

PURPOSE OF REPORT:

To provide Council with a quarterly progress report on the Implementation of ‘PHASE 1’ and ‘PHASE 2’ of the ‘Vincent Bike Network Plan’ and to seek approval for a marketing budget to promote the changed road conditions.

BACKGROUND:

The Vincent Bike Network Plan (VBNP) was approved by Council in October 2013. Pursuant to the Council decision, a two (2) phased delivery of strategic routes was agreed upon, including:

- PHASE 1: Vincent/Bulwer Street bike lanes (Implementation approved by Council 22 July 2014);
- PHASE 2: Oxford Street bike lanes (Implementation approved by Council 22 July 2014)
Scarborough Beach Road bike lanes (Implementation approved by Council 8 July 2014).

A more detailed background and timeline of the Council decisions can be found at Attachment 9.2.3A

Works on PHASE 1 began in August 2014 and on PHASE 2 (Oxford Street works) in September 2014. PHASE 2 (Scarborough Beach Road works) are due to commence in early 2015.

DETAILS:

Implementation of ‘PHASE 1 – Vincent and Bulwer Street’ and ‘PHASE 2 – Oxford Street’ Bike Lanes has progressed substantially. Some key items to be progressed immediately include the Main Roads WA (MRWA) line marking approvals and cycle lantern placements following a recent meeting between Vincent Mayor, officers and representatives from MRWA.

The following outlines the works still requiring completion (Refer Attachment 002):

PHASE 1 – Vincent and Bulwer Street Bike Lanes

Vincent Street:

- | | |
|--|---------------------------|
| • Cycle lanterns at Loftus Street | Awaiting MRWA approval |
| • Cycle lanterns at Charles Street | Awaiting MRWA approval |
| • Widen path at Charles/Vincent | Not commenced |
| • Line marking | Awaiting MRWA approval |
| • Green crossover markings | Scheduled for 22 November |
| • Relocation of guardrail at Vincent/Charles | Schedule for 29 November |
| • Recolouring of path north side Vincent | Not commenced |

Bulwer Street:

- | | |
|--|------------------------|
| • Line marking | Awaiting MRWA approval |
| • Green advanced start boxes | Awaiting MRWA approval |
| • Temporary speed hump at Palmerston St | Not commenced |
| • Landscaping works (mulch & replanting) | To be determined |

PHASE 2 – Oxford Street Bike Lanes:

- | | |
|---|------------------------|
| • Removal of trees | 100% completed |
| • Embaying of parking | 85% complete |
| • Reshape nibs | 85% complete |
| • Removal of nibs | 100% complete |
| • Application of red asphalt bike lanes | February 2015 |
| • Line marking | Awaiting MRWA approval |
| • Installation of bike racks | December 2014 |
| • Line marking of motorcycle bays | February 2015 |
| • Tree planting/Greening works | April 2015 |

PHASE 2 – Scarborough Beach Road Bike Lanes:

Fairfield to Loftus - February/ March 2015

- | | |
|----------------------|---------------|
| • Detailed survey | Not commenced |
| • Construction plans | Not commenced |

Loftus to Charles - July 2015

- | | |
|----------------------|---------------|
| • Detailed survey | Not commenced |
| • Construction plans | Not commenced |

Officer Comments:

Implementation of the bike lanes has been undertaken by the City's Engineering Operations team. The team has been able to respond directly to residents and businesses impacted by these major works. This has resulted in minimizing the disturbances to residents and businesses in the affected areas, in some cases with additional parking bays being identified and better outcomes achieved.

CONSULTATION/ADVERTISING:

A detailed consultation program was designed and implemented in conjunction with the City's Marketing and Communications Officer and in accordance with the City's Consultation Policy to advise all residents of the intended works. As the works near completion, a further program should be delivered to create awareness of the changed traffic conditions and to encourage respect of all road users.

LEGAL/POLICY:

The initiative aligns with the City's *Strategic Plan 2013-23*, *Physical Activity Plan 2009-2013* and the *Sustainable Environment Strategy 2011-2016*.

STRATEGIC IMPLICATIONS:

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

"1.1: Improve and maintain the natural and built environment and infrastructure

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

(d) Promote alternative methods of transport."

In accordance with the City's *Sustainable Environment Strategy 2011-2016*, Objective 1 states:

"Contribute to a cleaner local and regional air environment by promoting alternative modes of transport than car use to residents and employees within the City".

SUSTAINABILITY IMPLICATIONS:

An increased cycling participation rate by both residents and the wider community should lead to improved general health and wellbeing of the community, while reducing carbon emissions and the dependence on motorised transport.

RISK MANAGEMENT IMPLICATIONS:

Low. The design of the bike lane infrastructure has included input from Aurecon consultants; Bicycle Network; Bicycling WA; Bicycle Transportation Alliance; and Main Roads WA.

FINANCIAL/BUDGET IMPLICATIONS:

The listed expenditure to date is as follows:

- Budget Amount \$2,144,000
- Spend to date \$ 600,000*
- Balance \$1,544,000

Note:* A number of accounts are still outstanding and Scarborough Beach Road has not commenced.

Marketing Campaign:

It is considered that a professional marketing and education campaign should be undertaken to advise users of changed traffic conditions and to encourage safe use of the infrastructure. This campaign should focus on the broader Vincent community but also target those working and living on these roads. This could include the following components (the budget amounts are estimates):

• Variable Message Board campaign on bike lane fitted streets	\$5,000
• Adshelter bus stop campaign on affected streets;	\$6,000
• Look Before Opening 'anti-dooring' car window stickers or residents (Attachment 003)	\$4,000
• Local newspaper ads	\$5,000
TOTAL	<u>\$20,000</u>

This can be funded from the Bicycle Network account funds.

Perth Bike Network (PBN) Grant Funding 2014-15 Round:

The City applied to the PBN 2014-15 round and received funding of \$22,500 to contribute to the PHASE 1 Vincent Street works.

Perth Bike Network (PBN) Grant Funding 2015-16 Round:

The City has applied to the PBN 2015-16 round, to fund the Loftus Street to Charles Street component of the PHASE 2 Scarborough Beach Road works. A decision on the funding is expected by February 2015.

COMMENTS:

Delivery on the Vincent Bike Network Plan PHASE 1 and 2 works has progressed substantially, with the PHASE 1 works nearing completion and significant progress on the PHASE 2 Oxford Street works being achieved.

A marketing and education campaign to accompany the works is recommended to highlight the changed road conditions and encourage road user respect.

9.3 CORPORATE SERVICES

9.3.1 Investment Report as at 31 October 2014

Ward:	Both	Date:	21 November 2014
Precinct:	All	File Ref:	SC1530
Attachments:	001 – Investment Report		
Tabled Items:	Nil		
Reporting Officers:	B Wong, A/Manager Financial Services; N Makwana, Accounting Officer		
Responsible Officer:	B Tan, A/Director Corporate Services		

OFFICER RECOMMENDATION:

That Council **NOTES** the Investment Report for the month ended 31 October 2014 as detailed in Attachment 001.

PURPOSE OF REPORT:

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

BACKGROUND:

Interest from investments is a significant source of funds for the City, where surplus funds are deposited in the short term money market for various terms. Details are attached in Attachment 001.

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 2014 were \$22,411,000 compared with \$22,111,000 at 30 September 2014. At 31 October 2013, \$20,411,000 was invested.

Investment comparison table:

	2013-2014	2014-2015
July	\$9,611,000	\$11,311,000
August	\$21,411,000	\$23,111,000
September	\$20,411,000	\$22,111,000
October	\$20,411,000	\$22,411,000

Total accrued interest earned on Investments as at 31 October 2014:

	Annual Budget	Budget Year to Date	Actual Year to Date	%
Municipal	\$292,600	\$113,728	\$125,531	42.90
Reserve	\$292,300	\$88,216	\$90,500	30.96

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 increased from previous period due to receipt of rates revenue after second instalment was due.

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 2014

Ward:	Both	Date:	21 November 2014
Precinct:	All	File Ref:	SC347
Attachments:	001 – Creditors Report 002 – Credit Card Report		
Tabled Items:	-		
Reporting Officers:	O Dedic, Accounts Payable Officer; B Wong, A/Manager Financial Services		
Responsible Officer:	B Tan, A/Director Corporate Services		

OFFICER RECOMMENDATION:

That Council CONFIRMS the:

1. **Schedule of Accounts for the period 1 October – 31 October 2014 and the list of payments including credit cards;**
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 Attachment 001.

DECLARATION OF INTEREST

Members/Officers	Voucher	Extent of Interest
Nil.		

PURPOSE OF REPORT:

To present to Council the expenditure and list of accounts approved by the Chief Executive Officer under Delegated Authority for the period 1 October – 31 October 2014.

BACKGROUND:

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 Council, where such delegation is made.

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Automatic Cheques	76934 - 77224	\$455,054.51
Cancelled Cheques		
Transfer of Creditors by EFT Batch	1713, 1714, 1716 – 1720, 1723	\$3,663,571.87
Transfer of PAYG Tax by EFT	October 2014	\$601,971.25
Transfer of GST by EFT	October 2014	
Transfer of Child Support by EFT	October 2014	\$2,056.32
Transfer of Superannuation by EFT:		
• City of Perth	October 2014	\$26,693.90
• Local Government	October 2014	\$132,168.28
Total		\$4,881,516.13
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$8,116.70
Lease Fees		\$166,913.59
Corporate MasterCards		\$9,908.89
Loan Repayment		\$162,968.63
Rejection fees		\$2.50
Total Bank Charges & Other Direct Debits		\$347,910.31
Less GST effect on Advance Account		0.00
Total Payments		\$5,229,426.44

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 2013-2017:

"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 Council's adopted Annual Budget or has been authorised in advance by 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 2014

Ward:	Both	Date:	21 November 2014
Precinct:	All	File Ref:	SC357
Attachments:	001 – Financial Reports		
Tabled Items:	002 – Significant Accounting Policies		
Reporting Officers:	N Makwana, Accounting Officer; B Wong, A/Manager Financial Services;		
Responsible Officer:	B Tan, A/Director Corporate Services		

OFFICER RECOMMENDATION:

That Council RECEIVES the Financial Statements for the month ended 31 October 2014 as shown in Attachment 001.

PURPOSE OF REPORT:

The purpose of this report is to present the Financial Statements for the period ended 31 October 2014.

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 2014:

Note	Description	Page
1.	Summary of Income and Expenditure by Service Areas	1-30
2.	Statement of Financial Activity by Programme Report and Graph	31-32
3.	Statement of Comprehensive Income by Nature and Type Report	33
4.	Statement of Financial Position	34
5.	Statement of Changes in Equity	35
6.	Net Current Funding Position	36
7.	Capital Works Schedule and Funding and Graph	37-43
8.	Cash Backed Reserves	44
9.	Receivables	45
10.	Rating Information and Graph	46-47
11.	Beatty Park Leisure Centre Report – Financial Position	48
12.	Explanation of Material Variance	49-58

1. SIGNIFICANT ACCOUNTING POLICIES AND NOTES

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

Comments on the financial performance are set out below:

2. As per Attachment 001.

3. Statement of Financial Activity by Programme Report (Note 2)

Summary of Financial Activity as at 31 October 2014

	Original Budget \$	Revised Budget \$	Year to date Budget \$	Actual 2014/2015 \$	Variance \$	Variance %
Operating Revenue	30,810,822	30,818,072	8,446,343	8,128,105	(318,238)	-4%
Operating Expenditure	(51,659,410)	(51,334,021)	(17,342,272)	(16,765,502)	576,770	-3%
Add Deferred Rates Adjustment	-	-	-	17,655	17,655	0%
Add Back Depreciation	8,566,790	8,566,790	2,855,632	3,747,751	892,119	31%
(Profit)/Loss on Asset Disposal	(3,833,120)	(3,840,370)	(12,790)	22,140	34,930	-273%
Net Operating Excluding Rates	(16,114,918)	(15,789,529)	(6,053,087)	(4,849,851)	1,203,236	-20%
Proceeds from Disposal of Assets	4,455,000	5,605,000	21,000	42,339	21,339	102%
Transfer from Reserves	5,789,800	5,758,752	4,766,367	2,732,938	(2,033,429)	-43%
	10,244,800	11,363,752	4,787,367	2,775,277	(2,012,090)	-42%
Capital Expenditure	(16,895,834)	(13,291,534)	(6,615,860)	(3,158,549)	3,457,311	-163%
Repayments Loan Capital	(1,743,478)	(1,743,478)	(281,842)	(281,843)	(1)	0%
Transfers to Reserve	(5,599,370)	(4,248,453)	(556,152)	(524,379)	31,773	-6%
	(24,238,682)	(19,283,465)	(7,453,854)	(3,964,771)	3,489,083	-47%
Net Capital	(13,993,882)	(7,919,713)	(2,666,487)	(1,189,494)	1,476,993	-55%
Total Net Operating and Capital	(30,108,800)	(23,709,242)	(8,719,574)	(6,039,346)	2,680,228	-31%
Rates	26,909,021	26,909,021	26,618,306	27,224,963	606,656	2%
Opening Funding Surplus/ (Deficit)	3,199,779	(3,199,779)	(3,199,779)	(4,758,710)	(1,558,931)	49%
Closing Surplus/(Deficit)	-	-	14,698,953	16,426,907	1,727,953	12%

Comments on Summary of Financial Activity:

Operating Revenue

The unfavourable variance is due to the following:

Lower than budget parking infringement revenue due to events scheduled at a later date at nib Stadium.

Car parking revenue is also lower than anticipated due to the reduced parking bays at Frame Court and the adjustment to the costing at the Oxford Street Car Park.

There were also technical issues with the replacement of the old ticket machines with new ticket machines, which led to loss of revenue.

Dog registration revenue has not been recorded in the financial accounting system due to a software system error with the 'Animal module'. The issues are currently under investigation by software consultants.

Local Road Grants were accounted incorrectly, and will be corrected in November 2014.

Operating Expenditure

The positive variance is currently at three percent.

Depreciation

This unfavourable variance is a result of the increase in depreciation following Fair Value valuation on the City's Land and Buildings. It should be noted that depreciation is a non cash item. This item is being reviewed to ensure that the valuations are not over stated.

Transfer from Reserves

This is in a favourable position as the Transfer from Reserves is aligned to the timing of Capital Works Expenditure which is Reserve funded.

Capital Expenditure

There are still some timing differences on the works being undertaken.

Rates

The positive variance is due to a significant number of properties received after the budget rates model was run, this included new properties and revalued properties previously not included on the revaluation file, resulting in increased revenue.

Closing Surplus/(Deficit)

The opening surplus has been adjusted to reflect the amendments which were adopted at the Special Meeting of Council on the 3rd September, 2014.

The actual opening deficit at 1st July, 2014 is \$4,758,710 compared to the estimated \$3,693,071. The figure has been finalised and audited but yet to be adopted by Council.

The additional variance of \$1,558,931 is due to final year end accruals and adjustments. There are potential budget savings already identified to balance this additional variance through the new Parking Strategy, sale of asset, recoup of merchant fees, additional LGIS Member Experience Bonus and loan repayment reconsolidation.

There is currently a positive variance of \$1.72M.

4. Statement of Comprehensive Income by Nature and Type Report (Note 3)

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

5 Statement of Financial Position (Note 4) and

6. Statement of Changes in Equity (Note 5)

The statement shows the current assets of \$32,425,416 and non-current assets of \$244,267,802 for total assets of \$276,693,218.

The current liabilities amount to \$10,392,170 and non-current liabilities of \$18,188,643 for the total liabilities of \$28,580,813.

The net asset of the City or Equity is \$248,112,405.

7. Net Current Assets (Note 6)

Net Current Asset is the difference between the current asset and current liabilities less committed assets and restricted assets. This amount indicates how much capital is used up by day to day activities.

The net current funding position as at 31 October 2014 is \$16,426,907.

8. Capital Expenditure and Funding Summary (Note 7)

The Capital Expenditure summary details projects included in the 2014/2015 budget and reports the original budget and compares actual expenditure to date against these.

	Revised Budget \$	Year to date Budget \$	Actual to Date \$	Variance %
Furniture & Equipment	153,625	75,775	4,614	6%
Plant & Equipment	1,065,167	398,340	686,614	172%
Land & Building	1,038,275	505,605	74,237	15%
Infrastructure	11,034,467	5,636,140	2,387,108	42%
Total	13,291,534	6,615,860	3,152,574	48%

	Revised Budget \$	Year to date Budget \$	Actual to Date \$	Variance %
Capital Grant and Contribution	3,048,092	0	0	0%
Cash Backed Reserves	5,626,300	3,278,430	2,732,936	83%
Other (Disposal/Trade In)	134,000	59,000	73,658	125%
Own Source Funding – Municipal	8,087,442	3,278,430	345,980	11%
Total	13,291,534	6,615,860	3,152,574	48%

Note: Detailed analyses are included on page 37 – 42 of Attachment 001.

9. Cash Backed Reserves (Note 8)

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

The balance as at 31 October 2014 is \$6,485,520. The balance as at 30 September 2014 was \$7,670,163.

10. Receivables (Note 9)

Other Receivables 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. Receivables of \$729,333 are outstanding at the end of October 2014.

Out of the total debt, \$473,766 (71.2%) 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 Receivables 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. Rating Information (Note 10)

The notices for rates and charges levied for 2014/15 were issued on 21 July 2014.

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

First Instalment	25 August 2014
Second Instalment	27 October 2014
Third Instalment	5 January 2015
Fourth Instalment	9 March 2015

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)	\$12.00 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 2014 including deferred rates was \$7,391,136 which represents 26.82% of the outstanding collectable income compared to 25.91% at the same time last year.

12. Beatty Park Leisure Centre – Financial Position Report (Note 11)

As at 31 October 2014 the operating deficit for the Centre was \$93,007 in comparison to the year to date revised budgeted deficit of \$124,929.

The cash position showed a current cash surplus of \$160,100 in comparison to the year to date revised budget estimate of a cash surplus of \$51,755. The cash position is calculated by adding back depreciation to the operating position.

13. Explanation of Material Variances (Note 12)

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 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 Council's adopted Annual Budget or has been authorised in advance by Council where applicable.

9.4 COMMUNITY SERVICES

9.4.1 Draft Policy No. 3.8.12 – ‘Mobile Food Vendor’ and Policy No. 3.8.10 ‘Food Act 2008’

Ward:	Both	Date:	24 November 2014
Precinct:	All	File Ref:	ENS0133
Attachments:	001 – Draft Policy No. 3.8.12 – ‘Mobile Food Vendor’ 002 – Mobile Food Vendor Proposed Location of Operations		
Tabled Items:	Nil		
Reporting Officers:	W Pearce, Manager Health and Compliance A Birch, Acting Manager Community Development		
Responsible Officer:	J Anthony, Acting Director Community Services		

OFFICER RECOMMENDATION:

That Council:

1. **ENDORSES** Draft Policy No. 3.8.12 ‘Mobile Food Vendor’ as shown in Attachment 001 and proposed locations of operation as shown in Attachment 002 for the purpose of advertising for public comment;
2. **AUTHORISES** the Chief Executive Officer to:
 - 2.1 Undertake a Mobile Food Vendor Trial, in line with the Draft Policy No. 3.8.12 ‘Mobile Food Vendor’ from January 2015 through to April 2015; and
 - 2.2 Advertise the Draft Policy No. 3.8.12 ‘Mobile Food Vendor’ for public comment for a period of twenty-one (21) days;
3. **RECEIVES** a further report on the matter at the conclusion of the public comment period; and
4. **NOTES** that Policy No. 3.8.10 ‘Food Act 2008’, would need to be amended if Draft Policy No. 3.8.12 ‘Mobile Food Vendor’ is ultimately, in order to delete the following content from clause 1.5:

“Mobile Temporary Food Premises have traditionally not been approved by the City (formerly known as ‘Itinerant Vendors’ i.e. ice-cream vans that stop for custom on public property, when hailed by a customer). It is considered that this Policy formalises this position that mobile temporary food premises will not be approved within the City. In consultation with the City’s Ranger and Community Safety Services section and Planning, Building and Heritage section, the following details were identified:

The City is well serviced by permanent food premises:

- *Mobile vendors do not necessarily contribute to the sustainment or development of the City’s District, Commercial and Local Centres;*
- *Potential road traffic hazards (i.e. stopping for trade in no-stopping areas, obstructing driveways), and ability for the mobile food operator to stop for trade outside a permanent premises selling similar goods; and the difficulty in monitoring approved versus unapproved vendors”.*

PURPOSE OF REPORT:

To obtain approval from Council to seek comment from the local community in relation to the proposed Policy and to undertake a trial of the Mobile Food Vendor Policy from January to April 2015.

BACKGROUND:

At the Council Forum held on 30 October 2012, the Acting Manager Health Services presented a potential model for Mobile Food Vendors within the City. It was raised that the City's *Food Act Policy 2008* states that the City currently does not support Itinerant Vendors, and the policy requires an amendment if itinerant (roaming) vendors are to be permitted.

It was discussed during the Forum that a model be developed by Health Services to continue the approach of prohibiting itinerant vendors but allow Mobile Food Vending at a number of suitable parks and reserves within the City, with an annual tender proposed for the locations. It was also agreed that Health Services would report to Council once a model had been drafted.

At the Ordinary Meeting of Council held on 12 March 2013, a Draft Mobile Food Vendor Policy was submitted to Council for approval, however it was resolved that the item be deferred to allow further investigation to be undertaken.

At the Ordinary Meeting of Council held on 8 July 2014, Council resolved the following in relation to the provision of kiosk/café facilities at Hyde Park and Banks Reserve and Mobile Food Vendors:

"That the Council;

1. *RECEIVES the report on feedback from the Community Consultation for the Proposed Provision of Kiosk/Cafe Facilities at Hyde Park and Banks Reserve;*
2. *DOES NOT PROCEED any further with the Request for Tender process for the Proposed Provision of Kiosk/Cafe Facilities at both Hyde Park and Banks Reserve;*
3. *AUTHORISES the Acting Chief Executive Officer to finalise the Mobile Food Vendor Policy and investigate the areas within which Mobile Food Vendors could be allowed to operate including Hyde Park and Banks Reserve;*
4. *NOTES that a further report will be submitted to Council once this has been completed."*

At the Council Forum held on 16 September 2014, a presentation was made regarding the potential locations and operating conditions for Mobile Food Vendors, should the Draft Policy be considered and approved. Elected Members provided feedback on recommended locations and conditions and requested an updated presentation at the Council Forum due to be held on 11 November 2014.

At the Council Forum held on 11 November 2014, an updated policy approach with revised locations and conditions regarding Mobile Food Vendors was presented that policy approach now forms the basis of the report to Council for consideration.

DETAILS:

A Successful International Trend and a Progressive Initiative

New York, San Francisco, Sydney and cosmopolitan cities in the world have adopted the idea of food trucks, which are regarded as a successful international trend and a progressive initiative. Food trucks are generally seen as culturally unique experiences with good quality, healthy and affordable food.

They create community spirit and generate a festival atmosphere when two or more operate in the same location. They add colour and life to an area and activate previously quiet locations improving community safety.

Interest from Food Truck Operators

The City of Vincent has received a number of letters from food truck vendors expressing their desire to operate within the City. They have expressed interest in operating in a number of town centres, parks and reserves within the City including:

- Oxford Street Reserve, Leederville Town Centre;
- Hyde Park, William Street;
- Birdwood Square, Beaufort Street;
- Forrest Park, Harold Street Frontage; and
- Braithwaite Park, Scarborough Beach Road.

Other Local Governments in the Perth Metropolitan Area

City of Fremantle “Unique Food Vehicles Licence”

In July 2013, the City of Fremantle commenced its Unique Food Vehicles Licence trial. Eleven (11) licences were issued and thirteen (13) locations for food trucks were designated. There was no limit to the number of food trucks per location, although there was seldom more than two (2) in any spot at any one time. Hours of operation were between 7.00 am and 9.00 pm.

At the end of the trial, the City of Fremantle conducted a survey, the results of which were published in the Unique Food Vehicles Licence Trial Survey Results April 2014. The food truck trial was regarded as a success and beneficial to Fremantle overall, bringing more visitors to the Port City. A summary of the survey results follows:

- 813 survey responses were received;
- 792 responses from customers and members of the public;
- 11 responses from local businesses;
- 97% of feedback was very positive to positive;
- 66% of responses said the food trucks should operate even longer hours than 7.00 am – 9.00 pm;
- 3 local businesses rated the food trucks negative to very negative;
- 2 local businesses claimed they lost revenue;
- 37.5% of local businesses preferred the food trucks to be no closer than 25 metres; and
- 37.5% of local businesses preferred the food trucks to be no closer than 500 metres.

The Unique Food Vehicles Licence was made permanent in August 2014.

City of Perth “Mobile Food Truck” Trial

In November 2014, the City of Perth approved a Mobile Food Truck Trial to be held from February to March 2015. A total of ten (10) licences will be issued for use across fifteen (15) locations from 7am to 10pm Monday to Friday, with one (1) location holding trading hours of 10pm to 2am. The locations chosen were to accommodate areas that currently do not demand, with no existing food and beverage businesses within a minimum radius of 50 metres.

City of Bayswater “Mobile Food Vehicles”

The City of Bayswater is accepting applications for Mobile Food Vehicles with applications to include hours and locations of operation. The Health and Rangers departments review the applications and consider for approval.

City of Stirling “Traders Permit (Food)”

The City of Stirling is accepting applications for Mobile Food Vehicles with applications to include hours and locations of operation, with a minimum radius of 100 metres from any shops offering the same product for sale. The fee charged is based on the frequency of trading, with the fee increasing with an increase in trading frequency.

Proposed Locations of Operation

It is proposed to designate two (2) car bays for Mobile Food Vendors across eight (8) locations of the City’s passive parks and active sporting reserves. These locations are outlined below and in Attachment 002.

Location	Street Address	No.
<u>Passive Parks</u>		
Hyde Park	William Street	2
Hyde Park	Vincent Street – near water playground	2
Braithwaite Park	Corner Berryman Street and The Boulevard	2
<u>Active Sporting Reserves</u>		
Les Lilleyman	Gill Street – near playground	2
NIB Stadium	Corner Bulwer Street and Pier Street	2
Britannia Road Reserve	Bourke Street	2
Menzies Park	Purslowe Street and Egina Street	2
Charles Veryard Reserve	Bourke Street	2
TOTAL		16

Operation Details

Specific operational matters such as recommended times of operation, locations and numbers of Mobile Food Vendors per location are detailed as follows:

- Operational days are Monday through to Sunday;
- Operational hours are from 7am to 9pm;
- Foods offered for sale by Mobile Food Vendors may be restricted and described within the permit;
- Sixteen (16) locations have been identified for use by Mobile Food Vendors, with a maximum of two (2) Vendors at any one (1) location at any time. Vendors can choose on a daily basis where they would like to operate;
- ‘Vending Vincent’ permits will allow the Mobile Food Vendors to operate within any of the City’s nominated locations, within the conditions set for each location, which includes adherence to maximum number of Mobile Food Vendors per location; and
- During special events, a ‘Vending Vincent’ permit is not valid within the event precinct with reasonable notice provided to the operators where practicable.

Itinerant Vendors

The Council is requested to consider allowing mobile food vans formerly known as ‘itinerant vendors’, such as ice cream vans, to operate within the City.

Currently, clause 1.5 of the ‘Food Act 2008’ Policy No. 3.8.10 does not allow this form of trading and states in part:

“Mobile Temporary Food Premises have traditionally not been approved by the City (formerly known as ‘Itinerant Vendors’ i.e. ice-cream vans that stop for custom on public property, when hailed by a customer). It is considered that this Policy formalises this position that mobile temporary food premises will not be approved within the City. In consultation with the City’s Ranger and Community Safety Services section and Planning, Building and Heritage section, the following details were identified:

The City is well serviced by permanent food premises:

- *Mobile vendors do not necessarily contribute to the sustainment or development of the City's District, Commercial and Local Centres;*
- *Potential road traffic hazards (i.e. stopping for trade in no-stopping areas, obstructing driveways), and ability for the mobile food operator to stop for trade outside a permanent premises selling similar goods; and the difficulty in monitoring approved versus unapproved vendors."*

To allow this form of trading in the City of Vincent, the following content has been included in clause 2 of the 'Mobile Food Vendor' policy:

"Mobile food vans that were formerly known as 'Itinerant Vendors' eg ice-cream vans that stop for custom on public property when hailed by a customer, are permitted under the following conditions:

- *Hold a valid City of Vincent Mobile Food Vending Permit also known as a 'Vending Vincent' Permit;*
- *Hold a current Food Act 2008 Certificate of Registration from a Western Australian Local Government;*
- *Comply with the overall provisions within this policy;*
- *Serve ice creams, confectionary and drinks only;*
- *Can only trade between the hours of 9am to 5pm, Monday to Sunday;*
- *Must not trade within 50 metres of a commercial outlet selling the same or similar products;*
- *Only remain at a particular location for as long as there is a customer making a purchase. If there is no customer making a purchase, the permit holder must move on from that location within a reasonable time of the last purchase having been made; and*
- *Music, or other forms of noise to attract customers, is not permitted whilst the van is parked."*

CONSULTATION/ADVERTISING:

The Draft Policy will be advertised for a period of twenty-one (21) days, as per the City's Community Consultation Policy. This will occur during the Mobile Food Vendor Trial period between January 2015 and April 2015.

Should public submissions be received, the matter will be reported to Council for further consideration.

Should no public submissions be received, the Policy will be included in the City's Policy Manual.

The Mobile Food Vendor Trial will be activated through a Call for Applications from Vendors by Community Development. The applications will be assessed in conjunction with Health and Compliance Services, with final permits approved by the Chief Executive Officer.

LEGAL/POLICY:

- *Food Act 2008;*
- *Local Government Act 1995;*
- *Food Regulations 2009;*
- *Environment Protection (Noise) Regulations 1997;*
- *Environment Protection (Unauthorised Discharge) Regulations 2004;*
- *Australian and New Zealand Food Standards Code (FSANZ);*
- *City of Vincent Health Local Law 2004; and*
- *City of Vincent Trading in Public Places Local Law 2008.*

To ensure efficient and effective implementation of the Policy, it is recommended that the Council delegate authority to the Chief Executive Officer and Director Community Services to administer the Policy.

RISK MANAGEMENT IMPLICATIONS:

Mobile Food Vendor Permit Holders must take out and keep current a public and product liability insurance policy noting specifically City of Vincent as an interested party. The policy must insure for the amount of at least ten million dollars (\$10,000,000) and must cover injury, loss or damage to persons or property arising out of the activity carried out under this Permit or the granting of this Permit by the Council.

Safety measures may be required at Mobile Food Vending locations and will be assessed on a case-by-case basis by the City. If public safety cannot be reasonably addressed, permits will not be issued.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2013 – 2017* where the following Objectives state:

"Natural and Built Environment

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

"Economic Development

2.2.1 *Promote business development and the City of Vincent as a place for investment appropriate to the Vision for the City.*

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

"Community Development and Wellbeing

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."*

SUSTAINABILITY IMPLICATIONS:

The functions of the *Food Act 2008* are delegated to local government. Food safety education and enforcement is one of the key functions of Health and Compliance Services, which includes the licensing and approval of Temporary Food Premises, such as Mobile Food Vendors.

There are minimal additional sustainability implications by the introduction of the Mobile Food Vendor Policy, as the key functions remain similar to those already in place in Health and Compliance Services.

FINANCIAL/BUDGET IMPLICATIONS:

The fees are listed in the City's Fees and Charges 2014/2015, as follows:

- Notification (assessment of initial application) \$50
- Annual Permit: Medium Risk \$858
Low Risk \$619

COMMENTS:

Food trucks are an increasingly popular international trend adopted by such cities as New York, San Francisco and Sydney.

The provision of Mobile Food Vendors in the recommended locations will provide an otherwise lacking service and encourage individuals to stay longer in our parks and reserves.

The Draft Policy No. 3.8.12 'Mobile Food Vendor' is recommended to be advertised for community consultation for a period of twenty-one (21) days, during a Trial Mobile Food Vendor Period between January and April 2015.

Should public submissions be received, the Policy will be reported back to Council for consideration.

9.4.2 Manna Inc. – Continued Use of Weld Square

Ward:	South	Date:	21 November 2014
Precinct:	Beaufort (13)	File Ref:	SC1789
Attachments:	001 – Letter from Manna Inc. regarding food service at Weld Square		
Tabled Items:	Nil		
Reporting Officer:	A Birch, Acting Manager Community Development		
Responsible Officer:	J Anthony, Acting Director Community Services		

OFFICER RECOMMENDATION:

That Council:

1. **APPROVES Manna Inc. to carry out a free meal service for people who are homeless or at risk of homelessness in Weld Square for a period of twelve (12) months, concluding 4 December 2015, subject to the following conditions:**
 - 1.1. **The hours of operation shall be between 5.00pm and 6.00pm, six (6) days per week excluding Saturdays;**
 - 1.2. **An afterhours contact number for Manna Inc. shall be made available for the City of Vincent and local residents should any problems occur;**
 - 1.3. **All steps shall be taken to minimise any disturbance and impact to the nearby amenity and environment, considering the proximity to residents;**
 - 1.4. **No more than two (2) vehicles shall be allowed access on the Reserve at any given time;**
 - 1.5. **Manna Inc. will enter the reserve on the Newcastle Street side of the park, and carry out their meal service in the centre of the park, once the installation of a crossover at the Newcastle Street entrance is completed;**
 - 1.6. **Manna Inc. staff shall pick up all rubbish and litter pertaining to their client group; and**
 - 1.7. **Permission to operate within Weld Square may be withdrawn by the City at its discretion, should any problems occur that are not effectively and quickly resolved; and**
2. **LISTS for consideration an amount of \$10,000 on the Draft 2015/2016 Annual Budget, for the installation of a crossover at the Newcastle Street entrance to Weld Square for the purpose of vehicle entry and exit.**

PURPOSE OF REPORT:

To update Council of the current use of Weld Square by Manna Inc. and to seek Council's approval for Manna Inc. to continue to use Weld Square on a temporary basis as well as the installation of a crossover at the Newcastle Street entrance to the park, for the purpose of vehicle entry and exit.

BACKGROUND:

Manna Inc. is a not for profit organisation that provides a free meal service six (6) days a week to people who are homeless or at risk of homelessness.

Prior to August 2008, Manna Inc. operated from the Aboriginal Advancement Council however due to various circumstances, they were unable to continue from this location and at this point they approached the City for assistance.

In August 2008, the City agreed to provide Manna Inc. the in kind use of Weld Square Sunday through to Friday from 4.30pm to 6.30pm on a temporary basis until Manna Inc. were able to secure a suitable, permanent premises to operate from. The original agreement between Manna Inc. and the City of Vincent was made on 15 August 2008, with the following conditions:

- Operations to occur between the hours of 4.30pm and 6.30pm, 6 days per week (not Saturdays);
- Manna Inc. to maintain an afterhours contact number that is made available to Town staff should any problems occur;
- Manna Inc. to take all steps to minimise any disturbance and impact to the nearby amenity and environment, considering its close proximity to residents;
- Manna Inc. to acknowledge that this arrangement is short term with a view to them finding a permanent residence to operate from;
- Manna Inc. staff be allowed to access Weld Square toilets with a key provided by the Town. It is required that Manna Inc. staff lock up the toilets at the end of each night of operation;
- Manna Inc. staff to pick up all rubbish and litter, takeaway containers and bottles pertaining to their client group at the end of each night of operation; and
- Manna Inc. note that permission to operate within Weld Square may be withdrawn by the Town at any time, should problems occur that are not effectively and quickly resolved.

As Manna Inc. has previously complied with the terms of the original agreement, the ongoing use of Weld Square has been permitted on a temporary basis.

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

Following the meeting between the City and Manna Inc. in October 2013 a recommendation was made to Council to extend Manna Inc.'s use of Weld Square for a period of twelve (12) months while the City and Manna Inc. worked together to find a permanent suitable premises for their food services to continue.

At the Ordinary Meeting of Council held on 5 November 2013, the following was resolved:

"That the Council;

1. *RECEIVES the report regarding Manna Inc.' current use of Weld Square;*
 2. *APPROVES Manna Inc. to carry out a free meal service for people who are homeless or at risk of homelessness in Weld Square for a period of twelve (12) months commencing 1 November 2013, subject to the following conditions:*
 - 2.1 *The hours of operation shall be between 4.30pm to 6.30pm, six (6) days per week excluding Saturdays;*
-

- 2.2 *An afterhours contact number for Manna Inc. shall be made available for the City of Vincent and local residents should any problems occur;*
 - 2.3 *All steps shall be taken to minimise any disturbance and impact to the nearby amenity and environment, considering the proximity to residents;*
 - 2.4 *No more than two (2) vehicles shall be allowed access on the Reserve at any given time;*
 - 2.5 *Manna Inc. acknowledge that this arrangement is on a fixed term of 12 months, at which time the Council will further review the arrangement;*
 - 2.6 *Manna Inc. staff shall pick up all rubbish and litter on the Reserve, pertaining to their client group; and*
 - 2.7 *Permission to operate within Weld Square may be withdrawn by the City at its discretion, should any problems occur that are not effectively and quickly resolved;*
3. *REQUESTS the Chief Executive Officer to provide support to Manna Inc. to source alternative premises that are more suitable to the meal service prior to 5 November 2014; and*
 4. *REVIEWS Manna Inc. use of Weld Square for the above stated purposes before the agreement ends on 5 November 2014."*

In September 2014, the City called a meeting with Manna Inc. to discuss their continued use of Weld Square.

The outcome of this meeting was confirmed in a letter received by the City from Manna Inc., as found in Attachment 001, and presented to the Council Forum held on 11 November 2014.

DETAILS:

Since the Council Resolution passed at the Ordinary Meeting of Council held 5 November 2013 Manna Inc. has continued to use Weld Square for their six (6) day per week food service.

The City has been working in conjunction with Manna Inc. to find a suitable, permanent premises and had entered into negotiations with the Aboriginal Advancement Council (AAC) to allow Manna Inc. use of their property, located on Beaufort Street, Highgate.

At a meeting held between the City and Manna Inc. in September 2014, Manna Inc. advised that the AAC would not be a suitable location, for the following reasons:

- The number of clients being served has increased with an average of 200 meals served per night. Utilising the AAC would require clients to line up outside the premises to access the meal service. This would not address or alleviate received residents' concerns;
 - Utilising the indoor premises at the AAC is conditional to Manna Inc. hiring security guards for the duration of their food service, a cost that Manna Inc. is unable to absorb; and
 - The indoor premises would also increase the amount of time it would take for Manna Inc. to complete their food service as they would not only have to wait for their clients to finish eating to allow a thorough clean up, but they would also have to wait for their clients to exit the premises or potentially force their clients to exit the premises. As the food service is run by volunteers, this would place undue pressure and an unrealistic expectation on them.
-

These issues led Manna Inc. to request to continue their food service to operate from Weld Square but on a permanent basis, subject to the following conditions:

- The hours of operation shall be between 5.00pm and 6.00pm, six (6) days per week excluding Saturdays;
- An afterhours contact number for Manna Inc. shall be made available for the City of Vincent and local residents should any problems arise;
- All steps shall be taken to minimise any disturbance and impact to the nearby amenity and environment, considering the proximity to residents;
- No more than two (2) vehicles shall be allowed access on the park at any given time;
- Manna Inc. will enter the reserve on the Newcastle Street side of the park, and carry out their meal service in the centre of the park;
- Manna Inc. staff shall pick up all rubbish and litter pertaining to their client group; and
- Permission to operate within Weld Square may be withdrawn by the City at its discretion, should any problems occur that are not effectively and quickly resolved.

To minimise the impact on the entry and exit point to the park, it is recommended to install a crossover at the Newcastle Street entrance to the park, for the purpose of vehicle entry and exit. The cost of this is estimated to be \$10,000 and is recommended to be listed for consideration on the 2015/2016 Draft Budget 2015/2016.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

This is in keeping with the following Objectives of the City's "*Strategic Plan 2013-2017*":

"2. Economic Development

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

"3. Community Development and Wellbeing

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

3.1.2 *Promote and foster community safety and security.*

3.1.3 *Promote health and wellbeing in the community.*

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The in-kind use of Weld Square by Manna Inc. from Sunday through Friday from 5.00pm to 6.00pm has a financial cost of \$6,396. This cost is waived through policy 3.10.5 – Donations, Sponsorship and Waiving of Fees.

The estimated cost to install a crossover at the Newcastle Street entrance to the park is \$10,000. This is recommended to be listed for consideration on the Draft Budget 2015/2016.

COMMENT:

The City's Officers recognise that the food service Manna Inc. operates is a necessary service for those in need, and recommend the conditional, ongoing, in-kind use of Weld Square for this service.

The City's Officers also recommend the installation of a crossover at the Newcastle Street entrance to the park for vehicle entry and exit to the reserve, to minimise the impact on the road verge.

9.4.3 Mount Hawthorn Hawker Markets – Ongoing Approval

Ward:	North Ward	Date:	25 November 2014
Precinct:	Mount Hawthorn Centre (2)	File Ref:	SC1243
Attachments:	001 – Consultation Submissions		
Tabled Items:	Nil		
Reporting Officers:	Y Coyne, Coordinator Arts & Creativity A Birch, Acting Manager Community Development		
Responsible Officer:	J Anthony, Acting Director Community Services		

OFFICER RECOMMENDATION:

That Council:

1. **NOTES** the one hundred and five (105) submissions received in relation to the Mount Hawthorn Hawker Markets proposal as summarised in Attachment 001;
2. **APPROVES:**
 - 2.1 **A permit to be issued to Local Arts and Community Events Inc. to hold the Mount Hawthorn Hawker Markets on Friday evenings in Axford Park, Mount Hawthorn from 5pm to 9pm from 5 December 2014 through to 27 March 2015; and**
 - 2.2 **The waiving of park hire and waste management fees and charges; and**
3. **The Mount Hawthorn Hawker Markets shall be subject to the following conditions:**
 - 3.1 **All temporary food stalls and vans shall obtain a Special Events Permit from the City’s Health and Compliance Services. Application forms together with the relevant fees shall be submitted at least fourteen (14) days prior to the commencement of trade;**
 - 3.2 **All temporary food stalls and vans shall ensure full compliance with the provisions of the *Food Act 2008* and *Australia New Zealand Food Standards Code*. No food shall be sold to the public unless approved by the City’s Health and Compliance Services Section;**
 - 3.3 **Sound levels created shall not exceed the provisions of the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997*; and**
 - 3.4 **The Applicant shall ensure ongoing compliance with the provisions of the *Health (Public Buildings) Regulations 1992*.**

PURPOSE OF REPORT:

The purpose of this report is to update the Council on the outcome of the Mount Hawthorn Hawker Markets four (4) week trial, public consultation responses received during the trial, and to seek Council’s authorisation for Local Arts and Community Events Inc. (LACE) to continue the weekly Hawker Markets until 27 March 2015.

BACKGROUND:

At the Ordinary Meeting of Council held on 7 October 2014, it was resolved:

“That Council;

1. *RECEIVES the proposal from Local Arts and Community Events Inc. received 19 September 2014 to establish a regular Friday Hawker Market at Axford Park commencing 7 November 2014 until 27 March 2015;*
2. *AUTHORISES the Chief Executive Officer to advertise the intent for the Mount Hawthorn Hawker Market, as detailed in Attachment 001 for public comment for a period of twenty-one (21) days commencing 1 November 2014 inviting written submissions from the public in accordance with the City’s Policy No. 4.1.5 relating to Community Consultation;*
3. *GRANTS a temporary permit Local Arts and Community Events Inc. to hold the Mount Hawthorn Hawker Market on Friday 7, 14, 21 and 28 November 2014; and*
4. *APPROVES the waiving of park hire and waste management fees and charges in accordance with Policy No. 3.10.5 ‘Donations, Sponsorships and Waiving of Fees and Charges’ in relation to the Mount Hawthorn Hawker Market, to be held on Friday 7, 14, 21 and 28 November 2014.”*

DETAILS:

In accordance with Council’s resolution, at the Ordinary Meeting of Council held on 7 October 2014, a temporary permit was granted to Local Arts and Community Events Inc. (LACE) to trial the Mount Hawthorn Hawker Markets for a period of four (4) weeks on Friday 7, 14, 21 and 28 November 2014 in Axford Park, Mount Hawthorn.

Community Consultation Feedback Received

A summary of the submissions received is provided in Table 1 below:

Out of the one hundred and five (105) community consultation forms received, sixty one (61) were received by Mount Hawthorn residents, eleven (11) forms were submitted by Vincent residents from other suburbs, and the remainder thirty three (33) forms were from unknown addresses.

Table 1: Summary of Submissions Received

Submissions – Support	100
Submissions – Object	2
Submissions – Neither Support nor Object	3
Total	105

Table 2: Summary of Submissions

Concern	Support	Concerns
Continuance of the Mount Hawthorn Hawker Market	<ul style="list-style-type: none"> The Hawker Markets is a great meeting place for the community. The Hawker Markets is a family friendly night out. The Hawker Markets adds much needed vibrancy to the area. 	<ul style="list-style-type: none"> As the event continues, street drinking may become an issue.
Parking implications	<ul style="list-style-type: none"> Mount Hawthorn residents walked to the event. 	<ul style="list-style-type: none"> Concerns around parking congestion in neighbouring streets.
Axford Park as a venue	<ul style="list-style-type: none"> Axford Park makes for an intimate venue. Axford Park is highly visible to passing traffic, making Mount Hawthorn more attractive. Axford Park is an underutilised park, it is good to see it being used. Axford Park is close to walk to. 	<ul style="list-style-type: none"> Concerns about the park being too small. Concerns regarding the main road next to the park and suggestion of a small barrier. Concerns that the park is too small and suggestions of Braithwaite park as another option.

The complete community consultation submissions are shown in Attachment 001.

Concerns about the park being unsafe and too small have been taken into account. Whilst the City Officers feel a fence will detract from the park's aesthetics, low barrier options on the Scarborough Beach Road side of the park are being investigated.

Concerns regarding the park size have been taken into account; however, the City's Officers recommend the Markets remain at Axford Park to take advantage of the high visibility of the reserve in the centre of Mount Hawthorn. The layout of the stall holders will be reviewed to maximise the green space available for visitors to sit at.

Economic Implications

It is the view of the City that the proposed Mount Hawthorn Hawker Markets will have a positive impact on the local economy. Continual improvement of walkability and destination quality of the immediate vicinity with initiatives such as the Markets, will increase the number of visitors to the Town Centre, both nearby residents and otherwise.

Social Implications

Mount Hawthorn is a neighbourhood with many families. In the 2011 Australian Bureau of Statistics Census survey it was noted that 1,854 families lived in Mount Hawthorn with an average of 1.8 children. It is likely that this figure has raised since 2011. During the trial it was noted that families attended and enjoyed this event and that it was a good way to get to know neighbours and the local community.

CONSULTATION/ADVERTISING:

Invitation for public comment was advertised for a period of twenty-one (21) days inviting written submissions from the public in accordance with the City's Policy No. 4.1.5 relating to Community Consultation. Community Consultation forms were made available electronically via the City's website, in hard copy at the City's Administration and Civic Centre and at the Mount Hawthorn Hawker Markets.

LEGAL/POLICY:

Nil.

RISK MANAGEMENT IMPLICATIONS:

Low: The Mount Hawthorn Hawker Markets have successfully trialed the markets for four (4) weeks without incident. A full Risk Management Plan was submitted to the City by LACE prior to the first event.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

Community Development and Wellbeing

- 3.1 *Enhance and promote community development and wellbeing.*
- 3.1.3 *Promote health and wellbeing in the community.*
- 3.1.6 *Build capacity within the community to meet its needs."*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

To date \$1,000 has been spent on upgrading the lighting to the park from the Axford Park Lighting expenditure budget. An amount of \$14,000 will be listed for consideration on the Draft Budget 2015/16 for additional power to the park.

COMMENTS:

Given the overwhelming public support for the Mount Hawthorn Hawker Markets it is recommended that Council authorise the ongoing weekly event until 27 March 2015.

It is the view of the City's Officers that the Mount Hawthorn Hawker Markets will provide a space for the both local residents and visitors to meet, socialise, eat and enjoy the City's park as well as improve the liveability of Mount Hawthorn area by providing this weekly event.

9.5 CHIEF EXECUTIVE OFFICER

9.5.1 Use of the Council's Common Seal

Ward:	-	Date:	26 November 2014
Precinct:	-	File Ref:	SC406
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	M McKahey, Personal Assistant		
Responsible Officer:	L Kosova, Chief Executive Officer		

OFFICER RECOMMENDATION:

That Council NOTES the use of the Council's Common Seal on the documents listed in this report, for the month of November 2014.

BACKGROUND:

The Chief Executive Officer (CEO) is responsible for the day-to-day management of the City and other responsibilities and functions in accordance with Section 5.41 of the Local Government Act. This includes the signing of documents and use of the Council's Common Seal for legal documents. The City of Vincent Local Law relating to Standing Orders Clause 5.8 prescribes the use of the Council's Common Seal. The CEO is to record in a register and report to Council the details of the use of the Common Seal.

At the Ordinary Meeting of Council held on 14 May 2002, the Council authorised the Chief Executive Officer to use the Common Seal, in accordance with Clause 5.8 of the City of Vincent Local Law relating to Standing Orders, subject to a report being submitted to Council each month (or bi-monthly if necessary) detailing the documents which have been affixed with the Council's Common Seal.

The Common Seal of the City of Vincent has been affixed to the following documents:

Date	Document	No of copies	Details
3/11/2014	Deed of Extension of Lease	3	City of Vincent and The Bethanie Group Inc. of Level 2, 216 Stirling Highway, Claremont for Part of the land contained in Certificate of Title Volume 33 Folio 327, being Swan Location Perth Town Lot Y256, known as 413 Bulwer Street, Perth - Five (5) Years from 1 July 2014 to 30 June 2019 - <i>Ten (10) Year Lease with two x Five (5) Year options approved at Ordinary Meeting of Council held on 9 August 1999 (Item 10.3.5)</i>
3/11/2014	Deed of Extension of Lease	3	City of Vincent and Volleyball Western Australia of 180 Charles Street, West Perth for Part of the land contained in Perth Town Lot Y257 being a Crown Grant in Certificate of Title Volume 33 Folio 328 known as 180 Charles Street, West Perth - Five (5) Years from 1 August 2014 to 31 July 2019 - <i>Ten (10) Year Lease with two x Five (5) Year options approved at Ordinary Meeting of Council held on 9 August 1999 (Item 10.3.5)</i>
3/11/2014	Withdrawal of Caveat	1	City of Vincent and HWL Ebsworth Lawyers, Level 11, 167 St Georges Terrace, Perth re: No. 287 (Lots 9 and 100) Vincent Street, Leederville - Five Storey Mixed-Use Development - <i>Caveat M230673 was registered in April 2013 at the request and is no longer required, as lots have been amalgamated</i>

Date	Document	No of copies	Details
3/11/2014	Section 70A Notification	1	City of Vincent and 287 Vincent Pty Ltd of 10 Bowman Street, South Perth re: No. 287 (Lots 9 and 100) Vincent Street, Leederville - Five Storey Mixed-Use Development - <i>To satisfy conditional Planning Approval relating to non-issuance of residential or visitor car parking permits to any owner or occupier of the residential units/or office. The on-site car parking was in accordance with the requirements of the Residential Design Codes and the City's Policy No. 3.7.1 relating to Parking and Access</i>
4/11/2014	Resident Agreement	1	City of Vincent and Leederville Gardens Incorporated of C/o City of Vincent, (Cnr Loftus Street), Leederville and Mr G. Ratchford re: Unit 10, Leederville Gardens, 37 Britannia Road, Leederville
4/11/2014	Lease	1	City of Vincent and Leederville Gardens Incorporated of C/o City of Vincent, (Cnr Loftus Street), Leederville and Mr G. Ratchford re: Unit 10, Leederville Gardens, 37 Britannia Road, Leederville
4/11/2014	Resident Agreement	1	City of Vincent and Leederville Gardens Incorporated of C/o City of Vincent, (Cnr Loftus Street), Leederville and Ms M. Martin re: Unit 54, Leederville Gardens, 37 Britannia Road, Leederville
4/11/2014	Lease	1	City of Vincent and Leederville Gardens Incorporated of C/o City of Vincent, (Cnr Loftus Street), Leederville and Ms M. Martin re: Unit 54, Leederville Gardens, 37 Britannia Road, Leederville
4/11/2014	Resident Agreement	1	City of Vincent and Leederville Gardens Incorporated of C/o City of Vincent, (Cnr Loftus Street), Leederville and Mr M. Smith re: Unit 2, Leederville Gardens, 37 Britannia Road, Leederville
4/11/2014	Lease	1	City of Vincent and Leederville Gardens Incorporated of C/o City of Vincent, (Cnr Loftus Street), Leederville and Mr M. Smith re: Unit 2, Leederville Gardens, 37 Britannia Road, Leederville
4/11/2014	Resident Agreement	1	City of Vincent and Leederville Gardens Incorporated of C/o City of Vincent, (Cnr Loftus Street), Leederville and Mrs P J Carroll re: Unit 47, Leederville Gardens, 37 Britannia Road, Leederville
4/11/2014	Lease	1	City of Vincent and Leederville Gardens Incorporated of C/o City of Vincent, (Cnr Loftus Street), Leederville and Mrs P J Carroll re: Unit 47, Leederville Gardens, 37 Britannia Road, Leederville
10/11/2014	Restrictive Covenant	3	City of Vincent and Mr P R Lewin and Ms S A Evans of 13 Woodlands Street, WA 6050 relating to No. 1 (Lot: 31 D/P: 2422) Glebe Street, North Perth - <i>To satisfy Condition No. 9 of subdivision approval granted by the Western Australian Planning Commission on 5 September 2012 - "No buildings or structures shall be constructed on Proposed Lot 2 within 0.5 metres of the boundary adjoining Merlo Lane"</i>
17/11/2014	Section 70A Notification	1	City of Vincent and Milto Pty Ltd of Suite 1, 185 Main Street, Osborne Park re: No. 297 (Lot 5) Vincent Street, Leederville - Five Storey Mixed Use Development - <i>To satisfy conditional approval by the Metro West JDAP of 14 May 2012</i>

Date	Document	No of copies	Details
17/11/2014	Section 70A Notification	1	City of Vincent and 87 Bulwer Pty Ltd of PO Box 22, West Perth re: No. 87 (Lot: 101 D/P 53475) Bulwer Street, Perth <i>To satisfy conditional approval by the Metro West JDAP of 19 September 2012</i>
19/11/2014	Withdrawal of Caveat	1	City of Vincent and HWL Ebsworth Lawyers of Level 11, 167 St Georges Terrace, Perth 6000 re: Nos. 156-158 (Lots 62 and 500) Edward Street, West Perth - Warehouse and Office Building - <i>To satisfy conditional approval of the Ordinary Meeting of Council held 14 September 2004</i>
19/11/2014	Deed of Covenant	4	City of Vincent and M Tuohy of 7 Killaloe Place, Waterford WA re: Nos. 156-158 (Lots 62 and 500) Edward Street, West Perth - Warehouse and Office Building (Deed of Covenant (where lots to be amalgamated) - <i>To satisfy conditional approval of the Ordinary Meeting of Council held 14 September 2004</i>
24/11/2014	Scheme Amendment Documents	3	City of Vincent Planning Scheme No. 1 - Amendment No. 39 - <i>Adopted at Ordinary Meeting of Council held on 4 November 2014</i>
26/11/2014	Scheme Amendment Documents	3	City of Vincent Town Planning Scheme No. 1 – Amendment No. 38 relating to Eton Locality – <i>Adopted at Ordinary Meeting of Council held on 21 October 2014</i>
26/11/2014	Deed of Covenant	2	City of Vincent and Ms M Scolaro of 75 Lawley Crescent, Mount Lawley re: Nos. 609-623 (Lots 5, 6, 7 and 151) Beaufort Street, Mount Lawley – Change of Use from Shops and Eating House to Shops, Eating Houses, Fast Food Outlet and Small Bar – <i>To satisfy Clause 5.3 of Conditional Approval of the Ordinary Council Meeting held 8 April 2014</i>
26/11/2014	Section 70A Notification	2	City of Vincent and Beersheba Investments Ltd, ACS Corporate Services Pty Ltd, both of 151 Walcott Street, Mount Lawley re: No. 1 (Lots 14 and 15) Albert Street, North Perth – <i>To satisfy Clause 6 of Conditional Approval of the Ordinary Council Meeting held on 14 February 2014</i>
26/11/2014	Restrictive Covenant	2	City of Vincent and I Hall and K Williams both of 12 Norfolk Street, Mount Lawley re: No. 21 (Lot: 185 D/P: 1237) Norfolk Street, Mount Lawley – <i>To satisfy Conditional Subdivision Approval granted by the Western Australian Planning Commission dated 15 January 2014</i>
26/11/2014	Deed of Covenant	2	City of Vincent and Citypoint Nominees Pty Ltd of Suite 13, 24 Parkland Road, Osborne Park re: Nos. 28-44 (Lots 12, 13 and 15) Cowle Street, West Perth – Three (3) Storey Multiple Dwellings Development – <i>To satisfy Conditional Approval of the Development Assessment Panels (DAP) of 11 June 2014</i>

Date	Document	No of copies	Details
26/11/2014	Deed of Covenant	3	City of Vincent and Norwindsor Pty Ltd of 15 Ord Street, West Perth re: Nos. 272-282 (Lots 21, 100, 101, 102, 103 and 104) Lord Street, Perth – Construction of Six (6) Storey Mixed Use Development – <i>To satisfy Conditional Approval of the Development Assessment Panels (DAP) of 15.08.2013</i>
26/11/2014	Withdrawal of Caveat	1	City of Vincent and Norwindsor Pty Ltd of 15 Ord Street, West Perth re: Nos. 272-282 (Lots 21, 100, 101, 102, 103 and 104) Lord Street, Perth – Construction of Six (6) Storey Mixed Use Development – <i>To satisfy Conditional Approval of the Development Assessment Panels (DAP) of 15.08.2013</i>
26/11/2014	Lease of Crown Land	1	City of Vincent and Western Australian Swimming Association (Inc) c/o Beatty Park Leisure Centre, 220 Vincent Street, North Perth 6006 re: Portion of the Grandstand Mezzanine and the Aerobics Room and Portion of the Old Administration Offices at Beatty Park Leisure Centre, Vincent Street, North Perth – <i>Date of Council Approval – 5 November 2013</i>

9.5.2 Information Bulletin

Ward:	-	Date:	21 November 2014
Precinct:	-	File Ref:	-
Attachments:	001 – Information Bulletin		
Tabled Items:	Nil		
Reporting Officer:	J Highfield, Executive Assistant		
Responsible Officer:	Len Kosova Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** the Information Bulletin dated 21 November 2014, as distributed with the Agenda.

DETAILS:

The items included in the Information Bulletin dated 21 November 2014 are as follows:

ITEM	DESCRIPTION
IB01	Unconfirmed Minutes of the Design Advisory Committee Meeting held on 5 November 2014
IB02	State Administrative Tribunal Orders, Hughan v City of Vincent, DR 219 of 2014
IB03	Minutes of Mindarie Regional Council Meeting held on 30 October 2014
IB04	Register of Petitions – Progress Report – December 2014
IB05	Register of Notices of Motion – Progress Report – December 2014
IB06	Register of Reports to be Actioned – Progress Report – December 2014
IB07	Register of Legal Action (Confidential – Council Members Only) - Monthly Report as at 21 November 2014
IB08	Register of State Administrative Tribunal (SAT) Appeals – Progress Report – as at 20 November 2014
IB09	Register of Applications Referred to the Design Advisory Committee – November 2014
IB10	Register of Applications Referred to the MetroWest Development Assessment Panel – Current
IB11	Forum Notes - 11 November 2014

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.

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

Nil.

15. CLOSURE
