



CITY OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

13 AUGUST 2013

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and computer disk*

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Minutes of the Ordinary Meeting of Council of the City of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 13 August 2013, commencing at 6.03 pm.

1. (a) DECLARATION OF OPENING

The Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting open at 6.03 pm and read the following Acknowledgement of Country Statement:

(b) ACKNOWLEDGEMENT OF COUNTRY STATEMENT

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Rick Lotznicker, due to work commitments.

(b) Members on Approved Leave of Absence:

Nil.

(c) Present:

Mayor Hon. Alannah MacTiernan Presiding Member

Cr Warren McGrath (*Deputy Mayor*) South Ward

Cr Matt Buckels North Ward

Cr John Carey South Ward

Cr Roslyn Harley North Ward

Cr Dudley Maier North Ward

Cr John Pintabona South Ward

Cr Joshua Topelberg South Ward

Cr Julia Wilcox North Ward

John Giorgi, JP Chief Executive Officer

Rob Boardman Director Community Services

Petar Mrdja A/Director Planning Services

Jeremy Van Den Bok A/Director Technical Services

Mike Rootsey Director Corporate Services

Jerilee Highfield Executive Assistant (Minutes Secretary)

Employee of the Month Recipient

Nil.

Media

Sara Fitzpatrick

Journalist – *"The Guardian Express"*

David Bell

Journalist – *"The Perth Voice"*

Approximately 7 Members of the Public.

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

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

1. David Doy of Bulwer Street, Perth– Item 10.2 Stated the following:
 - He spoke on behalf of the Beaufort Street Network. The Beaufort Street Network originally lobbied for Bradford Pear trees on the street, however since the time this took place, the Beaufort Street Network had obtained significant Urban Design, Urban Planning and Placemaking expertise, undertaken detailed streetscape auditing and engagement with the community regarding streetscape enhancements.
 - The Beaufort Street Network respectfully requested that the Council rescind Clause 2.2 of Item 9.2.1 from the Ordinary Meeting of Council held on 23 April 2013 and request that a new species of tree be recommended by a landscape architect which has a broad canopy at least 12 metres at maturity and is deciduous providing shade in summer and light in winter.
2. Craig Willis of 13 Woodville Street, North Perth. Stated the following:
 - He spoke relating to the letter he received from the Chief Executive Officer, he was happy with the response from the Chief Executive Officer regarding why he did not attend the meeting.
 - He previously asked three questions and the second question related to rammed earth and the Megashore system and what they were. The response that was provided to Mr Willis was not satisfactory and actually not correct. They are not one system with two names - it is just completely wrong. He had spoken to the builder and what they actually use is a system called "insitu - concrete, which is basically a new trenching system.
 - His second question related to "Why did the Council approve four (4) offices and now there selling eight (8)?" He received a very bland answer as far as this is what the Planning Services take into consideration. However the letter that the Council supposedly wrote to him which he did not receive, it stated "that the City recognises what happens in your neighbourhood is important to you, when your neighbours submit plans to develop or in some way change their property we understand those plans may affect you".
 - He had a handout ready to provide to the Council which shows the plaque, which he was asked to provide comment on, which did not reflect what was actually being built. As far as the building right now he asked the following question; "What is happening as far as the rent free period of the, building that is on the land at the front of 1A Albert Street development, considering they were given approval for a 100% to build on the property, and they now have a demountable in the park which belongs to the Council"?

The Presiding Member Mayor Hon. Alannah MacTiernan advised Mr Willis that on three or four occasions have now explained to him that in relation to the City's Officers that what was originally approved was certain square meterage of office and to a very large extent. It is immaterial as to whether or not it was four (4) or eight (8) offices, all of the consequences were exactly the same of carparking and planning.

In terms of the conditions that were imposed, and the question asked, it will be taken "on-notice" and a response will be provided to him and included in the agenda for the next Ordinary Meeting of Council to be held on 27 August 2013.

3. Ray Muscat of 35 Eton Street, North Perth. Stated the following:
 - A petition was written regarding the amount of traffic that goes through his area. What they wanted to know is if there could be some traffic measures placed in the street.

There being no further speakers, Public Question Time closed at approx. 6.12pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

- 3.1 Letter sent to Craig Willis regarding the development at 1A Albert Street, North Perth.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

- 5.1 Petition received from Ray Muscat of 35 Eton Street, North Perth along with 44 signatures requesting if traffic measures can be placed in the street.

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

Moved Cr Topelberg, Seconded Cr Carey

That the petition be received as recommended.

CARRIED UNANIMOUSLY (9-0)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

- 6.1 Minutes of the Ordinary Meeting of Council held on 23 July 2013

Moved Cr Maier, Seconded Cr Harley

That the Minutes of the Ordinary Meeting of Council held on 23 July 2013 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY (9-0)

- 6.2 Minutes of the Ordinary Meeting of Council held on 30 July 2013

Moved Cr Maier, Seconded Cr Pintabona

That the Minutes of the Ordinary Meeting of Council held on 30 July 2013 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY (9-0)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

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

7.1 **Local Government Reform Community Rally**

Thanked all the Councillors, City Staff and the Community that were involved in the very successful Community Rally that was held on Saturday 10 August 2013. Around 1200 people attended the Rally and it was a very positive vibe as everyone affirmed that they had a strong community identity and were very clear and focused on their desire for any amalgamation to occur with the City of Perth and not to be with the City of Stirling.

A letter has been written to the Minister for Local Government advising him of the result from the rally and explaining to him that the Member for Perth, Eleni Evangel who supports our case and advised that the published plans were a proposal and a starting point that could be changed and clarification is being sought from the Minister.

7.2 **Vincent Awarded ICLEI Milestones 2 And 3**

Thursday 8th August 2013, saw the gathering of many Environmental Leaders, including Minister Terry Redman, where Vincent was awarded with Milestone 2 and Milestone 3 in the ICLEI (International Council for Local Environmental Initiatives) Water Campaign.

This achievement brings Vincent one step closer to becoming certified as a Waterwise Council, which is an initiative conducted jointly by the Water Corporation and ICLEI.

Councillor John Pintabona, CEO, John Giorgi and Project Officer - Environment, Jackie Parker, attended the Ceremony at Local Government Week to receive the Award.

In progressing to this stage, Vincent has set goals to improve the quality and reduce the consumption of potable water in both the corporate and community spheres. These goals will be achieved by implementing the relevant actions as set out in the recently formulated 'Local Action Plan', adopted by Council.

7.3 **Urgent Business**

Three Urgent Business Items have been approved to be included on tonight's Agenda as follows:

- 13.1 Metropolitan Local Government Structural Reform/Amalgamations – City of Vincent Request to the City of Perth.
- 13.2 Appointment of Member for the Mindarie Regional Council (MRC).
- 13.3 Department of Planning Nomination - Local Government Development Assessment Panels Member.

8. **DECLARATIONS OF INTERESTS**

- 8.1 Cr Topelberg declared an Financial interest in Item 13.1 – Metropolitan Local Government Structural Reform/Amalgamations – City of Vincent Request to the City of Perth. The extent of his interest being that on the 6 August 2013 as part of consortium of industry colleagues he met with the Minister for Local Government and his staff to discuss possible provision of furniture and fitout and related services to Local Government as part of the amalgamations and reform process, although in direct process of the Local Government amalgamations has the potential to provide financial benefit to his company. He requested permission to participate in the debate only.

Cr Topelberg departed the Chamber at 6.20pm.

PROCEDURAL MOTION:

Moved Cr Maier, Seconded Cr Wilcox

That Cr Topelberg's request to participate in debate only on item 13.1 be approved.

PROCEDURAL MOTION CARRIED (8-0)

(Cr Topelberg was out of the Council Chamber and did not vote.)

Cr Topelberg returned to the Chamber at 6.21pm and was advised that his request was approved.

- 8.2 Cr Carey declared an Impartiality interest in Item 10.2 – NOTICE OF MOTION: Cr John Carey Rescission Motion to Change Part of the Council decision concerning Beaufort Streetscape – Proposed Tree Species – Approval. The extent of his interest being that he is the chair of the Beaufort Street Network.
- 8.3 Chief Executive Officer Mr. John Giorgi declared an Financial interest in Item 9.5.5 – Chief Executive Officer's Performance Review 2013- Appointment of Human Resources Consultant. The extent of his interest being that it relates to his contract of employment.

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

Nil.

10. REPORTS

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

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

Item 10.2

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

Items 9.3.1, 9.5.2, 10.1, 10.2, 13.2 and 13.3

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

Items 9.5.5 and 13.1

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

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

COUNCIL MEMBER	ITEMS TO BE DISCUSSED
Mayor Hon. MacTiernan	Nil
Cr Buckels	Nil
Cr Carey	9.2.2
Cr Harley	9.5.2
Cr Maier	9.1.3
Cr McGrath	9.1.1 & 9.5.3
Cr Pintabona	Nil
Cr Topelberg	9.5.5
Cr Wilcox	Nil

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

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

Items* 9.1.2, 9.1.4, 9.2.1, 9.3.2, 9.4.1, 9.4.2, 9.4.3, 9.5.1, 9.5.4 & 9.5.6
(*Item 9.1.2 subsequently recommitted for consideration)

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

Nil.

New Order of Business:

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

(a) Unopposed items moved *En Bloc*;

Items* 9.1.2, 9.1.4, 9.2.1, 9.3.2, 9.4.1, 9.4.2, 9.4.3, 9.5.1, 9.5.4 & 9.5.6
(*Item 9.1.2 subsequently recommitted for consideration)

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

Item 10.2

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

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

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

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

ITEMS APPROVED “EN BLOC”:

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

Moved Cr Maier, Seconded Cr Wilcox

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

**Items* 9.1.2, 9.1.4, 9.2.1, 9.3.2, 9.4.1, 9.4.2, 9.4.3, 9.5.1, 9.5.4 & 9.5.6
(*Item 9.1.2 subsequently recommitted for consideration)**

CARRIED UNANIMOUSLY (9-0)

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

Ward:	Both Wards	Date:	2 August 2013
Precinct:	All Precincts	File Ref:	PLA0244
Attachments:	001 – Policy No. 3.5.11 - Exercise of Discretion for Development Variations 002 – Summary of Submissions		
Tabled Items:	Nil		
Reporting Officer:	T Elliott, Planning Officer (Strategic)		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **ADOPTS** the final amended version of Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations as shown in Appendix 9.1.2; and
2. **AUTHORISES** the Chief Executive Officer to advertise the final amended version of Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations in accordance with Clause 47(6) of the City's Town Planning Scheme No. 1.

COUNCIL DECISION ITEM 9.1.2

Moved Cr Maier, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

***Note:** This Item was recommitted later in the meeting. Refer to page 63.

PURPOSE OF REPORT:

The purpose of this report is to present to the Council the outcomes of the formal advertising period for the Amendments to Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations.

BACKGROUND:

At the Ordinary Meeting of Council held on 26 March 2013 an application was considered for the proposed construction of four-storey building comprising nineteen (19) multiple dwellings (aged or dependant person dwellings) and associated car parking at No. 12 Smith street, Perth. This application revealed a shortfall within the City's Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations. More specifically, it has indicated that *Table 1: Prescribed Height Limit – 2 or 3 Storeys. Variation - 1 Additional Storey*, currently does not include the promotion of affordable housing as an additional requirement. The introduction of clause AR 1.5 will allow applicants, for sites where there is a height limit of 2 – 3 storeys, the opportunity of an additional storey if affordable housing is provided.

History:

Date	Comment
24 February 2009	The Council at its Ordinary Meeting endorsed the City of Vincent Affordable Housing Strategy. One of the recommendations in the Strategy was for the City to investigate mechanisms to promote affordable housing through the planning framework.
14 August 2012	The Council at its Ordinary Meeting resolved to adopt Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations. The purpose of the Policy is to provide a clearer framework for the Council to exercise discretion with respect to development applications seeking a variation in regard to height.
9 April 2013	The Council at its Ordinary Meeting authorised the Chief Executive Officer to advertise proposed amendments to Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations.

Previous Reports to Council:

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

The Minutes of Item 9.1.3 from the Ordinary Meeting of Council held on 9 April 2013 relating to this report is available on the City's website at the following link: http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes.

DETAILS:

Following the formal advertising period no further changes are proposed to Policy No. 3.5.11 relating to Exercise of Discretion of Development Variations.

CONSULTATION/ADVERTISING:

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

Consultation Period: 28 days, 14 May 2013 – 11 June 2013.

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

A total of five (5) submissions were received during the four week consultation period as follows:

Authority and Organisation Submissions

Position	Number Received	Percentage
Support	-	-
Object	-	-
Not Stated	4	100%
Total	4	100%

Community Submissions

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

Total Submissions Received

Position	Number Received	Percentage
Support	-	-
Object	1	20%
Not Stated	4	80%
Total	5	100%

Comments with Position: 'Object'

Issue	Comment
Residential amenity is not adequately protected by this Policy.	The City's Town Planning Scheme and Planning and Building Policies must be adhered to prior to the Council exercising its discretion to allow a greater prescribed height. This clause and the entire Policy are further requirements for applicants to meet should they wish to increase the height of their developments.
Local Centres are intimately connected to adjoining residential areas and not intended for high density residential concentration.	The Local Centres provide local amenities for the immediately surrounding community. It is important for the local residents to utilise the services provided in a local centre. As there is an abundance of services in a local centre it is considered appropriate that residential densities immediately surrounding a local centre be increased to facilitate adequate patronage.
It is not logical to define the allowed height limit of a building by the future occupants or type of housing.	This is the premise of planning, as a structure or area should be planned to facilitate the most efficient use of land for an intended purpose, in this case affordable housing in areas with existing infrastructure to support.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

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

To align with the recommendations of the *Town of Vincent Affordable Housing Strategy*.

"The report concluded that there is ample opportunity within the existing framework to adopt a proactive role in respect to encouraging and facilitating affordable housing diversity. The philosophy and principles of affordability should be ideally be embedded more generally within planning policy and procedure".

SUSTAINABILITY IMPLICATIONS:

ENVIRONMENTAL

Allowing additional height in exchange for the provision of affordable housing will permit an alternative to the urban fringe therefore alleviating pressure on urban expansion.

SOCIAL

For an applicant to attain greater height for their development additional requirements must be met. Prior to Policy Amendment No. 112 the additional requirement of affordable housing applied only to areas with a *prescribed height limit* of 4 storeys and above. Amendment No. 112 proposes that this additional requirement apply also to the *prescribed height limit* of 2 or 3 storeys. This will facilitate the development of a range of housing types providing choice to the City's residence, and support the recommendations of the City's Affordable Housing Strategy.

ECONOMIC

Allowing additional height for applicants who meet the additional requirement of affordable housing could mean an increase in populace for the City and therefore an increase in economic activity.

FINANCIAL/BUDGET IMPLICATIONS:

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

Town Planning Scheme Amendments and Policies

Budget Amount:	\$ 73,000
Spent to Date:	\$ 0
Balance:	\$ 73,000

COMMENTS & CONCLUSION:

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

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

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

9.1.4 Sustainable Environment Strategy – Implementation Plan 2013-2014

Ward:	Both	Date:	2 August 2013
Precinct:	All	File Ref:	PLA0175
Attachments:	001 – Sustainable Environment Strategy 2012-2013 Implementation Report 002 – Sustainable Environment Strategy 2013-2014 Implementation Plan Overview 003 – Sustainable Environment Strategy Annual Action Plan 2013-2014		
Tabled Items:	Nil		
Reporting Officer:	A Marriott, Sustainability Officer		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **NOTES the outcomes presented within the Sustainable Environment Strategy 2012-2013 Implementation Report;**
2. **CONFIRMS the choice of Strategy Actions for 2013-2014 presented within the Sustainable Environment Strategy 2013-2014 Implementation Plan Overview; and**
3. **ENDORSES the Sustainable Environment Strategy Annual Action Plan for 2013-2014.**

COUNCIL DECISION ITEM 9.1.4

Moved Cr Maier, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to:

- Present to the Council the outcomes of the City’s Sustainable Environment Strategy implementation for 2012-2013;
- Present to the Council an overview of the Strategy Actions for 2013-2014 as endorsed by the Council at its Ordinary Meeting on 10 July 2012 as part of a five year Implementation Plan; and
- To seek the Council’s endorsement of the Annual Action Plan for implementing the above Sustainable Environment Strategy Actions for 2013-2014.

BACKGROUND:

The City’s *Sustainable Environment Strategy 2011-2016* was adopted by the Council at its Ordinary Meeting held on 28 June 2011. Subsequently, a five year Implementation Plan was prepared and endorsed by the Council at its Ordinary Meeting on 10 July 2012, along with a detailed action plan for the 2012-2013 financial year. The City’s Officers have been reporting against this action plan via quarterly Information Bulletins, with the fourth quarter report for 2012-2013 now completed and is presented in the Information Bulletin of this Agenda.

History:

Date	Comment
28 June 2011	The Council adopted the City's Sustainable Environment Strategy 2011-2016.
10 July 2012	The Council endorsed the Sustainable Environment Strategy Implementation Plan 2011-2016 and the Sustainable Environment Strategy Annual Action Plan 2012-2013.
30 January 2013	Progress Report No. 1 against quarters one and two of the Annual Action Plan 2012-2013 provided as Information Bulletin.
23 April 2013	Progress Report No. 2 against quarter three of the Annual Action Plan 2012-2013 provided as Information Bulletin.

DETAILS:

The *Sustainable Environment Strategy Implementation Plan 2011-2016* allocates actions identified within the *Sustainable Environment Strategy 2011-2016* to one or more years of implementation and aligns them with key focus areas based on the type of activity that each action involves.

The *Sustainable Environment Strategy 2012-2013 Implementation Report* shown in Appendix 9.1.4 (Attachment 001) lists the Strategy Actions for 2012-2013 and provides a summary of relevant activity over the past year along with each Strategy Action's current status. This report is a summary of the more detailed quarterly reports presented to the Council in the form of quarterly Information Bulletins.

The *Sustainable Environment Strategy 2013-2014 Implementation Plan Overview* shown in Appendix 9.1.4 (Attachment 002) lists the Strategy Actions allocated for 2013-2014 (as endorsed by the Council at its Ordinary Meeting on 10 July 2012). Many of these actions carry over from 2012-2013 as they are intended to continue for the life of the Strategy.

The *Sustainable Environment Strategy Annual Action Plan 2013-2014* shown in Appendix 9.1.4 (Attachment 003) shows the projects and activities planned for each Strategy Action in 2013-2014. Responsibility for each project is assigned to specific staff members and the required actions are mapped against a twelve month calendar. This format allows for simple effective reporting on a quarterly basis. The calendar has been modified from the weekly format used in the Annual Action Plan for 2012-2013 to a monthly format, which is simpler to update and easier to read when printed.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	No
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LEGAL/POLICY:

The *Local Government Act 1995* requires that each local government has a Plan for the Future. The Council has previously resolved that this Plan for the Future will consist of the Strategic Plan and Associated Plans, Strategic Policies and other documents, including the Sustainable Environment Strategy (as outlined in the City's *Strategic Plan 2011-2016*).

The City's policies that relate to or are addressed by the City's *Sustainable Environment Strategy 2011-2016* and its *Implementation Plan* are:

- “1.2.3 *Purchasing;*
- 1.2.9 *Purchase of Paper Products;*
- 1.2.10 *Commercial Dealings – Native Forest Woodchips;*
- 2.1.1 *Public Open Space - Maintenance of Naturally Vegetated Areas;*
- 2.1.2 *Street Trees;*
- 2.1.8 *Parks and Reserves - Water Conservation Design Guidelines;*
- 2.2.4 *Verge Treatments, Plantings and Beautification;*
- 2.2.11 *Waste Management;*
- 2.2.12 *Asset Management;*
- 3.2.1 *Residential Design Elements;*
- 3.5.10 *Sustainable Design;*
- 3.6.3 *Trees of Significance;*
- 4.1.16 *Vehicle Management;*
- 4.1.21 *Environmental Grants and Awards.”*

RISK MANAGEMENT IMPLICATIONS:

Low: Should the Council decline or defer the endorsement of the *Sustainable Environment Strategy 2013-2014 Annual Action Plan*, commencement and completion of nominated projects for 2012-2013 may be delayed.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states (Objective 1):

“Natural and Built Environment:

- 1.1 *Improve and maintain environment and infrastructure,*
 - 1.1.3 *Take action to reduce the Town's environmental impacts and provide leadership on environmental matters.*
 - (a) *Regularly review, update and implement the Sustainable Environment Strategy 2011-2016 and ensure the Town acts in an environmentally sustainable manner in all of its operations.”*

SUSTAINABILITY IMPLICATIONS:

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

ENVIRONMENTAL
<p>The overarching objectives of this City's Sustainable Environment Strategy are:</p> <ol style="list-style-type: none">1. To ensure that the City acts in an environmentally sustainable manner in all of its operations; and2. To encourage, empower and support the City's community to live in an environmentally sustainable manner. <p>This <i>Sustainable Environment Strategy Implementation Plan</i> and <i>2012-2013 Annual Action Plan</i> set out the projects and actions for the City to implement to achieve these two objectives.</p>
SOCIAL/ECONOMIC
<p>The City's Sustainable Environment Strategy recognises that sustainability has three interdependent components (environment, society, economy) and that environmental sustainability cannot exist in isolation. Therefore, while the objectives of the City's Sustainable Environment Strategy relate specifically to environmental outcomes, due consideration has also been given to social and economic factors in the development of the <i>Sustainable Environment Strategy Implementation Plan</i> and <i>2013-2014 Annual Action Plan</i>.</p>

FINANCIAL/BUDGET IMPLICATIONS:

Funding needed for implementation of projects and actions within the *Sustainable Environment Strategy 2013-2014 Annual Action Plan* has been allocated in the City's Budget 2013-2014. Specific projects such as the Greening Plan and events promoting Sustainable Design have designated budget items. Miscellaneous expenditure associated with in-house projects and actions will be incurred under the following budgeted item:

Sustainability Environment Plan:

Budget Amount:	\$22,000
Spent to Date:	\$ <u>0</u>
Balance:	\$22,000

COMMENTS & CONCLUSION:

The draft *Sustainable Environment Strategy 2013-2014 Annual Action Plan* sets out the City's proposed sustainability and environmental projects for the 2013-2014 financial year in line with the Strategy Actions endorsed for this year by the Council at its Ordinary Meeting on 10 July 2012. This draft Action Plan outlines the various tasks and activities to be carried out in the current financial year. The layout of this plan allows for streamlined quarterly reporting by staff across the organisation against this year's Sustainable Environment Strategy Actions.

The City's Officers have found the Annual Action plan for 2012-2013 to be an effective action guide and reporting tool and therefore recommend that the Council endorse the draft *Sustainable Environment Strategy 2013-2014 Annual Action Plan* to ensure that projects and activities proposed for the current financial year can proceed as planned.

9.2.1 Giro d'Perth 2014 - Proposed Sponsorship

Ward:	Both	Date:	2 August 2013
Precinct:	All	File Ref:	TES0172/FIN0131
Attachments:	001 – Giro d'Perth 2013 Route		
Tabled Items:	Nil		
Reporting Officer:	F Sauzier, TravelSmart Officer		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** the sponsorship of the 2014 Giro d'Perth to the value of \$2,000 in cash sponsorship and \$500 in-kind sponsorship, subject to the City of Vincent being recognised as a sponsor in any advertising/promotional material; and
2. **AUTHORISES** the Chief Executive Officer to finalise sponsorship arrangements.

COUNCIL DECISION ITEM 9.2.1

Moved Cr Maier, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval for the City to financially support the 2014 Giro d'Perth.

BACKGROUND:

The Giro d'Perth had its first iteration as the lead event for the 2013 Bike Week program in March 2013. The event was a recreational cycling event suitable for all ages and bikes and held in the City of Vincent and Perth.

The event was developed by local Vincent resident, Toby Hodgson (also known as Mr Vesparazzi). In 2013, the event sold out three (3) weeks prior to the event and attracted five hundred (500) participants, who gathered at Britannia Reserve in Leederville and took part in a combined rally competition throughout the back lanes and alleys of Vincent and Perth.

The event attracted a few 'performance cyclists', but overwhelmingly, the event was attended by many 'recreational/leisure cyclists' who took advantage of the 'mapped routes' to explore the quieter streets and bike paths within the City. The event attracted a significant number of female riders (47% of total participants) who traditionally are seen as the 'more vulnerable' road users.

The 'treasure hunt' format of the competition created an opportunity for many to discover aspects of culture and heritage particular to Vincent and also encouraged many to visit local coffee shops.

The organisers report that the event marketing reached 38,000 people – through the databases of the event partners and also through on-screen advertising at the Luna Palace Cinemas in metropolitan Perth. In addition, stories appeared in both the Guardian Express local newspaper and the West Australian.

In 2013, the City officially supported the event by providing a Community Development seeding grant of \$1000.

In addition, as part of the Vincent TravelSmart initiative, the City hosted a CYCLING WA bike maintenance stall which created an opportunity for the City to survey the attendees and distribute City of Vincent TravelSmart maps.

The City actively promoted the event on postcards, newsletters, its website and social networking tools and through the TravelSmart network. The event received significant press coverage in Perth and was warmly received by both residents and visitors to the City.

DETAILS:

Giro d'Perth 2014:

In 2014, the organiser is expecting to double the registrations for the event as well as expanding the event to an additional neighbouring Local Government (City of Subiaco is expected to be the start point and Dorrien Gardens the end point).

On 1 June 2013, Toby Hodgson (Giro d'Perth Event Director) sent a letter to the City of Vincent Mayor, Hon. Alannah MacTiernan, requesting the following:

"I hope for your personal support to this great event. I ask that your Council assist in the following ways:

- 1. Repeat support from your TravelSmart Officer and the TravelSmart Community events funding;*
- 2. Repeat support from your marketing and promotions team;*
- 3. The opportunity to seek in kind sponsorship from the City of Vincent's services, for example rubbish bins and park hire;*
- 4. The opportunity to apply for a Community Development seeding grant; and*
- 5. Further financial support with cash assistance."*

Traditionally, applicants of the Community Development Seeding Grant cannot apply for additional funding from the City.

The City of Vincent TravelSmart Officer will also be developing a 2014 Bike Week calendar of events later this year, which ideally would feature the Giro d'Perth as its lead event. The TravelSmart Officer would support and market the event as part of the City's overall Bike Week 2014 program and would also consider hosting a bike maintenance tent as per 2013.

Note: The attached plan outlines the 2013 route. The 2014 route is yet to be determined.

CONSULTATION/ADVERTISING:

The event relies heavily on social networking and marketing to promote itself. The organisers would again make use of partner databases and on-screen advertising. The City would promote the event as part of its Bike Week 2014 program, on all electronic media and printed brochures.

LEGAL/POLICY:

The City is responsible to ensure that events on roads are undertaken in accordance with the relevant Australian Standards and Main Roads WA Code of Practice for Events on Roads.

The initiative aligns with the City's *Physical Activity Strategic Plan 2009 – 2013*.

STRATEGIC IMPLICATIONS:

In accordance with the City's *Strategic Plan 2011-2016* which states:

"Natural and Built Environment

Objective 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."

"Community Development and Wellbeing:

Objective 3.1 Enhance and promote Community Development and Wellbeing.

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

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

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

"Air & Emissions

Objective 1: 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:

The City of Vincent's involvement with the Giro d'Perth will promote cycling education and the benefits of exercise, healthy choices and alternative transport.

RISK MANAGEMENT IMPLICATIONS:

Low: As long as due process is followed the risk to the participants should be low.

FINANCIAL/BUDGET IMPLICATIONS:

As Community Development Seeding Grants are to a maximum of \$1,000 and applicants cannot apply for additional grants through the City, \$2,000 sponsorship is being recommended through the Miscellaneous TravelSmart Community Programs Operating Budget.

Budget Amount	\$40,000
Spend to date	\$0
Balance	\$40,000

In addition, that the City support the event with in-kind support of the provision of waste and recycling bins for the end point of the event from the Public Events Bins account to the maximum value of \$500.

COMMENTS:

The Giro d'Perth has contributed a very popular and well organised event to the Bike Week calendar. It promotes the City as a liveable community with renowned scenery, cultural heritage and cycling infrastructure

It is recommended that the Council approves the funding of the Giro d'Perth to the cash value of \$2,000 as well as in-kind support of the provision of waste and recycling bins to the maximum value of \$500, as outlined in the report.

9.3.2 Annual Plan – Capital Works Programme 2012/2013 – Progress Report No.4 as at 30 June 2013

Ward:	Both	Date:	2 August 2013
Precinct:	All	File Ref:	FIN0025
Attachments:	001 – Annual Capital Works Schedule 4 th Quarter		
Reporting Officers:	M Rootsey, Director Corporate Services; R Boardman, Director Community Services; R Lotznicker, Director Technical Services; and P Mrdja, A/Director Planning Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** Progress Report No. 4 for the period 1 April to 30 June 2013 for the Capital Works Programme 2012/2013, as detailed in Appendix 9.3.2.

COUNCIL DECISION ITEM 9.3.2

Moved Cr Maier, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly progress report on the Council's Capital Works Programme 2012/2013 for the period 1 April 2013 to 30 June 2013.

BACKGROUND:

At the Special Meeting of Council held on 3 July 2012, Council adopted the Annual Budget 2012/2013.

DETAILS:

The Capital Works Programme now forms part of the Annual Plan for the City of Vincent. The Directors and Managers from the four (4) Directorates have formulated the attached Capital Works Programme. The Programme comprises of \$9.1 million of new Capital Works.

The programme takes into consideration the following factors:

- Budget/funding
- Existing workload commitments of the workforce
- Consultation requirements
- Liaison with other agencies/service areas
- Employee leave periods
- Leave requirements
- Cash flow requirements

THE FOLLOWING PROJECTS HAVE EITHER NOT BEEN UNDERTAKEN DURING 2012/2013 OR ARE IN PROGRESS AND HAVE NOT BEEN COMPLETED AND HAVE BEEN CARRIED FORWARD.

Project	Reason
Buildings	
Halverson Hall – renovate toilet block	Project for a unisex toilet for the hall being reviewed. Maybe more beneficial to construct a separate toilet in the park.
Beaufort precinct - installation of unisex public toilets	Location yet to be determined.
Banks Reserve Pavillion – refurbish courtyard	Carried Forward – EOI for Cafe being prepared.
Mount Hawthorn Community Centre – Replace roof	Projects funds reallocated to Leederville Enhancement Project Town Centre. Council Decision 23 April 2013.
Britannia Reserve Masterplan Implementation Stage 1	Projects funds reallocated to Leederville Enhancement Project Town Centre. Council Decision 23 April 2013.
Auckland/Hobart Street Reserve - install unisex toilets	Awaiting further report to Council on different options – Carried forward.
Mens Shed	Initial supplier in receivership, new order placed for the shed.
81 Angove Street	Feasibility Study completed. Part carried forward.
Leederville Masterplan	Retail Study completed. Structure plan being progressed.
Highgate Toy Library	Awaiting details from Toy Library.
Slab Footpath Programme	
Charles Street – Angove to Albert	Pending - adjoining development being completed.
Charles Street – Scarborough Beach Road	Pending - adjoining development being completed
Stirling Street – Bulwer to Brisbane Street	Pending completion of development
Green Street between Matlock and Scarborough Beach Road	Carried Forward – Difficult project – Design issues.
Vincent Street – New footpath	Carried Forward – insufficient time to complete due to other priorities.
Traffic Management	
Angove/Woodville Street traffic management	Council Decision of 9 September 2012, Item 9.2.3, not to proceed with this project.
Mt Hawthorn – Area wide traffic calming	Projects funds reallocated to Leederville Enhancement Project Town Centre. Council Decision 23 April 2013.
Purslowe/Brady Street traffic management	Projects funds reallocated to Leederville Enhancement Project Town Centre. Council Decision 23 April 2013.
Fitzgerald Street	Projects funds reallocated to Leederville Enhancement Project Town Centre. Council Decision 23 April 2013.
Install pedestrian safety crossing phases Scarborough Beach Road/Oxford Street intersection	Awaiting formal approval from MRWA
Claisebrook Road/Summer Street	Carried Forward – Greening Plan – now resolved.
Traffic Calming Charles Veryard Reserve	Carried Forward – Differing views from residents

Project	Reason
Hobart/London Street Intersection	Carried Forward – pending Scarborough Beach Road/Loftus Works.
Traffic Calming Salisbury – Loftus to Shakespeare	Carried Forward – to be progressed with ITAG.
Merriden Street Traffic Management	Carried Forward – Trial in Progress.
Lake Street – Safety improvements	Carried Forward – Concept now agree upon.
Install Pedestrian crossing phases Fitzgerald/Carr Street	Carried Forward – now completed .
Black Spot	
Lord and Harold Streets	In progress 90% completed.
Scarborough Beach Road	Awaiting MRWA Approval
Intersection Vincent & Cleaver Street	Carried Forward – on hold pending Western Power.
Intersection Walcott & York Street	Carried Forward – OMC 13 August 2013
Intersection Broome & Stirling Street	Carried Forward – on hold pending development to be progressed.
Roadworks	
Newcastle Street – Oxford to Loftus Street	Carried Forward
Rehabilitation Newcastle Street – Oxford to Loftus street	Pending Water Corporation development.
Beaufort/Brisbane Street Intersection Improvements	Carried Forward – on hold pending PTA
Brisbane Street – Beaufort Street to William Street	Carried Forward - on hold pending PTA
Beaufort Street – Brisbane to Parry Street	Carried Forward - on hold pending PTA
Beaufort Street – Broome to Walcott Street	Carried Forward – on hold pending PTA and Beaufort Street Network.
Harwood Place – Newcastle Street to the end	Carried Forward – on hold pending residential issues.
Palmerston Street – Randall to Stuart Street	Carried Forward – now approved to be implemented in September 2013.
Rights of Way	
Nova Lane configuration/resurfacing	Projects funds reallocated to Leederville Enhancement Project Town Centre. Council Decision 23 April 2013.
Perth Bicycle Network	
Palmerston Street – Randall to Stuart Street	Carried Forward - now approved to be implemented in September 2013.
Park Services	
Beatty Park Leisure Centre Car Park	Carried Forward – in progress 90% completed
Greening Plan	Carried Forward – in progress
Parks Development	
Anzac Wall Banner	Carried Forward – in progress
Weld Square Stage 2	Carried Forward – in progress
Weld Square Stage 3	Carried Forward – in progress
Banks Reserve – Design of Nature Based Playground	Carried Forward – in progress
Walters Brook Redevelopment Stage 1 of 2	Carried Forward – in progress
Community Garden Project	In Progress, Carried Forward
Britannia Reserve Masterplan Implementation Stage 1	Carried Forward - consultation completed and to be reported to the Council.

Project	Reason
Streetscape Improvements	
Summer Street – Bulwer to the end	Carried Forward – consultation in progress.
Claisebrook Road/Summer Street	Carried Forward – approved by Council to be implemented as part of the greening Plan.
Brisbane Terrace – South Side Planting	Carried Forward – in progress planting to be completed August 2013(as per Council Decision).
Underground Power LEP	Community Consultation to take place – Consultation Packs, being prepared.
Beaufort Street Streetscape Upgrade Stage 2	In progress, major art work to be finalised
Town Centre – Public Art Leederville	To be undertaken as part of the Leederville Town Centre Enhancement project
Car parking	
Broome Street – Angle parking	Council Decision of 14 August 2012, Item 10.2, not to proceed with this project.
Melrose Street angle parking	Deferred pending DA for adjacent property
Stirling Street angle parking	Carried Forward
Hobart Street adjacent to Auckland Street Reserve	Carried Forward – Council could not decide. Planting in progress.
Harwood Place embayed parking	Carried Forward – refer above
Beatty Park carpark reconfiguration	Carried Forward – Works to be completed in August 2013
Walcott Street – embayed parking	Carried Forward – on hold – services.
Formalise (free) On Road Motor Cycling Scooter Parking Spaces	To be actioned in 2013/2014 - funds reallocated.
Plant	
10 Tonne Rear Loader	Part Completed - Ordered but not received
Single Axe Truck	Part Completed - Ordered but not received
CCTV Cameras Mt Lawley/Highgate	85% Completed
Drainage	
Clieveden Street drainage at Low point	Carried Forward – now completed
Gully Soakwell	Carried Forward – now completed
Miscellaneous	
Town Centre Banner Poles	Projects funds reallocated to Leederville Enhancement Project Town Centre. Council Decision 23 April 2013.
Depot Resurfacing	Carried Forward – funds reallocated and to be implemented in 2013/2014

CONSULTATION/ADVERTISING:

Not applicable

LEGAL/POLICY:

The Capital Works Programme has been prepared on the adopted 2012/2013 Annual Budget.

STRATEGIC IMPLICATIONS:

Strategic Community Plan 2011 – 2021 (Plan for the Future)

In keeping with the City's Strategic Plan 2011-2016 Key Result Area One – Natural and Built Environment:

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

SUSTAINABILITY IMPLICATIONS:

The Capital Works Programme has been prepared taking into account all aspects of sustainability that is environmentally, financial and social.

FINANCIAL/BUDGET IMPLICATIONS:

The Capital Works Programme is funded in 2012/2013 Annual Budget.

COMMENTS:

This is the final progress report on the Capital Works Programme for the year ending 30 June 2013.

9.4.1 Review of Framework Agreement Between State and Local Government for the Provision of Public Library Services in Western Australia 2010-2014

Ward:	Both	Date:	2 August 2013
Precinct:	All	File Ref:	CMS0002
Attachments:	001 - WALGA Infopage 002 - Framework Agreement		
Tabled Items:	Nil		
Reporting Officer:	E Scott, Manager Library & Local History Services		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the report relating to the Draft Framework Agreement between State and Local Government for the Provision of Public Library Services in Western Australia as shown in Appendix 9.4.1B; and
2. **ADVISES** the Western Australian Local Government Association of the feedback requested in the Questionnaire.

COUNCIL DECISION ITEM 9.4.1

Moved Cr Maier, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

PURPOSE OF REPORT:

The purpose of this report is to submit feedback to the Western Australia Local Government Association with regard to the Review of the Framework Agreement between State and Local Government for the Provision of Public Library Services in Western Australia.

BACKGROUND:

The State Library of Western Australia (SLWA), Department of the Culture and the Arts, Government of Western Australia is a statutory authority which works in partnership with Local Government to provide stock and services to Western Australia's Public Libraries. This is enacted under the *Library Board of Western Australia Act 1951*. SLWA is obliged to consult stakeholders in preparing a Framework Agreement that ensures that both parties address the needs of all members of the West Australian community, and which delineates standards and responsibilities.

The first *Framework Agreement between State and Local Government for the Provision of Public Library Services in Western Australia* (the Agreement) was signed in 2004; the current Agreement was signed in 2009. It should be noted that although the 2009 document was endorsed by Local Government, through WALGA, the Individual Agreements between the Library Board of Western Australia and respective Local Governments have not, to date, been formalised as part of the current Agreement .

DETAILS:

The current Agreement is to apply from December 2009 until 30 June 2014, with a formal review to commence in July 2013, as detailed In Section 7 of the Agreement. The review is to

be managed by the Strategic Library Partnership Agreement Steering Committee (SLPASC), who will report recommendations to the Library Board and to WALGA State Council. Accordingly, WALGA is seeking feedback from Local Government on the Agreement; this data will be reported back to SPLASC and WALGA State Council. To ensure that all Local Governments have an opportunity to contribute, WALGA has sent out a Fax-Back questionnaire, with responses due by Friday, 6 September 2103. The questions with recommended answers are listed below:

- (1) How well have the objectives of the Agreement been met?
'Please detail any areas that you believe have not been met'.

Officer Comment

*"Generally the objectives have been met; however State Government has not met the following standard with relation to service provision.
Page 7: Provide resources and services, including centralised purchasing and a State-wide online catalogue, to agreed standards.
Catalogue standards have severely deteriorated since SLWA outsourced this service, requiring increased effort at Local Government level to sustain accurate and reliable records."*

- (2) Are the principles of the Framework still valid?
'Please specify reasons why or why not'.

Officer Comment

"Yes, the principles of the Framework are still valid, as they address mutual obligations within the partnership of State and Local Government for the provision of Public Library Services."

- (3) What are the strengths of the Agreement?
'Please specify which area you believe are important to retain in the new Agreement'.

Officer Comment

*"Whilst there are many strengths to the current Agreement, it is important to retain the following clause:
Page 6: 'Acting as a catalyst for implementation of reforms leading to a more relevant, world class public Library service.'
Many public libraries struggle to achieve this standard without leadership, guidance and support from SLWA."*

- (4) Is there anything missing from the Agreement that may have impeded its effectiveness?
'Please detail any reason for your response'.

Officer Comment

"There is nothing noted that impedes the effectiveness of the Agreement as a document, however the fact that no Local Governments have been offered an Individual Agreement as specified, must be seen to have a serious negative impact on the Agreement legitimacy."

- (5) What do you believe needs to be removed or added to the current Agreement?
'Please detail any reason for your response'.

Officer Comment

"The provision of the current Agreement considered to be adequate in meeting the needs of both the State Government and Local Governments."

- (6) Do you support the development of an overarching Framework Agreement which sets out the principles, roles and responsibilities of the State and Local Government and the development of Individual Agreements between the State Library of WA and each public Library that underpin this?
'Please detail any reason for your response'.

Officer Comment

"An overarching Framework Agreement between State and Local Government is essential to identify and mutually agree upon the driving principles, roles and responsibilities of each level of government in delivering a world class public Library service in Western Australia. Without such an Agreement, the opportunity for some to settle for less than the best could well become the norm. This would likely place those communities in most need of a good public Library at risk."

- (7) Other comments

Officer Comment

"Thank you for this opportunity to contribute to the review of the Framework Agreement between State and Local Government for the Provision of Public Library Services."

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The *Library Board of Western Australia Act 1951* governs the relationship between State and Local Government in regard to the provision of a public Library service.

RISK MANAGEMENT IMPLICATIONS:

Low: It is believed that all potential risks are addressed within the current Legal Agreement between State Government and Local Governments.

STRATEGIC IMPLICATIONS:

The Framework Agreement between State and Local Government for the Provision of Public Library Services in Western Australia 2010-2014 is an integral document in the strategic planning and management of Public Libraries in Western Australia.

In keeping with the City's *Strategic Plan 2011-2016* – Objective 2 states:

Economic Development:

2.1 *Progress economic development with adequate financial resources*

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

SUSTAINABILITY IMPLICATIONS:

The sustainability of a strong public Library system in Western Australia is dependent on leadership by SLWA in providing quality and sufficient stock and services, and identified responsibilities of both tiers of government, all of which should be incorporated in the form of the Framework Agreement.

FINANCIAL/BUDGET IMPLICATIONS:

In the 2013/2014 Budget, the Council has allocated \$1,612,745 to Library Operations. It is not possible to predict the direction SLWA could take in reducing or withdrawing services and responsibilities if they were not bound by a strong Framework Agreement. However, with a history of cost shifting from State to Local Governments, there is a very strong likelihood that the Library Budget would be negatively impacted.

COMMENTS:

Because it is important to participate in the review of the Framework Agreement, and to ensure that an actual review takes place, it is recommended that the Council endorses the recommended responses to this set of questions.

9.4.2 Review of Western Central Local Emergency Management Arrangements 2013

Ward:	Both	Date:	2 August 2013
Precinct:	All	File Ref:	ENS0071
Attachments:	001 – Western Central Local Emergency Management Arrangements dated 7 March 2013		
Tabled Items:	Nil		
Reporting Officers:	M Wood, A/Manager Ranger and Community Safety Services		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the Report from the Western Central Local Emergency Management Committee, relating to the Emergency Management Arrangements 2013, as shown in Appendix 9.4.2; and
2. **ADOPTS** the Western Central Local Emergency Management Arrangements 2013, as shown in Appendix 9.4.2.

COUNCIL DECISION ITEM 9.4.2

Moved Cr Maier, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

To report to the Council on the adoption of the Western Central Local Emergency Management Arrangements 2013.

BACKGROUND:

The *Emergency Management Act 2005* (the Act) establishes the roles and responsibility of Local Government in relation to emergency management. The three main responsibilities under the Act being:

- To establish and support a local emergency management committee;
- To ensure that local emergency management arrangements are prepared, reviewed and maintained for its district; and
- To manage recovery following an emergency affecting the community in its district.

Eight Local Governments from the Central Metropolitan Police District have combined to form the Western Central Local Emergency Management Committee (WC LEMC), completing the requirement of Local Government to establish a Local Emergency Management Committee. The WC LEMC consists of representatives from the Town's of Cambridge, Claremont, Cottesloe and Mosman Park, the City's of Vincent, Nedlands and Subiaco and the Shire of Peppermint Grove. In addition to Local Government, the WC LEMC is comprised of representatives from Police, Department of Fire and Emergency Services, Department for Child Protection, State Emergency Service, State Emergency Management Secretariat, Red Cross and State Health. This regional structure has been approved by the State Emergency Management Committee (SEMC).

The WC LEMC, on behalf of the eight Local Governments, and within the framework and guidelines set out in the Act and State Emergency Management policies and plans, initially created a consolidated set of local emergency management arrangements. These were approved by the City of Vincent on 21 April 2009.

DETAILS:

Whilst Local Government is required to ensure the development of local emergency arrangements, this responsibility is discharged through the WC LEMC.

Respective Local Governments do not therefore have a direct role in the development of the local emergency arrangements, albeit the Act and associated policies require their approval. In practice, this is achieved through Local Government representation on the LEMC.

Direct response to a local emergency is the responsibility of the relevant hazard management agency (HMA); the organisation which, because of its legislative responsibility or specialised knowledge, expertise and resources has the capacity to combat the condition creating the emergency. For example, the HMA for fire is the Department of Fire and Emergency Services. The arrangements contemplate Local Government providing resources and support to assist an HMA, but only if requested, and then subject to availability. The only circumstance in which Local Government becomes the HMA is for fires outside Gazetted Fire Districts, predominantly in rural areas.

The current WC LEMC felt that the 2009 arrangements were not concise and contained unnecessary text that made identification of pertinent information more difficult. As a consequence, the review was to be guided by the following set of principles:

- Brevity is preferred.
- Use of tabulation rather than lengthy text.
- Use of matrices where possible.
- Avoid inclusion of information that is contained in other documents that may not be of direct use during an operation.
- Key references, being contacts and resource lists, need to be readily accessible.
- Recovery planning, although outlined in Part Four of the arrangements, was to be the responsibility of the individual Local Governments.

The arrangements outline the responsibilities of the individual stakeholders, as well as defining potential hazards and hazard management agencies and cover the following elements of emergency management:

- Part One Introduction.
- Part Two Planning.
- Part Three Response.
- Part Four Recovery.
- Part Five Exercising and Reviewing.
- Part Six Support Plans.
- Part Seven Appendices, including district maps, Local Government profiles, risk treatment plans, contacts and resources and detail of Local recovery Coordinators and their contact numbers.

The revised Local Emergency Management Arrangements 2013 are now complete. They have been satisfactorily assessed against the State Emergency Management Committee's compliance checklist, and need to be formally approved by each Council.

In the event of an emergency within the City's boundaries, it may be necessary to commit resources, financial and/or human, to support the activity of the HMA. The Manager Ranger and Community Safety Services is the City of Vincent emergency contact, and would be called out by the Local Emergency Coordinator to attend the Incident Control Centre and work with the Incident Support Group to assist with the provision of support services, and then to make the transition to recovery after the emergency event has been contained or controlled.

Initially, that Officer's role would be to support the HMA wherever possible and then coordinate the transition from response or combat, to recovery, with support from other managers that have been assigned responsibility for the various recovery functions.

CONSULTATION/ADVERTISING:

The arrangements have been prepared in conjunction with 7 other Local Governments and relevant stakeholders that constitute membership of WC LEMC. It is recommended that the completion of the arrangements be advertised in City publications and that a link to the document is included on the City of Vincent website.

LEGAL/POLICY:

The *Emergency Management Act 2005* requires Local Governments to complete 3 specified functions:

- Establish and support local emergency management committees;
- Ensure the preparation of Local Emergency Management Arrangements; and
- Plan for and be responsible for Local Recovery Arrangements.

Although review of the plan will be a continuous process, adoption of the revised set of arrangements will ensure the City of Vincent and the 7 partnering Local Governments are compliant with the legislation.

STRATEGIC IMPLICATIONS:

This aligns with the City of Vincent *Strategic Plan 2011 – 2016*, where the following Objectives state:

“1. *Natural and Built Environment*

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

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

3. *Community Development and Wellbeing*

3.1 *Enhance and promote community development and wellbeing.*

3.1.2 *Promote and foster community safety and security.*

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

4. *Leadership, Governance and Management*

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.*

4.1.4 *Plan effectively for the future.*

4.1.5 *Focus on stakeholder needs, values, engagement and involvement”.*

RISK MANAGEMENT IMPLICATIONS:

It is very important that the City of Vincent meets its legislative requirement in preparation of Local Emergency Management Arrangements and supporting its implementation as it currently stands with the WC LEMC. To fulfill emergency management obligations, Local Authorities need to make sure that they are equipped in prevention and response to a range of potential events or incidents which may vary in scale, risk and severity. Emergency management may be in response to small isolated incidents (for example, affecting a household or street) to large scale incidents affecting entire suburbs or Council areas. Planning and preparation needs to be suitable to respond to all extremes, which vary in size and scale.

SUSTAINABILITY IMPLICATIONS:

The Local Western Central Local Emergency Management Arrangements have been compiled as a way to ensure the sustainability of the community in the event of an emergency, and the recommended procedures and processes are designed to maintain a consistent approach to all actions.

FINANCIAL/BUDGET IMPLICATIONS:

The costs associated with the City's role in emergency management are contained within the Ranger and Community Safety Services operating budget. There are opportunities to recover some costs associated with support of the response phase and the recovery of a community after an emergency event.

COMMENTS:

The Western Central Local Emergency Management Arrangements have been compiled to ensure that the City of Vincent community is afforded appropriate preparation for and protection from both natural and man-made emergencies. Its adoption will ensure that the City can continue to meet the expectations of the community and to provide a framework, which can be established, in the event of an emergency. In regards to impending Local Government amalgamations, it is considered still relevant that all WC LEMC Local Governments adopt the Western Central Local Emergency Management Arrangements in its current form as it may take a number of years for amalgamations to practically materialise with the legislative requirement now for Local Government to have emergency management arrangements in place. The report is recommended for approval.

9.4.3 Cultural Development Seeding Grant Applications – Carols in the Park, Mount Hawthorn Community Church and Gay and Lesbian Singers (GALSWA)

Ward:	North	Date:	2 August 2013
Precinct:	Mt Hawthorn Centre (1)	File Ref:	FIN0155
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	A Birch, Senior Community Development Officer J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council **APPROVES** the following a Cultural Development Seeding Grants:

1. **\$1,000 for the Mount Hawthorn Community Church to host Carols in the Park on 15 December 2013;**
2. **“In-kind” use of Braithwaite Park in Mount Hawthorn to hold the Carols event; and**
3. **\$750 for the Gay and Lesbian Singers WA (GALSWA) to implement their project of a ‘flash choir’ at two (2) community events in the City of Vincent to be determined.**

COUNCIL DECISION ITEM 9.4.3

Moved Cr Maier, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

To seek approval for the Cultural Development Seeding Grant applications.

BACKGROUND:

The City of Vincent established the Cultural Development Seeding Grants in 1997 as part of the development of the City’s Community Identity Strategy. The grants are to help not-for-profit community groups plan and carry out community based cultural activities that express the different ways of life in the City.

Grants of up to \$1,000 are available for cultural activities or performances that help people feel that they belong to the community of Vincent. Projects must reflect some aspect of the City’s culture, ethnicity, history and/or contemporary identity.

DETAILS:

Carols in the Park

A Cultural Development Seeding Grant has been received from Mount Hawthorn Community Church to assist in costs associated with hosting Carols in the Park at Braithwaite Park in Mount Hawthorn.

The Mount Hawthorn Community Church has been based at the Mount Hawthorn Community Centre (Lesser Hall) since 1998; an independent Christian Church with no official ties to any denomination is open to any and all who are curious or seeking to discover more about the Christian faith or their own spiritual journey.

On 15 December 2013, the Community Church proposes to hold Carols in the Park at Braithwaite Park in Mount Hawthorn and will feature a variety of musicians and the provision of lyric sheets, candles, tea and coffee. There will be opportunities for people to make financial donations on the night however, this is entirely voluntary and any money raised will be given in full to local organisations in need.

Similar carol singing events have been held in previous years and have proven to be very popular with the community at large. In particular, strong support has been received from families with school age and younger children.

GALSWA – Flash Choir

GALSWA has been meeting and rehearsing in the North Perth Lesser Hall for twenty (20) years, and to celebrate their 20th anniversary in 2013, they are proposing to perform as a “flash choir”. This occurs when individual choir members seemingly emerge from the crowd, do one song performance without apparent leadership and then melt back into the crowd. Funding is required to develop the choir’s skills and involves professional choreographer and musical training for members of the choir.

Flash choir performances provide community with a sense of fun, and will enable the City of Vincent to promote unique performances at City run events. It is proposed that the GALSWA perform their flash choir skills at events such as Kyilla Markets, Oxford Street, Oxford Reserve opening or Barlee Street Carpark.

CONSULTATION/ADVERTISING:

This event will have a variety of advertising initiatives including printed material and via the City’s website. It will be requested that the City of Vincent logo is placed on this material in recognition of the City’s support along with prominent display of signage at the events and verbal acknowledgement on the day.

LEGAL/POLICY:

The application meets the cultural requirements for a Cultural Development Seeding Grant.

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

The allocation of Community Development Seeding Grants aligns with Policy No. 3.10.5 in relation to Donations, Sponsorship and Waiving of Fees and Charges.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

“Community Development and Wellbeing

3.1 *Enhance and promote Community Development and Wellbeing.*

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

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

Budget Amount:	\$ 6,000
Spent to Date:	<u>\$ 1,100</u>
Balance:	\$ 4,900

COMMENTS:

The application by Mount Hawthorn Community Church demonstrates a willingness to engage the local community. Funding through the Cultural Development Seeding Grant will enable them to hold their event that will bring together a broad range of the community.

9.5.1 Use of the Council's Common Seal

Ward:	-	Date:	2 August 2013
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	M McKahey, Personal Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **NOTES** the use of the Council's Common Seal on the documents listed in the report, for the month of July 2013.

COUNCIL DECISION ITEM 9.5.1

Moved Cr Maier, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

BACKGROUND:

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

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

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

Date	Document	No of copies	Details
01/07/2013	Local Law Amendment	1	City of Vincent Standing Orders Local Law No. 1, 2013 - As per Council decision of the Ordinary Meeting of Council held on 25 June 2013
02/07/2013	Scheme Amendment Documents	3	City of Vincent and Minister for Planning - Proposal to Amend a Town Planning Scheme - City of Vincent Town Planning Scheme No. 1, District Zoning Scheme, Amendment No. 35 - "Amend Scheme Map 3 relating to the Leederville Precinct to re-zone No. 101 (Lot 16) Scarborough Beach Road, Mount Hawthorn from "Residential R60" to "Commercial" - As per Council decision of the Ordinary Meeting of Council held on 25 June 2013

Date	Document	No of copies	Details
02/07/2013	Deed of Covenant	3	City of Vincent and Beersheba Investments Pty Ltd and ACS Corporate Services Pty Ltd, c/o Brennan Sloan Leahy of 151 Walcott Street, Mount Lawley re: Nos. 1-1A (Lots 14 & 15; D/P: 1874) Albert Street, North Perth - Proposed Demolition of Existing Single House and Construction of Four-Storey Plus Basement mixed-use Development consisting of Four (4) Offices, Ten (10) Two Bedroom Multiple Dwellings, One (1) Single Bedroom Multiple Dwelling and Associated Car Parking - <i>Deed of Covenant for the subject lots to be amalgamated into one lot within six (6) months of the issue of the Building Permit as per Condition 6.2 as granted by the Council at its Ordinary Meeting held on 14 February 2012</i>
08/07/2013	Notification under Section 70A	3	City of Vincent and United Voice of 61 Thomas Street, Subiaco re: No. 50-54 Cheriton Street, Perth - Proposed Construction of a Five Storey Mixed Use Development comprising of Eating House, Office, Seven (7) Single Bedroom Multiple Dwellings and Two (2) Multiple Dwellings and Associated Car Parking - <i>To satisfy Condition (i)(e) of Conditional Approval granted at the Ordinary Meeting of Council held on 22 February 2011 - "Amalgamation of Lots"</i>
08/07/2013	Withdrawal of Caveat	1	City of Vincent and United Voice of 61 Thomas Street, Subiaco re: No. 50-54 Cheriton Street, Perth - Proposed Construction of a Five Storey Mixed Use Development comprising of Eating House, Office, Seven (7) Single Bedroom Multiple Dwellings and Two (2) Multiple Dwellings and Associated Car Parking - <i>To satisfy Condition (i)(e) of Conditional Approval granted at the Ordinary Meeting of Council held on 22 February 2011 - "Amalgamation of Lots"</i>
12/07/2013	Contract Documents	3	City of Vincent and Ms A Faugno of Unit 8, 37 Britannia Road, Leederville - Leederville Gardens Retirement Estate
15/07/2013	Notification under Section 70A	1	City of Vincent and Ms K Fernie Hearn of 10B Vine Street, North Perth re: No. 117A (Lot 2; STR 48568) West Parade, Mount Lawley - Proposed Construction of Single Bedroom Dwelling - <i>To satisfy Condition (iii)(a) of the Approval to Commence Development (5.2012.9.1) issued on 10 May 2012</i>
15/07/2013	Local Law Amendment	1	City of Vincent Parking and Parking Facilities Amendment Local Law No. 1, 2013 - <i>As per Council decision of the Ordinary Meeting of Council held on 9 July 2013</i>
22/07/2013	Power of Attorney	1	City of Vincent and Towns of Cambridge and Victoria Park and Cities of Joondalup, Perth, Stirling and Wanneroo and McLeods Barristers & Solicitors, 220-222 Stirling Highway, Claremont WA 6010 re: Catalina Subdivision, Tamala Park - Modified Power of Attorney - <i>In the event that the CEO of the Tamala Park Regional Council, Mr Tony Arias, is not available to sign any documentation relating to the subdivision and sale of the Catalina lots, an alternative attorney is available to sign any documentation on behalf of each of the local government participants</i>

9.5.4 Audit Committee – Receiving of Unconfirmed Minutes – 15 July 2013

Ward:		Date:	2 August 2013
Precinct:		File Ref:	FIN0106
Attachments:	001 – Audit Committee Unconfirmed Minutes		
Tabled Items:	Nil		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **ENDORSES** the Audit Committee Unconfirmed Minutes dated 15 July 2013, as shown in Appendix 9.5.4.

COUNCIL DECISION ITEM 9.5.4

Moved Cr Maier, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is for the Council to receive the unconfirmed minutes of the Audit Committee held on 15 July 2013.

BACKGROUND:

At the Ordinary Meeting of Council held on 26 August 2003, the Council considered the matter of its Audit Committee and resolved inter alia as follows;

"That the Council;

- (i) *APPROVES of amending the Audit Committee Terms of Reference to be as follows;*
- (a) *the process of selecting the Auditor;*
 - (b) *recommending to Council on the Auditor;*
 - (c) *managing the Audit Process;*
 - (d) *monitoring Administrations actions on, and responses to, any significant matters raised by the Auditor;*
 - (e) *submitting an Annual Report on the audit function to the Council and the Department of Local Government; and*
 - (f) *consideration of the completed Statutory Compliance Return and monitoring administrations corrective action on matters on non-compliance;*
 - (g) *to oversee Risk Management and Accountability considerations; and*
 - (h) *to oversee Internal Audit/Accountability functions;"*

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The Local Government Act (Financial Management) Regulations 1996, Regulations 5 and 6 prescribe the duties of the CEO in respect to financial management and independent performance reviews (including internal and external Audits).

RISK MANAGEMENT IMPLICATIONS:

High: Failure to consider and review the Audit Committee Minutes would be a breach of Section 7.12A of the Local Government Act 1995.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 lists the following objectives:

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

The reporting of the City's internal Audit Committee minutes to the Council Meeting is a legal requirement of the Local Government Act 1995 and regulations and in keeping with the Audit Charter.

9.5.6 Information Bulletin

Ward:	-	Date:	2 August 2013
Precinct:	-	File Ref:	-
Attachments:	001 – Information Bulletin		
Tabled Items:	Nil		
Reporting Officer:	J Highfield, Executive Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** the Information Bulletin dated 2 August 2013, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.5.6

Moved Cr Maier, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

DETAILS:

The items included in the Information Bulletin dated 2 August 2013 are as follows:

ITEM	DESCRIPTION
IB01	Sustainable Environment Strategy Implementation Plan – Progress Report No. 3
IB02	Heritage Assistance Fund – Progress Report No. 5
IB03	Unconfirmed Minutes of the Design Advisory Committee Meeting held on 3 July 2013
IB04	Government of Western Australia Department of Transport – Max Light Rail Project CEOs Group, Meeting Agenda, Terms of Reference and Various Documents
IB05	Ranger Services Statistics for April, May and June 2013
IB06	Minutes of Vincent Accord <i>Socialise with Safety</i> held on 22 May 2013
IB07	Unconfirmed Minutes Local History and Heritage Advisory Group held on 11 July 2013
IB08	Citizen’s Advice Bureau – Community Mediation Program; Statistics and Information on Provision of Funding to the Citizen’s Advice Bureau for 2012/2013 Financial Year.
IB09	Department of Local Government and Communities Circular No. 18-2013 – Registration Fees for Cats and Dogs
IB10	Local History Collection – Progress Report January to June 2013
IB11	Register of Petitions – Progress Report – August 2013
IB12	Register of Notices of Motion – Progress Report – August 2013
IB13	Register of Reports to be Actioned – Progress Report – August 2013
IB14	Register of Legal Action (Confidential – Council Members Only) – Monthly Report (July 2013)

ITEM	DESCRIPTION
IB15	Register of Legal Action (Confidential – Council Members Only) – Quarterly Report (April – June 2013)
IB16	Register of State Administrative Tribunal Appeals – Progress Report – August 2013
IB17	Register of Applications Referred to the Design Advisory Committee – August 2013
IB18	Register of Applications Referred to the MetroWest Development Assessment Panel – 24 January 2013 - Current
IB19	Forum Notes – 16 July 2013
IB20	Notice of Forum – 20 August 2013

10.2 NOTICE OF MOTION: Cr John Carey Rescission Motion to Change Part of the Council decision concerning Beaufort Streetscape – Proposed Tree Species – Approval

That the Council;

1. NOTES that at the Ordinary Meeting of Council held on 23 April 2013 (Item 9.2.1) in Clause 2.2 it resolved (in part);

"That the Council;

APPROVES the;

2.2 planting of Pear trees in the proposed new verge tree locations in Beaufort Street where space is restricted due to awnings and other obstacles; and

2.3 planting of either the Red Mulga or Apple Gum in the proposed new verge tree in Beaufort Street, where sufficient area is available; and"

2. in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(1)(e) of the Local Government Act 1995, three Elected Members, namely Councillors Carey, Harley and Topelberg being one third of the number of offices of members of the Council, SUPPORT this motion to change the Council decision;

3. Councillor John Carey MOVES a motion to CHANGE the decision by rescinding clause 2.2 and 2.3 (as above); and

4. in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(1)(e) of the Local Government Act 1995 the Council APPROVES BY AN ABSOLUTE MAJORITY that Clause 2.2 and 2.3 be changed to read as follows;

"4.1 That the Council RESCINDS the planting of pear trees in the proposed new verge tree locations in Beaufort Street where space is restricted due to awnings and other obstacles;

4.2 That the Council RESCINDS planting of either the Red Mugga or Apple Gum in the proposed new verge tree in Beaufort Street, where sufficient area is available;

4.2. ENGAGES a landscape architect to recommend a secondary tree which is; (a) in current stock; (b) creates a street canopy and provides shade; and

4.3. RECEIVES a follow up report at the Ordinary Meeting of Council to be held in ~~27 August 2013~~ September 2013."

COUNCIL DECISION ITEM 10.2

Moved Cr Harley, Seconded Cr Topelberg

That the motion be adopted.

Cr Carey requested that Clause 2.3 be included in Clause 1, as it is not intended to plant the Red Mulga or Apple Gum trees.

He also stated that receiving a report by 27 August 2013 was unrealistic and unachievable. He suggested that the date be changed to "September 2013!".

The Mover, Cr Harley changed the date in Clause 4.3 and inserted Clause 2.3 (in Clause 1) and the Seconder agreed.

Debate ensued.

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

9.1.1 No. 188 and 188A (Strata Lots 1 and 2) Loftus Street, North Perth - Proposed Demolition of Two (2) Grouped Dwellings and the Construction of Three Storey Building Comprising of Twelve (12) Multiple Dwellings and Associated Car Parking

Ward:	North Ward	Date:	2 August 2013
Precinct:	P08 - North Perth Precinct	File Ref:	PRO5953; 5.2013.166.1
Attachments:	001 – Property Information Report, Development Application Plans 002 – Development Application Planning Report dated April 2013 003 – Applicant Response to the Design Advisory Committee dated 7 July 2013 004 – Applicant Response to matters raised during the advertising period emailed on 26 July 2013		
Tabled Items:	Nil		
Reporting Officer:	R Rasiah, Acting Manager Planning and Building Services		
Responsible Officer:	P Mrdja, Acting Director Development Services		

CORRECTED OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES to the Western Australian Planning Commission for the application submitted by GDD Design Group, on behalf of the owner, Deepriver Nominees Pty Ltd, for Proposed Demolition of Two (2) Grouped Dwellings and Construction of Three (3) Storey Building comprising Twelve (12) Multiple Dwellings, and Associated Car Parking at Nos. 188 and 188A (Strata Lots 1 and 2) Loftus Street, North Perth, and as shown on amended plans stamp-dated 25 July 2013, subject to the following conditions:

1. The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 186 Loftus Street in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork;
2. PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:

2.1 Section 70 A Notification under the Transfer of Land Act

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

- 2.1.1 the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby non-residential activities; and
- 2.1.2 the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units as at the time of assessment, the on-site car parking was in accordance with the requirements of the Residential Design Codes and the City's Policy No. 3.7.1 relating to Parking and Access.

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

2.2 Construction Management Plan

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

2.3 Schedule of External Finishes

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

2.4 Landscape and Reticulation Plan

A detailed landscape and reticulation plan in accordance with the requirements of the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones for the development site and adjoining road verge shall be submitted to the City for assessment and approval.

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

- 2.4.1 Provision of increased landscaping of thirty (30) percent of the total site area with a view to significantly reduce areas of hardstand and paving;
- 2.4.2 Provision of increased soft landscaping of ten (10) percent of the total site area shall be provided as soft landscaping within the common property area of the development;
- 2.4.3 A minimum of five (5) percent of the total site area shall be provided as soft landscaping within the private outdoor living areas of the dwellings;
- 2.4.4 The location and type of existing and proposed trees and plants;
- 2.4.5 All vegetation including lawns;
- 2.4.6 Areas to be irrigated or reticulated;
- 2.4.7 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 2.4.8 Separate soft and hard landscaping plans (indicating details of plant species and materials to be used); and
- "2.4.9 Provision of ~~4.5~~ 2.4 metres of rear landscaping to the eastern boundary ~~to include 200L trees planted at 3 metre spacing's for the full width of the boundary."~~

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

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

2.5 Refuse and Recycling Management Plan

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

2.6 Underground Power

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

2.7 Acoustic Report

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

2.8 Amalgamation

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

“2.9 Privacy Screens

2.9.1 The minimum height of all required privacy obscure screening is to 1.6 metres above the finished floor level; and

2.9.2 Fixed obscure screening to a height of 1.6 metres from the finished floor level is to be provided within the 7.5 metres cone of vision from the balconies on the south-west and south-east sides of the first floor.”

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

3.1 Car Parking

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

3.2 Clothes Dryer

Each multiple dwelling shall be provided with screened outdoor area for clothes drying;

3.3 Residential Car Bays

A minimum of twelve (12) and three (3) car bays shall be provided for the residents and visitors respectively. The three (3) car visitor parking spaces shall be clearly marked and signposted accordingly;

3.4 Visitor Bays

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

3.5 Bicycle Parking

Four (4) bicycle spaces for the residents and one (1) bicycle space for visitors of the development shall be provided;

4. Public Art

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

- 4.1 within twenty – eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the City for an Artist to undertake a Public Art Project (Option 1) or pay the Cash-in-Lieu Percent for Public Art Contribution, of \$26,600 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$2,660,000); and

in conjunction with the above chosen option;

Option 1 –

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

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

OR

Option 2 –

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

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

ADVICE NOTES:

1. With regard to condition 1 the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
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 Loftus Street;

3. Any new street/front wall, fence and gate within the Loftus Street setback area, including along the side boundaries within this street setback area, shall comply with the City's Policy provisions relating to Street Walls and Fences;
4. All vehicles entering and exiting Loftus Street in a forward direction only;
5. An application for a crossover is to be submitted to, and approved by the City's Technical Services;
6. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site; and
7. The first 6 metres of the vehicle ramp shall be graded at no more than 1:20. This 6 metres measurement is to be additional to the Metropolitan Region Scheme road widening area.

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

Moved Cr Maier, Seconded Cr McGrath

That the recommendation be adopted.

Debate ensued.

Cr Carey departed the Chamber at 6.37pm.

Debate ensued.

Cr Carey returned to the Chamber at 6.38pm.

Debate ensued.

AMENDMENT 1

Moved Cr Maier, Seconded Cr Buckels

"That new Clause 2.10 be inserted as follows:

"2.10 The southern boundary wall for the bin area is reduced to a maximum average height 3.0 metres and a maximum height 3.5 metres."

Debate ensued.

AMENDMENT 1 PUT AND CARRIED UNANIMOUSLY (9-0)

Debate ensued.

AMENDMENT 2

Moved Cr Maier, Seconded Cr Pintabona

"That Clause 2.9.2 be amended to read as follows:

2.9.2 Fixed obscure screening to a height of 1.6 metres from the finished floor level is to be provided within the ~~7.5~~ 6 metres cone of vision from the balconies on the south-west and south-east sides of the first floor."

AMENDMENT 2 PUT AND CARRIED UNANIMOUSLY (9-0)

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

COUNCIL DECISION ITEM 9.1.1

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES to the Western Australian Planning Commission for the application submitted by GDD Design Group, on behalf of the owner, Deepriver Nominees Pty Ltd, for Proposed Demolition of Two (2) Grouped Dwellings and Construction of Three (3) Storey Building comprising Twelve (12) Multiple Dwellings, and Associated Car Parking at Nos. 188 and 188A (Strata Lots 1 and 2) Loftus Street, North Perth, and as shown on amended plans stamp-dated 25 July 2013, subject to the following conditions:

1. The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 186 Loftus Street in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork;
2. PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:

2.1 Section 70 A Notification under the Transfer of Land Act

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

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

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

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

2.2 Construction Management Plan

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

2.3 Schedule of External Finishes

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

2.4 Landscape and Reticulation Plan

A detailed landscape and reticulation plan in accordance with the requirements of the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones for the development site and adjoining road verge shall be submitted to the City for assessment and approval.

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

- 2.4.1 Provision of increased landscaping of thirty (30) percent of the total site area with a view to significantly reduce areas of hardstand and paving;
- 2.4.2 Provision of increased soft landscaping of ten (10) percent of the total site area shall be provided as soft landscaping within the common property area of the development;
- 2.4.3 A minimum of five (5) percent of the total site area shall be provided as soft landscaping within the private outdoor living areas of the dwellings;
- 2.4.4 The location and type of existing and proposed trees and plants;
- 2.4.5 All vegetation including lawns;
- 2.4.6 Areas to be irrigated or reticulated;
- 2.4.7 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 2.4.8 Separate soft and hard landscaping plans (indicating details of plant species and materials to be used); and
- 2.4.9 Provision of 2.4 metres of rear landscaping to the eastern boundary at 3 metre spacing's for the full width of the boundary;

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

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

2.5 Refuse and Recycling Management Plan

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

2.6 Underground Power

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

2.7 Acoustic Report

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

2.8 Amalgamation

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

2.9 Privacy Screens

2.9.1 The minimum height of all required privacy obscure screening is to 1.6 metres above the finished floor level; and

2.9.2 Fixed obscure screening to a height of 1.6 metres from the finished floor level is to be provided within the 6 metres cone of vision from the balconies on the south-west and south-east sides of the first floor;

2.10 The southern boundary wall for the bin area is reduced to a maximum average height 3.0 metres and a maximum height 3.5 metres;

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

3.1 Car Parking

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

3.2 Clothes Dryer

Each multiple dwelling shall be provided with screened outdoor area for clothes drying;

3.3 Residential Car Bays

A minimum of twelve (12) and three (3) car bays shall be provided for the residents and visitors respectively. The three (3) car visitor parking spaces shall be clearly marked and signposted accordingly;

3.4 Visitor Bays

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

3.5 Bicycle Parking

Four (4) bicycle spaces for the residents and one (1) bicycle space for visitors of the development shall be provided;

4. Public Art

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

- 4.1 within twenty – eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the City for an Artist to undertake a Public Art Project (Option 1) or pay the Cash-in-Lieu Percent for Public Art Contribution, of \$26,600 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$2,660,000); and

in conjunction with the above chosen option;

Option 1 –

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

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

OR

Option 2 –

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

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

ADVICE NOTES:

1. With regard to condition 1 the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
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 Loftus Street;
3. Any new street/front wall, fence and gate within the Loftus Street setback area, including along the side boundaries within this street setback area, shall comply with the City's Policy provisions relating to Street Walls and Fences;
4. All vehicles entering and exiting Loftus Street in a forward direction only;
5. An application for a crossover is to be submitted to, and approved by the City's Technical Services;
6. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site; and
7. The first 6 metres of the vehicle ramp shall be graded at no more than 1:20. This 6 metres measurement is to be additional to the Metropolitan Region Scheme road widening area.

ADDITIONAL INFORMATION:

2013 R Codes

The application when assessed in terms of the 2013 R Codes complies as follows:

Section of R Code 2013	Compliant	Non-compliant	Officer Comments
Part 1 – Preliminary.	Yes		
Part 2 – R-Codes approval process.	Yes		
Part 3 – Accompanying information.	Yes		
Part 4 – Consultation.	Yes		Undertaken in accordance with City's Community Consultation Policy 4.1.5
Part 5 – Design elements for all single house(s) and grouped dwellings and multiple dwellings in areas coded less than R30.			Not applicable, as this part is applicable to sites coded less than R30. The subject site is Coded R 60.
Part 6 – Design elements for multiple dwellings in areas coded R30 or greater, within mixed use development and activity centres.			As per Agenda report.
6.1.1 to 6.4.6	Yes		6.4.1 – Even though privacy screening is compliant, a new condition to this effect is proposed
Part 7 – Local planning framework; 7.1 to 7.3	Yes		

Replacement pages have been included, to remove reference to the word “Dismissed” in the officer technical comments relating to concerns raised during the advertising, and replaced with the wording “Not supported”.

Landscaping

The applicant has provided the following breakdown in terms of landscaping:

- Total landscaping- 569 square metres or 43.2 % (required 30%).
- Soft Common landscaping – 194 square metres or 34 % (required 10%).
- Soft – 181 square metres or 31 % (required 5%).

Design Advisory Committee (DAC) Comments

19 June 2013 – DAC Recommendation:

“Mandatory:

Move pedestrian entry path to the northern boundary and remove path along driveway adjacent to unit 2. Ensure there is separation between driveway and unit 2 with landscaping.

It is further advised that the DAC Mandatory comments as above have been incorporated into the revised plans stamp dated 25 July 2013.

Design Considerations:

No further comments. Undercroft car park – solid wall not required. Consider lighter screening element to allow light through.

Please note that comments from the Western Australian Planning Commission have still not been received.”

The walls for the car park have been provided for fire separation purposes. Favourable comments have been received from the Western Australian Planning Commission.

The City’s Officers are of the view that the applicant has adequately addressed the DAC comments.

PURPOSE OF REPORT:

Development Applications for four (4) or more dwellings and three storey developments are required to be considered by the Council.

BACKGROUND:

Nil.

DETAILS:

The proposal involves the demolition of the 2 grouped dwellings and the construction of a three storey building comprising of twelve (12) two-bedroom multiple dwellings and associated car parking. The subject site is affected by a 1.5 metres road widening along the Loftus Street frontage.

Landowner:	Deepriver Nominees Pty Ltd
Applicant:	GDD Design Group Pty Ltd
Zoning:	Residential R 60
Existing Land Use:	Two (2) grouped dwellings
Use Class:	Multiple Dwelling
Use Classification:	"P"
Lot Area:	1314 square metres
Right of Way:	Not applicable

ASSESSMENT:

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

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

The above Officer Comments are provided pursuant to Clause 38(5) of Town Planning Scheme No. 1

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

Issue/Design Element:	Streetscape Front Setback
Requirement:	Multiple Dwelling Policy 3.4.8 Clause 2.4 <u>Ground Floor</u> 10.2 metre setback <u>First Floor</u> 11.2 metre setback <u>Second Floor</u> 12.2 metre setback
Applicants Proposal:	5.65 metre setback (including road widening) 4.15 metre setback (excluding road widening) 6.65 metre setback 8.05 metre setback
Performance Criteria:	Development is to be appropriately located on site to: <ul style="list-style-type: none"> • Maintain streetscape character. • Ensure the amenity of neighbouring properties is maintained. • Allow for the provision of landscaping and space for additional tree plantings to grow to maturity. • Facilitate solar access for the development site and adjoining properties. • Protect significant vegetation. • Facilitate efficient use of the site. <p>Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.</p>
Applicant justification summary:	<i>The Proposal is articulated to replicate a "stepped" built form. All levels have varying setbacks to assist in reducing building mass and bulk. By varying the setbacks it ensures no undue impact on the adjoining neighbours without overlooking or affecting their amenity. The Street setback is of Western orientation and therefore impedes no solar impact on adjoining neighbours.</i>
Officer technical comment:	The Loftus Street streetscape is undergoing constant change, as a result of new developments, in addition to the road widening requirements that has to be taken into consideration of any new development. Additional landscaping area within the front setback has been proposed in accordance with the multiple dwellings requirements. On the above basis, the street setback variation is supported.

Issue/Design Element:	Side and Rear Boundary Setback
Requirement:	Residential Design Codes Clause <u>6.1.4</u> 7-1-4 <u>Ground Floor –South side</u> Boundary wall maximum average height 3.0 metres Boundary wall maximum height 3.5 metres <u>First Floor</u> South – 2.8 metre setback <u>Second Floor</u> North – 4.3 metre setback South – 8.7 metre setback
Applicants Proposal:	<u>Ground Floor</u> 3.45 metres average height 3.8 metres maximum height <u>First Floor</u> 2.41 metre setback <u>Second Floor</u> 2.5 metre setback 7.51 metre setback
Performance Criteria:	Buildings set back from boundaries or adjacent buildings so as to: <ul style="list-style-type: none"> • Ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them. • Moderate the visual impact of building bulk on a neighbouring property. • Ensure access to daylight and direct sun for adjoining properties. • Assist with the protection of privacy between adjoining properties.
Applicant justification summary:	<p><i>The proposal seeks to have additional height of parapet walls to ensure weather protection for the adjoining neighbour of the proposed roof cover to proposed outbuildings.</i></p> <p><i>The variation in setback is implemented by the bulk and scale of the terraces being staggered to suit the requirement of the rear setback interface. The bulk will be further reduced by the inclusion of screening elements on top of low height rendered brickwork. There is no overlooking & minimal overshadowing as a result of the proposal.</i></p> <p><i>The variation in setback is to include a north facing vestibule to these apartments. The main wall element has been setback 4.3m. It is only the vestibule area which encroaches the required setback. The inclusion of the vestibule is to ensure adequate Northern solar gain for the amenity of the resident, but at the same time it is screened to ensure no overlooking. The encroachment of the vestibule does not impact on the solar gains to the adjoining development.</i></p> <p><i>The reduced setback of the balcony to the Southern side is minor given the setback is over 7.5 meters and generally acceptable as noted on Figure 10c of the Residential Design Codes 2013.</i></p>

Issue/Design Element:	Side and Rear Boundary Setback
Officer technical comment:	The proposal complies with the overshadowing and privacy requirements of the R codes. The proposed setbacks would not result in any undue impact on the adjoining properties, and is considered to have minimal impact in terms of visual impact of building bulk on a neighbouring south property, which also has redevelopment potential. The property to the north has been developed to a height of three (3) storeys.

Issue/Design Element:	Rear Building Interface
Requirement:	Multiple Dwelling Policy 3.4.8 Clause 2.3.1 (a). A rear setback of a minimum of 4.5 <u>2.4</u> metres in width shall be provided and the setback shall be landscaped to include trees at a maximum of 3 metre spacing.
Applicants Proposal:	1.0 metre of landscaping
Performance Criteria:	Variations to the requirements of 2.3.1 may be considered where the applicant demonstrates special circumstances that ensure that greater height close to the boundary will not have a negative impact on the neighbour in regards to overshadowing, bulk or general amenity.
Applicant justification summary:	The reduced landscaped area to 1m in lieu of 4.5m <u>2.4m</u> is offset by the additional landscaping interface to the Northern boundary which is 2.28m. The rear setback is greater than required, therefore reducing the bulk of the proposal and given the adjoining neighbour is located to the West it doesn't impede in solar gain.
Officer technical comment:	The variation is not supported, as being a vacant site, this required 4.5 <u>2.4</u> metres of rear landscaping can be provided. Accordingly a condition has been recommended to this effect.

Issue/Design Element:	Privacy
Requirement:	R Codes, clause 7.4.4 <u>6.4.1</u> South east and south west sides' landscaped area- Cone of vision setback of 7.5 metres (now 6m metres under the 2013 R Codes for area R50 and above) in the case of unenclosed outdoor active habitable spaces (balconies, decks, verandahs and the like).
Applicants Proposal:	3.5 and 6 metres respectively.
Performance Criteria:	Direct overlooking of active habitable spaces and outdoor living areas of other dwellings is minimised by building layout, location and design of major openings and outdoor active habitable spaces, screening devices and landscape, or remoteness.
Applicant justification summary:	The landscaped terraces in which these are located have been provided with appropriate screening to ensure no overlooking.
Officer technical comment:	The applicant has submitted revised plans dated 25 July 2013, attached addressing compliance with above privacy requirements

Car Parking

The car parking required for the proposed multiple dwellings is calculated as per the R-Codes 2013 ~~2010~~.

Car Parking	
Small Multiple Dwelling based on size (<75 square metres or 1 bedroom) – 0.75 bay per dwelling (12 multiple dwellings) = 9 car bays	12 car bays
Visitors = 0.25 per dwelling (12 multiple dwellings proposed) = 3 car bays	
Total car bays required (9 residents + 3 visitors) = 12 car bays	
Total car bays provided	27 car bays (24 car bays for residents and 3 car bays for visitors)
Surplus resident car bays	15 car bays

Under the 2013 R codes, the required number of car bays remains unchanged as above.

Bicycle Parking		
Bicycle Parking	<ul style="list-style-type: none"> 1 bicycle space to each 3 dwellings for residents and 1 bicycle space to each 10 dwellings for visitors (total 12 dwellings proposed): 4 bicycle space for the residents. 1 Bicycle space per 10 dwellings: 1.2 = 1 bicycle space required 	12 bicycle spaces proposed.

Under the 2013 R codes, the required number of bicycle spaces remains unchanged as above.

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Comments Period:	4 June 2013 till 24 June 2013
Comments Received:	Two (2) objections and one (1) non-objection were received.

Summary of Comments Received:	Officers Technical Comment:
<p><u>Site context</u></p> <p>The proposed development fails to provide sufficient information in regards to site context, as per Part 3 of the R Codes. Appears not to include a “neighbourhood context report”. Application appears not to satisfy part 3 of the proposed new R Codes relating to site analysis plan specifically part 3, 1.k, 1.m,1.s,2.j,2.k,2.0. As the application is intended to be considered after 2 August 2013, it should be determined based on the documents as relevant at the date of determination. On the above basis, it is suggested that the application be updated accordingly, and re-advertised for public comment.</p>	<p>Dismissed <u>Not Supported</u> - The application was received on 1 May 2013, and advertised from 4 June 2013 till 24 June 2013. The new R Codes was gazetted on 2 August 2013. Nevertheless the matters raised in the submissions have been responded in accordance with the 2013 R Codes. Development Application Planning Report dated April 2013 was also advertised on the website together with the plans, and also made available for public viewing at the City’s Administrative Centre and at the Library when the proposal was advertised. On the above basis there are no sufficient grounds to re-advertise the proposal.</p>

Summary of Comments Received:	Officers Technical Comment:
<p><u>Bulk and Scale</u></p> <p>Proposed development will be visually dominating with respect to the north aspect, further exacerbated by the reduction in setbacks to the northern boundary. The overall height does not adequately achieve the objective set in Clause 5.1.6 of the new R codes.</p>	<p>Noted - A three (3) storey height limit is allowed for the area. The proposal is three (3) storey and compliant in terms of height. The plot ratio is also compliant at 0.695 (allowed 0.7). The development complies with the Development Guidelines for Multiple Dwellings in Residential Zone Policy 3.4.8. While some views may be affected, this would have been the same situation when the development on the northern side at No. 190 Loftus Street was built. Hence the development generally complies with Clause 5.1.6 of the 2013 R Codes.</p>
<p><u>Side setback (northern boundary)</u></p> <p>Limited justification provided for setback. Proposed development fails to demonstrate the building setback would not impact on access to daylight from levels 2 and 3 and not have a detrimental impact on neighbouring property by virtue of building bulk. Privacy and ventilation are further considerations that do not support a reduced setback. Suggest that the driveway be flipped along the northern boundary to achieve reasonable setback to the north side.</p>	<p>Dismissed <u>Not Supported</u> – The Buildings have been set back from affected boundaries or adjacent buildings so as to ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them. The overshadowing and privacy is compliant, hence providing adequate access to daylight and direct sun and protection of privacy to adjoining properties. The reduced setbacks are not considered to adversely impact on the amenity of the properties to the north or south sides, and hence supportable.</p>
<p><u>Balconies</u></p> <p>The proposed development fails to address new R Codes requirements 6.3.1 and City's Policy 3.4.8 with planned balconies/outdoor living areas facing south and not having the benefit of direct sunlight. Suggest design be flipped to achieve northern orientation of living areas.</p>	<p>Dismissed <u>Not Supported</u> – The City's Design Advisory Committee (DAC) have supported the location of the balconies, some of which are larger than required. Hence the development generally complies with Clause 6.3.1 of the 2013 R Codes.</p>
<p><u>Privacy</u></p> <p>The proposed development fails to address new R Codes requirements 6.4, in that it fails to demonstrate minimal overlooking of active habitable open areas of adjacent dwellings, as the current plans allows direct views from habitable rooms into habitable rooms on the neighbouring site. As such screening to the north of a minimum height of 1.8 metres or frosted glazing or highlite windows be used.</p>	<p>Dismissed <u>Not Supported</u> – As the development complies with the privacy requirements. The Privacy requirements in the 2013 R Codes are less stringent for R50 and above sites, as compared to the 2012 R Codes.</p>

Summary of Comments Received:	Officers Technical Comment:
<p><u>Ventilation</u></p> <p>The proposed development will likely have a significant impact on access to cooling south-westerly breezes from existing properties. Access to natural breezes is important with respect to reducing environmental impact and protecting comfort of residents.</p>	<p>Noted – The City's Design Advisory Committee (DAC) are satisfied with the ventilation aspect. The Applicant will have to comply with the relevant requirements of the BCA in this regard.</p>
<p><u>Landscaping</u></p> <p>Landscaping details to be provide as part of the development in accordance with Vincent's Policy 3.4.8. upfront as part of revised plans.</p>	<p>Dismissed <u>Not Supported</u> – The landscaping details have been provided as part of the application, and deemed compliant.</p>
<p><u>Impact on views</u></p> <p>The proposed development will eliminate extensive view from existing building to the north side, which have current views to the City, nearby open space and surrounding urban environment. The State administrative Tribunal has determined impact on views as a relevant planning consideration, as in <i>Christie v Town of East Fremantle</i> {2010} WASAT 124 and <i>APP corporation Pty Ltd v. City of Perth</i> {2008} WASAT 291. There has been a 4 step assessment process in relation to sharing of views. As such proper consideration is to be given to the impact on existing views as a result of the development, both in terms of requesting additional information from the applicant and determining the merits of the proposal.</p>	<p>Dismissed <u>Not Supported</u> – The SAT decision's that has been quoted has been considered, and the difference is that the applicant's are not seeking a height variation in this instance, as compared to the issue that the SAT considered and based its views, in <i>Christie v Town of East Fremantle</i> {2010}. As with the <i>APP Corporation Pty Ltd v. City of Perth</i> {2008} WASAT 291, the matter involved wind turbines on top of a building. This application is for a multiple dwellings, which is an "AA" use on the site. The DAC has commented that the development was considered acceptable, as documented in the later part of this report.</p>
<p><u>Cumulative impacts</u></p> <p>Overall there has been little attempt to potentially protect views from existing buildings. The visual bulk seems to be significant. Little consideration given to design, scale and relationship to existing buildings and surrounds. No detail provided with respect to landscape detail. Reduced setback to north boundary. Proposal represents an "overdevelopment" of the site. Cumulative effect of design elements previously considered by the SAT in <i>Willicombe v City of Gosnells</i> {2006} WASAT 13.</p>	<p>Dismissed <u>Not Supported</u> – The SAT decision that have been quoted have been considered, and the proposed development does not involve excessive variations. It complies with the height, plot ratio, overshadowing and car parking requirements, and as such is not considered as an overdevelopment of the site. The DAC has commented that the development was considered acceptable, as documented in the later part of this report.</p>

Summary of Comments Received:	Officers Technical Comment:
<p><u>City of Vincent TPS No. 1</u></p> <p>Multiple dwellings are an SA use, and the Council has no obligation to approve the development. The Council is required to take consideration of the design, scale and relationship to the existing buildings and surroundings of any proposed building or structure. The City's scheme's objective is to protect the general welfare of inhabitants and it is considered that the development would have an adverse impact on existing residents and therefore contrary to the objectives of the scheme.</p>	<p>Dismissed – Multiple dwellings are an “AA” use under the City of Vincent TPS No. 1. The application has been duly advertised for 21 days in the Local Newspaper, sign on site and letters sent to affected owners and occupiers of surrounding properties, as per the City's Community Consulting Policy 4.1.5. The proposal complies with the City of Vincent TPS No. 1 and relevant Multiple Dwellings Policy and is referred to Council for determination.</p>
<p><u>Summary</u></p> <p><i>“The proposed development would have an adverse impact on amenity of existing residents in the area, by virtue of the building bulk, visual impact, reduced access to daylight, scale, overlooking, reduced setback, impact ventilation, potential nuisance from air-conditioning units etc. In addition, the application fails to provide sufficient information for stakeholders to provide meaningful comment and the city to properly determine the merits of the proposal. Accordingly, it is requested the application be revised and again advertised for public comment prior to presentation to Council.”</i></p>	<p>Dismissed – The proposal is considered appropriate for the site and area. It is considered not to adversely affect the amenity of the area, and is considered supportable for the above mentioned reasons.</p>

Note: Submissions are considered and assessed by issue rather than by individual submitter for clarity. The application when submitted on 1 May 2013 and was based on the R-Codes of 2010 and not under the new R Codes that were gazetted on 2 August 2013. ~~There are not many changes affecting the current proposal based~~ The development was assessed on the new 2013 R-Codes.

The applicant has provided a response via email dated 26 July 2013 attached to the matters raised in the above submissions and a response (attached) to the comments of the Design Advisory Committee (DAC) in italics below:

Design Advisory Committee:

Referred to Design Advisory Committee: Yes

The application was presented to the Design Advisory Committee on 6 February 2013 and 19 June 2013, which resulted in the following recommendation:

6 February 2013-DAC Recommendation:

*“Mandatory:
East elevation highlight windows for morning light.*

Design Considerations:
*Living on south upper floor. Consider lifting roof for light, e.g. small popup parts, not full roof length.
Post box – consider detailing.*

*Ground level paving- paving to be broken up in to smaller parts to reduce the overall mass and impact, this may also help identify visitor parking bays, access ways.
Improve the admission of light in to the lower parking and access areas.”*

19 June 2013- DAC Recommendation:

“Mandatory:

Move pedestrian entry path to the northern boundary and remove path along driveway adjacent to unit 2. Ensure there is separation between driveway and unit 2 with landscaping.

Design Considerations:

No further comments. Undercroft car park – solid wall not required. Consider lighter screening element to allow light through.

Please note that comments from the Western Australian Planning Commission have still not been received.”

Response from the applicant in relation to the above DAC recommendations dated 9 July 2013

“With regards to the latest Design Advisory Committee meeting comments dated 5 July 2013, please see attached our revised drawings and justification below.

1. *Articulated like an office building;*

We consider this a comment without justification and therefore no amendment is required,

2. *North light still needed to be introduced;*

All levels of the building have a very good contact with Northern orientation and light. Screening is provided to vestibules at both first and second floor to 1600 high. Screening is there to ensure no overlooking to adjoining properties on the Northern side, but still adequate to receive suitable Northern sunlight penetration,

3. *Screening required;*

All balconies and walkways within proximity to boundaries requiring screening have been provided with accordingly. Drawings have been updated to note the screening for information purposes,

4. *Break up of paving;*

The crossover verge has been articulated with aggregate concrete to separate from the main driveway/ramp. Please refer A2.02.

5. *Solid brick wall to rear of car bays too heavy:*

The wall inclusion is there in case of fire separation from the car park and pedestrian access. This can be reduced if required form a building compliancy aspect.

6. *Redesign access so not walking passed other bedrooms;*

Please see updated drawings attached.”

The City's Officer are of the view that the applicant has adequately addressed the DAC comments.

LEGAL/POLICY:

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

Multiple Dwellings in Residential Zones Policy No. 3.4.8.

~~2010~~ and 2013 R – Codes.

Loftus Street has been identified in Policy No. 3.4.8 relating to Multiple Dwellings in Residential Zones as a major road where greater building height can be considered.

RISK MANAGEMENT IMPLICATIONS:

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

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

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

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

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

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

ENVIRONMENTAL	
Issue	Comment
More efficient use of land, located on a major transport route to the City Centre, including provision of infrastructure and services.	

SOCIAL	
Issue	Comment
Provides opportunity for greater housing choice within the City.	

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS & CONCLUSION:

Heritage Services

Heritage Services has no objection to the demolition subject to the followings condition being imposed:

"a Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site."

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

Department of Planning (DOP)

The DOP in an email received on 31 July 2013, have advised that the site is affected by approximately 1.5 metres road widening, which has been shown on the plans. The DOP had no objections on regional planning grounds, subject to vehicles entering and exiting Loftus Street in a forward direction only.

Planning

The proposed development is an opportunity for efficient use of land within the City, which will further contribute to the diversity in housing types within the City of Vincent, and also being located on a high traffic transport corridor.

The redesign has addressed issues raised by the DAC as stated above. The development is considered to not unreasonably impact on the surrounding area and is recommended for approval, subject to the standard and appropriate conditions.

Cr Maier asked the Presiding Member, Mayor Hon. Alannah MacTiernan if Item 9.1.2 could be recommitted. The Item was previously moved En Bloc refer to page 7

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

Ward:	Both Wards	Date:	2 August 2013
Precinct:	All Precincts	File Ref:	PLA0244
Attachments:	001 – Policy No. 3.5.11 - Exercise of Discretion for Development Variations 002 – Summary of Submissions		
Tabled Items:	Nil		
Reporting Officer:	T Elliott, Planning Officer (Strategic)		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **ADOPTS** the final amended version of Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations as shown in Appendix 9.1.2; and
2. **AUTHORISES** the Chief Executive Officer to advertise the final amended version of Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations in accordance with Clause 47(6) of the City's Town Planning Scheme No. 1.

PROCEDURAL MOTION

Moved Cr Maier, **Seconded** Cr McGrath

That consideration of Item 9.1.2 be recommitted, as there was an amendment listed for this item.

PROCEDURAL MOTION PUT AND CARRIED (9-0)

Moved Cr McGrath, **Seconded** Cr Maier

That the recommendation, together with the following changes, be adopted:

“That Clause 1 be amended to read as follows:

1. **ADOPTS** the final amended version of Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations as shown in Appendix 9.1.2 **subject to the Policy being amended as follows;** and
 - 1.1 **Amending** clause AR 1.5 as follows:
“AR 1.5 the proposed development provides affordable housing, demonstrated through partnership agreements with a recognised or approved not for profit housing provider.”
 - 1.2 **Amending** Clause AR 2.5 as follows:
“AR 2.5 the proposed development provides affordable housing, demonstrated through partnership agreements with a recognised or approved not for profit housing provider; or”
 - 1.3 **Add** Clause 4 as follows:
“4. VARIATIONS TO THIS POLICY
4.1 Any variations to Part 3 of this Policy is considered a non complying application in accordance with the City’s Town Planning Scheme.””

Debate ensued.

PROCEDURAL MOTION

Moved Cr Maier, Seconded Cr Topelberg

That the item be DEFERRED for further consideration.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

REASONS FOR DEFERRAL:

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

PURPOSE OF REPORT:

The purpose of this report is to present to the Council the outcomes of the formal advertising period for the Amendments to Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations.

BACKGROUND:

At the Ordinary Meeting of Council held on 26 March 2013 an application was considered for the proposed construction of four-storey building comprising nineteen (19) multiple dwellings (aged or dependant person dwellings) and associated car parking at No. 12 Smith street, Perth. This application revealed a shortfall within the City's Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations. More specifically, it has indicated that *Table 1: Prescribed Height Limit – 2 or 3 Storeys. Variation - 1 Additional Storey*, currently does not include the promotion of affordable housing as an additional requirement. The introduction of clause AR 1.5 will allow applicants, for sites where there is a height limit of 2 – 3 storeys, the opportunity of an additional storey if affordable housing is provided.

History:

Date	Comment
24 February 2009	The Council at its Ordinary Meeting endorsed the City of Vincent Affordable Housing Strategy. One of the recommendations in the Strategy was for the City to investigate mechanisms to promote affordable housing through the planning framework.
14 August 2012	The Council at its Ordinary Meeting resolved to adopt Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations. The purpose of the Policy is to provide a clearer framework for the Council to exercise discretion with respect to development applications seeking a variation in regard to height.
9 April 2013	The Council at its Ordinary Meeting authorised the Chief Executive Officer to advertise proposed amendments to Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations.

Previous Reports to Council:

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

The Minutes of Item 9.1.3 from the Ordinary Meeting of Council held on 9 April 2013 relating to this report is available on the City's website at the following link: http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes.

DETAILS:

Following the formal advertising period no further changes are proposed to Policy No. 3.5.11 relating to Exercise of Discretion of Development Variations.

CONSULTATION/ADVERTISING:

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

Consultation Period: 28 days, 14 May 2013 – 11 June 2013.

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

A total of five (5) submissions were received during the four week consultation period as follows:

Authority and Organisation Submissions

Position	Number Received	Percentage
Support	-	-
Object	-	-
Not Stated	4	100%
Total	4	100%

Community Submissions

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

Total Submissions Received

Position	Number Received	Percentage
Support	-	-
Object	1	20%
Not Stated	4	80%
Total	5	100%

Comments with Position: 'Object'

Issue	Comment
Residential amenity is not adequately protected by this Policy.	The City's Town Planning Scheme and Planning and Building Policies must be adhered to prior to the Council exercising its discretion to allow a greater prescribed height. This clause and the entire Policy are further requirements for applicants to meet should they wish to increase the height of their developments.
Local Centres are intimately connected to adjoining residential areas and not intended for high density residential concentration.	The Local Centres provide local amenities for the immediately surrounding community. It is important for the local residents to utilise the services provided in a local centre. As there is an abundance of services in a local centre it is considered appropriate that residential densities immediately surrounding a local centre be increased to facilitate adequate patronage.

Issue	Comment
It is not logical to define the allowed height limit of a building by the future occupants or type of housing.	This is the premise of planning, as a structure or area should be planned to facilitate the most efficient use of land for an intended purpose, in this case affordable housing in areas with existing infrastructure to support.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

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

To align with the recommendations of the *Town of Vincent Affordable Housing Strategy*:

"The report concluded that there is ample opportunity within the existing framework to adopt a proactive role in respect to encouraging and facilitating affordable housing diversity. The philosophy and principles of affordability should be ideally be embedded more generally within planning policy and procedure".

SUSTAINABILITY IMPLICATIONS:

ENVIRONMENTAL
Allowing additional height in exchange for the provision of affordable housing will permit an alternative to the urban fringe therefore alleviating pressure on urban expansion.

SOCIAL
For an applicant to attain greater height for their development additional requirements must be met. Prior to Policy Amendment No. 112 the additional requirement of affordable housing applied only to areas with a <i>prescribed height limit</i> of 4 storeys and above. Amendment No. 112 proposes that this additional requirement apply also to the <i>prescribed height limit</i> of 2 or 3 storeys. This will facilitate the development of a range of housing types providing choice to the City's residence, and support the recommendations of the City's Affordable Housing Strategy.

ECONOMIC
Allowing additional height for applicants who meet the additional requirement of affordable housing could mean an increase in populace for the City and therefore an increase in economic activity.

FINANCIAL/BUDGET IMPLICATIONS:

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

Town Planning Scheme Amendments and Policies

Budget Amount:	\$ 73,000
Spent to Date:	\$ <u>0</u>
Balance:	\$ 73,000

COMMENTS & CONCLUSION:

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

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

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

9.1.3 Events Promoting Sustainable Design 2013-2014

Ward:	Both	Date:	2 August 2013
Precinct:	All	File Ref:	PLA0209
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	A Marriott, Sustainability Officer		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

OFFICER RECOMMENDATION:

That the Council **AUTHORISES** the Chief Executive Officer to organise the following events for the promotion of sustainable design:

1. Sustainable House Day (8 September 2013);
2. Sustainable Design Expo (5 October 2013); and
3. Sustainable Property Workshop for property industry professionals (November 2013).

COUNCIL DECISION ITEM 9.1.3

Moved Cr Maier, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

PURPOSE OF REPORT:

To seek the Council's approval to organise the three proposed sustainable design events, as recommended by the City's Sustainability Advisory Group (SAG).

BACKGROUND:

Limited understanding of the benefits of sustainable design by property developers and related industry professionals has been shown to lead to undesirable design outcomes across a range of development types seen within the City.

Under the City's existing planning framework, the City's ability to mandate sustainable design requirements beyond basic thermal efficiency is limited to developer concessions. Outside of this the City can only encourage the incorporation of sustainable design principles via its Local Planning Policies and through the provision of information to potential developers and related industry professionals.

In recognition of the above and supported by advice from the SAG, the Council at its Ordinary Meeting held on 14 August 2012 authorised the delivery of three events between September and November 2012 to promote and communicate the benefits of sustainable design to its community and to the Property Industry.

These events successfully engaged their target audiences, with excellent attendance numbers and overwhelmingly positive feedback confirming a need for ongoing education and engagement around this subject:

- Sustainable House Day 2012: 180-200 visitors toured 17A Alma Road in Mount Lawley, which was opened on behalf of the City, with numerous follow-up enquiries requesting further information;
- Sustainable Design Expo 2012: 150 people attended the opening presentation, with an estimated 300 people attending the event to interact with suppliers of sustainable products and services and to seek advice from Architects and Designers specialising in sustainable design. This event led to the first domestic scale geothermal system in Western Australia being installed in the City of Vincent; and
- Sustainable Property Workshop 2012: This fully-subscribed event was attended by 33 industry professionals, with all respondents stating in the follow-up survey that the workshop was of significant value and that they would recommend it to their professional colleagues. There were also several requests for follow-up workshops to expand on the material already delivered.

History:

Date	Comment
16 July 2012	At its Ordinary Meeting, the SAG consulted with property and sustainable design professionals and formulated its recommendation for a series of sustainable design events to educate the property industry and the City's community.
14 August 2012	The Council authorised the delivery of events promoting sustainable design for 2012-2013.
8 September 2012	Sustainable House Day 2012.
22 September 2012	City of Vincent Sustainable Design Expo.
15 November 2012	Sustainable Property Workshop for industry professionals.

DETAILS:

Sustainable House Day

In 2012, the City opened one property located at 17A Alma Road in Mount Lawley in association with Sustainable House Day (a national event held each year on a set date in September). The demonstration house was a single dwelling that exemplified the application of basic sustainable design principles in a new building on a small infill lot. Following the success of this event, the Architect involved has again offered to open a new-build home in 2013. Additionally, the City has received a further three offers from Architects and property owners whose buildings demonstrate sustainable design in an apartment building, sustainable retrofit of an attached dwelling, and sustainable renovation and extension of an existing home. In each case the Architects and/or home owners are willing to provide tours and volunteer their time for the day. The City would be required to provide three staff members to oversee the event. These staff costs can be met from the funds allocated for the *Promotion of Sustainable Design* in the 2013-2014 Budget. The SAG has recommended that the City continue to participate in Sustainable House Day, which in the current year falls on 8 September 2013.

City of Vincent Sustainable Design Expo

The City's inaugural Sustainable Design Expo was held over a half-day on Saturday 22 September 2012 and was opened with a presentation on sustainable building design by the Chair of the City's Design Advisory Committee. Exhibiting a range of sustainable products and services available locally for the construction, renovation and retrofit of buildings, it also provided free one-on-one consultations for property owners with Architects specialising in sustainable design.

Based on the success of this event, the SAG has recommended that it be held again in 2013. Taking into consideration lessons learned from 2012, the following minor changes were also recommended by the SAG to ensure the best possible outcomes in future:

- Hold the event in October, to avoid clashing with competing Sustainable September events held by neighbouring local governments, educational institutions and community groups, as well as September football finals;
- Incorporate presentations from the various participating sustainable design experts throughout the event to keep attendance numbers high for the duration;
- Schedule mini-workshops at exhibitor stalls to demonstrate products and provide information and advice; and
- Extend the use of the Administration Building as a venue by utilising the Committee Room and Public Gallery of the Council chamber for one-on-one Architect consultations, and by making use of the Function Room balconies.

Other Local Government events and venue availability make Saturday 5 October 2013 the most suitable date for the Sustainable Design Expo this year.

Property Industry Workshop

A half-day Sustainable Property Workshop designed to promote the opportunities and benefits of sustainable design to local developers and related industry professionals was delivered on behalf of the City by Sustainability Training provider Green Gurus on 15 November 2012. To maximise industry up-take, this registered training event was subsidised by the City and made eligible for continuing professional development (CPD) points with various industry bodies. The venue for this training event was the City's Local History Centre.

Based on attendance numbers and the positive feedback from participants, the SAG has recommended that at least one such training event be delivered in 2013-2014. In response to participant requests for follow-up workshops, the SAG has also recommended that future events be accompanied by an optional afternoon master class, where graduates of the introductory workshop can use newly acquired knowledge to work through real-life case studies.

It is proposed that the half-day introductory workshop be subsidised for first time participants only and that the afternoon master class be made available (at an additional cost) to anyone who has previously completed the introductory session. November remains an ideal time of year to host such a training event, as the urgency to complete compulsory professional development activities prior to the end of the year helps ensure a high level of participant uptake. To allow for a larger number of participants, it is recommended that the venue be changed to the City's Function Room.

Green Gurus, being the only registered training provider in Western Australia currently delivering this CPD-approved training course to the property and real estate industry has indicated its availability for November 2013.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	No
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LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Any property owners hosting an open-house event will be required to hold current public liability insurance cover for the property in question.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states (Objective 1):

"Natural and Built Environment:

- 1.1 *Improve and maintain environment and infrastructure,*
 - 1.1.3 *Take action to reduce the Town's environmental impacts and provide leadership on environmental matters.*

SUSTAINABILITY IMPLICATIONS:

ENVIRONMENTAL

The overarching objective of this City's Sustainable Environment Strategy in relation to its community is: *"To encourage, empower and support the City's community to live in an environmentally sustainable manner."*

Strategy actions relating to this objective are:

"Action J: Make environmental and sustainable information more readily accessible to the community;

Action K: Encourage the incorporation of sustainable design principles and features in existing and new development within the city as standard practice.

Action 1.14: Offer guidance and encourage energy efficient design for new developments and retrofitting for existing developments within the City.

Action 1.15: Develop and implement education initiatives to reduce energy use by City residents and businesses; and

Action 1.16: Promote the use of renewable energy to businesses and residents within the City."

The proposed events will educate and empower the City's community to make environmentally sustainable choices when considering the development of property within the City.

SOCIAL

The principles of sustainable design address social inclusion, universal accessibility and affordability. By promoting the adoption of sustainable design, the City will maximise the related social benefits for its community.

ECONOMIC

The principles of sustainable design include the minimisation of resource use (both in the construction and operation of developments) and the extension of development life-span, this by definition keeps construction costs low, reduces the payback period for developments and makes them cheaper to operate over their lifetime. In addition, sustainable properties are sold and leased at a premium price, making for excellent return on investment for developers. These economic benefits flow on to the wider community.

FINANCIAL/BUDGET IMPLICATIONS:

The cost for the proposed sustainable design events is expected to be as follows:

- Sustainable House Day: \$3,000 (maximum);
- Sustainable Design Expo: \$7,000 (maximum);
- Sustainable Property Workshop for property industry professionals: \$10,000 (maximum).

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

Promotion of Sustainable Design:

Budget Amount:	\$20,000
Spent to Date:	\$ <u> 0</u>
Balance:	\$20,000

COMMENTS & CONCLUSION:

To achieve desired sustainable design outcomes within the City, developers, property industry professionals and community members need to understand the benefits to be gained from implementing sustainability principles in developments. The success of the City's 2012-2013 sustainable design events demonstrated a clear demand for such information among key stakeholders. The City's Officers therefore recommend that the Council authorises the sustainable design events now proposed for 2013-2014 in order that practical information, tangible examples and professional development may be delivered to those who influence design choices within the City.

9.2.2 Proposed Traffic Management – Barnet Street, North Perth

Ward:	North	Date:	2 August 2013
Precinct:	Smiths Lake (6)	File Ref:	TES0545
Attachments:	001 – Proposed Plan No. 3067-CP-02		
Tabled Items:	Nil		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES IN PRINCIPLE** the implementation of the proposed traffic calming for Barnet Street, North Perth estimated to cost \$12,000, as shown on attached Plan No. 3067-CP-02;
2. **CONSULTS** with affected residents; and
3. **AUTHORISES** the Chief Executive Officer to implement the proposal should no adverse comments be received.

Moved Cr Carey, Seconded Cr Harley

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Carey, Seconded Cr Harley

“That Clause 1 be amended to read as follows:

1. **APPROVES IN PRINCIPLE** the implementation of the proposed traffic calming with two options, one option being the rubber pad and the other option being a low profile speed hump and that the precise treatment chosen to be reported back to the Council for Barnet Street, North Perth estimated to cost \$12,000, as shown on attached Plan No. 3067-CP-02;

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (9-0)

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

COUNCIL DECISION ITEM 9.2.2

That the Council;

1. **APPROVES IN PRINCIPLE** the implementation of the proposed traffic calming with two options, one option being the rubber pad and the other option being a low profile speed hump and that the precise treatment chosen to be reported back to the Council for Barnet Street, North Perth estimated to cost \$12,000, as shown on attached Plan No. 3067-CP-02; and
2. **CONSULTS** with affected residents.

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of a proposed traffic calming proposal for Barnett Street in the vicinity of the Italian/Australian Child Care Centre in North Perth.

BACKGROUND:

In recent times a number of requests have been received regarding speeding vehicles on Barnett Street in the vicinity of the Italian/Australian Child Care Centre.

The following is an extract of a recent request from a concerned resident regarding traffic issues in Barnett Street:

"I am writing to express my significant concern over the lack of traffic management infrastructure and signage on Barnett St, North Perth to control speeding vehicles within the vicinity of the Italian/Australian Child Care Centre at 21 Barnett St.

My daughter attends this Child Care Centre. Every morning when dropping her off at 0800-0830, vehicles south bound are speeding through this area using it as a thoroughfare to avoid traffic on Loftus St and Charles St.

I am shocked over the speed at which some vehicles travel past the Centre and it is only a matter of time before a child or adult is hit and killed or there is a vehicle to vehicle interaction. I have been informed by the Centre Manager that she has raised this issue a number of times with the City of Vincent and yet the City has not done anything about it. What will it take for the City to address this death trap, the loss of a child or adults life?

I request that a thorough investigation of traffic be undertaken in the vicinity of the Centre and as a minimum that school zone signage and speed hump or other speed control infrastructure is installed adjacent to the Centre."

DETAILS:

Barnet Street is classified as an Access Road in accordance with the Metropolitan Functional Road Hierarchy. Under this classification, the maximum desirable traffic volume is 3,000 vehicles per day with a recommended operating speed of 50kph.

The City wrote to the Italian/Australian Child Care Centre and Main Roads Western Australia (MRWA) some time ago. MRWA advised that the portion of Barnett Street does not qualify for school zone signs.

The recorded traffic volumes and speeds are reasonable so there is more of a perception of a speeding problem than an actual problem (please refer table below).

Road	Location	AWT 5 day	Ave Speed	85% Speed
Barnet St	Albert-Bourke (Straight)	1,247	44.2	52.6
Barnet St	Albert-Bourke (At bend)	1,299	39.8	46.4

Proposal

While the recorded speeds are reasonable in an endeavour to control errant driver behaviour and reduce the incidents of speeding, it is proposed that to install four (4) speed cushions separated by a concrete island be installed at the tow approaches of the bend as shown on Plan No. 3067-CP-02

These measures, which are both effective and relatively inexpensive, will ensure that vehicles slow down in the vicinity of the Italian/Australian Child Care Centre with minimal impact on nearby residents (given the proposed locations).

In addition the proposal may dissuade motorists from using Barnet Street as a peak period 'rat run'.

CONSULTATION/ADVERTISING:

Residents will be consulted regarding the proposal.

LEGAL/POLICY:

Not applicable.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The Council ensures its road infrastructure is maintained to an acceptable level of service with funds allocated annually to various improvement programs.

FINANCIAL/BUDGET IMPLICATIONS:

The 2013/2014 Budget includes \$25,000 for traffic management in Barnet, Kadina and Albert Streets. The estimated cost to install the proposed treatment is in the order of \$12,000.

COMMENTS:

The City receives many requests for traffic management. Most requests received are addressed by the officers as vehicle classifier results usually indicate that there is a perceived problem rather than an actual problem. Other matters are referred to the Police Services for enforcement of the legal speed limit.

The City previously canvassed residents regarding traffic calming in Kadina and Albert Streets however other than the measures previously implements (at the Charles Street end) additional measure were not supported by a vocal minority and therefore these works are on hold.

While the traffic data indicates that the speed in Barnet Street is not excessive some residents and users of the Italian/Australian Child Care Centre continue to contact the City of their concerns. Therefore it is recommended that the proposal as outlined on attached Plan No 3067-CP-02 be approved in principle subject to gaining the Barnet resident support.

9.3.1 Adoption of Additional Fees and Charges 2013/14

Ward:	Both	Date:	2 August 2013
Precinct:	All	File Ref:	FIN0025
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	M Rootsey, Director Corporate Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

CORRECTED OFFICER RECOMMENDATION:

That the Council APPROVES BY ABSOLUTE MAJORITY;

- to adopt the additional Fees and Charges to be included in the Schedule of Fees and Charges for the 2013/14 financial year, as follows;

Cat Act 2011 - Fees

	2013/14	GST
Annual registration of a cat	\$20.00	N
Concessional registration fee		
3 Years	\$42.50	N
3 Years (Pensioner)	\$21.25	N
Lifetime registration period	\$100.00	N
Lifetime registration period (Pensioner)	\$50.00	N
Registration after 31 May in any year, for that registration year	50% of fee payable otherwise	N
Annual application for approval or renewal of approval to breed cats (per cat)	\$100.00	N

Planning Fees:

Built Strata Form 24	2013/14	GST
Built Strata Form 24 fee (1-5 allotments)	Base rate \$656, plus fee per lot of \$65.	N
Built Strata Form 24 fee (6-100 allotments)	Base rate \$981, plus fee per lot in excess of 5 lots of \$43.50.	N
Built Strata Form 24 fee (in excess of 100 allotments)	The application fee is capped at 100 lots. The maximum fee payable is \$5,113.50	N

- to adopt the amended Fees and Charges to be included in the Schedule of Fees and Charges for the 2013/14 financial year, as follows;

Rangers & Community Safety Services Fees:

DOGS

	2012/13	2013/14	GST
Sterilised Dog			
1 Year	\$10.00	\$40.00 \$20.00	N
3 Years	\$18.00	\$48.00 \$42.50	N
1 Year (Pensioner)	\$5.00	\$5.00 \$10.00	N
3 Years (Pensioner)	\$9.00	\$9.00 \$21.25	N
<u>Lifetime registration period</u>	-	<u>\$100.00</u>	N

	2012/13	2013/14	GST
Unsterilised Dog			
1 Year	\$30.00	\$30.00 <u>\$50.00</u>	N
3 Years	\$75.00	\$75.00 <u>\$120.00</u>	N
1 Year (Pensioner)	\$15.00	\$15.00 <u>\$25.00</u>	N
3 Years (Pensioner)	\$37.50	\$37.50 <u>\$60.00</u>	N
<u>Lifetime registration period</u>	-	<u>\$250.00</u>	N

(Prescribed by Regulation)

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

COUNCIL DECISION ITEM 9.3.1

Moved Cr Maier, Seconded Cr Harley

That the recommendation be adopted.

Debate ensued.

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

ADDITIONAL INFORMATION:

As advised in the Circular No. 18-2013 the Department of Local Government and Communities has completed a review of the registration fees prescribed under the Dog Act 1976 as well as developing registration fees to be prescribed under the Cat Act 2011, which is effective from 1 November 2013.

As a result there are two (2) new Dog Registration Fees proposed and existing fees have been increased significantly from what was approved by the Council at the Ordinary Meeting of Council held 25 June 2013.

PURPOSE OF REPORT:

To obtain the Council's approval of the Additional Fees and Charges which were received after the adoption of the Schedule of Fees for the Financial Year 2013/14.

BACKGROUND:

At the Ordinary Meeting of Council held 25 June 2013 the Council resolved the following:

"That the Council;

1. *APPROVES BY ABSOLUTE MAJORITY to adopt the Schedule of Fees and Charges for the 2013/14 financial year, as shown in Appendix 9.3.4 subject to the following being amended as follows;*
 - 1.1 *Cash in Lieu Payment for car parking (page 8.28):
Cash in lieu payment for car parking for developments valued at \$3 million* or more (* denotes that the \$3 million is the current threshold for determination by the Development Assessment Panel); and*
 - 1.2. *Library – photocopying (page 8.1):
Library Black and White per copy 0.30."*

DETAILS:

Subsequent to the adoption of the fees and charges the City was advised of the following additional fees for Planning Services and Ranger and Community Safety Services.

Additional fees recommended for 2013/14:

Rangers & Community Safety Services Fees:

Cat Legislation:

New fees are proposed to be introduced this year associated with the registration of cats following the adoption of the Cat Act 2011 which will come into operation effective from 1 November 2013.

The proposed fees will take effect once gazetted:

Cats:

	2013/14	GST
Annual registration of a cat	\$20.00	N
Concessional registration fee		
3 Years	\$42.50	N
3 Years (Pensioner)	\$21.25	N
Lifetime registration period	\$100.00	N
Lifetime registration period (Pensioner)	\$50.00	N
Registration after 31 May in any year, for that registration year	50% of fee payable otherwise	N
Annual application for approval or renewal of approval to breed cats (per cat)	\$100.00	N

Planning Fees:

Built Strata Form 24	2013/14	GST
Built Strata Form 24 fee (1-5 allotments)	Base rate \$656, plus fee per lot of \$65.	N
Built Strata Form 24 fee (6-100 allotments)	Base rate \$981, plus fee per lot in excess of 5 lots of \$43.50.	N
Built Strata Form 24 fee (in excess of 100 allotments)	The application fee is capped at 100 lots. The maximum fee payable is \$5,113.50	N

CONSULTATION/ADVERTISING:

To be advertised for public comment.

LEGAL/POLICY:

In accordance with the *Local Government Act (1995)*, Sections 6.16, 6.17 and 6.18.

RISK MANAGEMENT IMPLICATIONS:

Low: The fees and charges are supported by the City. The risk is that the budgeted level of revenue from the fees and charges may not be attained in any one financial year.

STRATEGIC IMPLICATIONS:

The new and amended fees and charges have been included in the preparation of the Draft Annual Budget 2013/14.

SUSTAINABILITY IMPLICATIONS:

The fees and charges represent a significant component of the City's revenue and require to be adjusted annually to ensure the City's financial sustainability.

FINANCIAL/BUDGET IMPLICATIONS:

The revenue received from the proposed fees and charges will be included in the revenue component of the financial statements for 2013/14.

COMMENTS:

It is recommended that these additional fees and charges are included in the fees and charges for 2013/14 as both category of fees are required by legislation.

9.5.2 Delegations for the Period 1 April 2013 to 30 June 2013

Ward:	Both	Date:	2 August 2013
Precinct:	All	File Ref:	ADM0018
Attachments:	001 – Delegation Reports		
Tabled Items:	Nil		
Reporting Officers:	M Wood, A/Manager Ranger and Community Safety Services; P Morrice, Team Leader Ranger Administration		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **ENDORSES** the delegations for the period 1 April 2013 to 30 June 2013 as shown at Appendix 9.5.2; and
2. **APPROVES BY AN ABSOLUTE MAJORITY** to write-off infringement notices/costs to the value of \$52,325 for the reasons as detailed below:

Description	Amount
Details Unknown/Vehicle Mismatched	\$12,565
Failure to Display Resident or Visitor Permit	\$12,535
Other (Financial Hardship, Disability, Police On-duty, Etc)	\$10,405
Ranger/Administrative Adjustment	\$9,280
Ticket Purchased but not Displayed (Valid Ticket Produced)	\$2,760
Interstate or Overseas Driver	\$1,770
Equipment Faulty (Confirmed by Technicians)	\$1,205
Breakdown/Stolen (Proof Produced)	\$865
Signage Incorrect or Insufficient	\$860
Pound Fees Modified	\$80
TOTAL	\$52,325

Moved Cr Harley, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Harley, Seconded Cr Carey

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

3. **REQUESTS** the Director Community Services to report back to the Ordinary Meeting of Council to be held on 24 September 2013 on whether or not there are levels of repeat offending to identify if there is any systematic cheating of the parking permit system.”

Debate ensued.

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

COUNCIL DECISION ITEM 9.5.2

That the Council;

1. **ENDORSES** the delegations for the period 1 April 2013 to 30 June 2013 as shown at Appendix 9.5.2; and
2. **APPROVES BY AN ABSOLUTE MAJORITY** to write-off infringement notices/costs to the value of \$52,325 for the reasons as detailed below:

Description	Amount
Details Unknown/Vehicle Mismatched	\$12,565
Failure to Display Resident or Visitor Permit	\$12,535
Other (Financial Hardship, Disability, Police On-duty, Etc)	\$10,405
Ranger/Administrative Adjustment	\$9,280
Ticket Purchased but not Displayed (Valid Ticket Produced)	\$2,760
Interstate or Overseas Driver	\$1,770
Equipment Faulty (Confirmed by Technicians)	\$1,205
Breakdown/Stolen (Proof Produced)	\$865
Signage Incorrect or Insufficient	\$860
Pound Fees Modified	\$80
TOTAL	\$52,325

and

3. **REQUESTS** the Director Community Services to report back to the Ordinary Meeting of Council to be held on 24 September 2013 on whether or not there are levels of repeat offending to identify if there is any systematic cheating of the parking permit system.

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly progress report of the delegations exercised by the City's Administration for the period 1 April 2013 to 30 June 2013 and to obtain the City's approval to write-off infringement notices.

BACKGROUND:

The Local Government Act 1995, at Section 5.42, allows for a Council to delegate to the Chief Executive Officer its powers and functions.

The purpose of delegating authority to the Chief Executive Officer is to provide for the efficient and orderly administration of the day to day functions of the Local Government. The Chief Executive Officer, Directors and specific Managers exercise the delegated authority in accordance with the Council's policies.

DETAILS:

The area where most Infringement Notices are withdrawn is a resident or visitor not displaying the necessary permits. While the offence is "*Failure to Display a Valid Permit*", it is not considered appropriate to penalise residents and their visitors, since the primary purpose of introducing Residential Parking Zones is to provide respite to them.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Section 5.42 of the Local Government Act 1995 gives power to a Council to delegate to the Chief Executive Officer the exercise of its powers and functions; prescribes those functions and powers which cannot be delegated; allows for a Chief Executive Officer to further delegate to an employee of the City; and states that the Chief Executive Officer is to keep a register of delegations. The delegations are to be reviewed at least once each financial year by the Council and the person exercising a delegated power is to keep appropriate records.

It is considered appropriate to report to the Council on a quarterly basis on the delegations utilised by the City's Administration. A copy of these for the quarter is shown at Appendix 9.5.2.

RISK MANAGEMENT IMPLICATIONS:

Low: It is a statutory requirement to report matters approved under Delegation Authority to the Council.

STRATEGIC IMPLICATIONS:

The above is in accordance with the City's *Strategic Plan 2011-2016* - Objective 4.1.2 (a) states:

"4.1.2(a) Continue to adopt best practise 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:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The Council's Auditors recommend that infringement notices be reported to the Council for a decision to write-off the value of the infringement notice. In these cases, it is the opinion of the Co-ordinator Ranger Services and/or the Parking Appeals Review Panel that infringement notices cannot be legally pursued to recover the money or it is uneconomical to take action as this will exceed the value of the infringement notice.

COMMENTS:

It is recommended that the delegations be endorsed by the Council and the write-off of the Infringement Notices be approved.

9.5.3 Strategic Plan 2011-2021 – Progress Report for the Period 1 April 2013 to 30 June 2013

Ward:	-	Date:	2 August 2013
Precinct:	-	File Ref:	-
Attachments:	001 – Strategic Plan Quarterly Progress Report		
Tabled Items:	-		
Reporting Officer:	J Highfield, Executive Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the progress report on the Strategic Plan 2011-2021 for the period 1 April 2013 to 30 June 2013, as shown in Appendix 9.5.3.

Moved Cr McGrath, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr McGrath, Seconded Cr Maier

That the strike-thru deletion of Item 1.13 on page 15 of 32 in the Strategic Community Plan be removed as follows:

“1.13 Take action to reduce the City’s environmental impacts and provide leadership on environmental matters

- (a) Regularly review, update and implement the Sustainable Environment Strategy 2011-2016 and ensure the City acts in an environmentally sustainable manner in all of its operations.”

AMENDMENT PUT AND CARRIED UNANIMOUSLY (9-0)

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

COUNCIL DECISION ITEM 9.5.3

That the Council;

1. RECEIVES the progress report on the Strategic Plan 2011-2021 for the period 1 April 2013 to 30 June 2013, as shown in Appendix 9.5.3; and
2. REMOVES the strike-thru deletion of Item, 1.13 in the Strategic Plan, as follows:

“1.13 Take action to reduce the City’s environmental impacts and provide leadership on environmental matters

- (a) Regularly review, update and implement the Sustainable Environment Strategy 2011-2016 and ensure the City acts in an environmentally sustainable manner in all of its operations.”

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly report to the Council to keep it informed of the various strategies in the City's Strategic Plan for the period 1 April 2013 to 30 June 2013.

DETAILS:

Progress reports are reported to Council for each quarter as follows:

Period	Report to Council
1 October 2012 - 31 December 2012	February
1 January 2013 - 31 March 2013	April
1 April 2013 – 30 June 2013	August
1 July 2013 – 30 September 2013	October

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The Council adopted its Plan for the Future at the Ordinary Meeting of Council held on 14 June 2011. The City's Strategic Plan forms part of the Plan for the Future. It is not a legal requirement to have a Strategic Plan, however, it is considered "*Best Practice*" management that a Strategic Plan be adopted to complement and be linked and aligned to both the Principal Activities Plan and Annual Budget.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

The Strategic Plan provides the elected Council and administration with its aims, goals and objectives (key result areas) for the period 2011-2021. The reporting on a quarterly basis is in accordance with the Strategic Plain 2011-2021 Key Result Area.

This is in keeping with the City's Strategic Plan 2011-2021 - "*Leadership, Governance and Management*", in particular, Objective 4.1.2 - "*Manage the Organisation in a responsible, efficient and accountable manner*".

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The progress report for the Strategic Plan indicates that the City's administration is progressing the various strategies in accordance with the Council's adopted programs and adopted budget.

9.5.5 Chief Executive Officer's Performance Review 2013 - Appointment of Human Resources Consultant

Ward:	-	Date:	2 August 2013
Precinct:	-	File Ref:	-
Attachments:	001 – Contract of Employment – Clause 5		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

Disclosure of Financial Interest:

The Chief Executive Officer, John Giorgi has disclosed a financial interest in this item.

The extent of his interest being, that it relates to his Contract of Employment.

OFFICER RECOMMENDATION:

That the Council APPROVES of engaging Human Resource Consultant, Mr. John Phillips of WALGA's Business Solutions to assist in conducting the Chief Executive Officer's (CEO's) Performance Review 2013, as detailed in this report, at a cost of \$3,000 (incl. GST).

The Chief Executive Officer departed the Chamber at 7.10pm.

Moved Cr Topelberg, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Topelberg, Seconded Cr Maier

“That the Officer Recommendation be amended to read as follows:

That the Council APPROVES of engaging the engagement of a Human Resource Consultant, Mr. John Phillips of WALGA's Business Solutions to assist in conducting the Chief Executive Officers (CEO) Performance Review 2013, as detailed in this report, and if the matter is not agreed by the Mayor and the Chief Executive Officer that it will be reported to the next Ordinary Meeting of Council to be held on 27 August 2013. in conducting the Chief Executive Officer's (CEO's) Performance Review 2013, as detailed in this report, at a cost of \$3,000 (incl. GST).”

Cr Maier asked the Presiding Member is there any problem with the report stating \$3,000 at the end or should it state up to or remove the amount?

The Presiding Member advised that the price should be removed.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (9-0)

Debate ensued.

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

COUNCIL DECISION ITEM 9.5.5

That the Council **APPROVES** the engagement of a Human Resource Consultant, to assist in conducting the Chief Executive Officer's (CEO's) Performance Review 2013, as detailed in this report, and if the matter is not agreed by the Mayor and the Chief Executive Officer, that it will be reported to the next Ordinary Meeting of Council to be held on 27 August 2013.

The Chief Executive Officer returned to the Meeting at 7.20pm.

REASON FOR SIGNIFICANTLY CHANGING THE OFFICER RECOMMENDATION:

In the interest of good governance, the Council is seeking an alternative viewpoint and process to that which has been utilised since the inception of the Performance Review process in 2004.

PURPOSE OF REPORT:

The purpose of the report is to obtain the Council's approval to engage a consult to assist in conducting the CEO's Performance Review 2013.

BACKGROUND:

At the Ordinary Meeting of Council held on 4 December 2012, the Council considered this matter and resolved in part as follows;

That the Council:

1. *RECEIVES the Chief Executive Officer's Annual Performance Appraisal 2013, as shown in Appendix 14.1, and ENDORSES the overall rating of "Satisfactory" for the period of review 2011/2013;*
3. *NOTES the next review of the Chief Executive Officer's performance is to be conducted by 16 August 2013."*

The Chief Executive Officers contract of Employment Clauses 5.1 -5.4 (as shown in Appendix 9.5.5) specifies the process for the annual review and the appointment of a consultant.

Indicative Timeline

An indicative timeframe has been prepared as follows:

Item	Indicative Timeline	Indicative hours
1. Report to Council seeking approval to use External Consultant	13 August 2013	-
2. Initial meeting with CEO to discuss timeline and format	14 August – 16 August 2013	1hr approx
3. Consultant to review CEO's Review Report	14 August – 16 August 2013	2hrs approx
4. Consultant to issue the CEO's questionnaire to Council Members	19 August – 23 August 2013	1hr approx
5. Collation of Council Members' responses and follow-up, if required (*conduct interviews, if any, by 30 August 2010)	26 August – 30 August 2013	3hrs approx
6. Preparation of Council Members' responses Summary Report for discussion with CEO	2 September – 6 September 2013	2hrs approx
7. Meeting with CEO to discuss Council Members' Summary Report	9 September – 13 September 2013	1hr approx

Item	Indicative Timeline	Indicative hours
8. Meeting with Mayor (and Councillors, if required) to discuss Council Members' Summary Report	16 September – 20 September 2013	2hrs approx
9. Preparation of CEO report to Council and liaison with Mayor	23 September – 27 September 2013	3hrs approx
10. Final meeting with CEO to discuss final Report, any recommendations and areas of interest, etc	30 September – 4 October 2013	1hr approx
11. Report to Council	8 October 2013	-
	Total	16hrs approx

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The Local Government Act 1995, Section 5.39 requires that Senior Employees are to be governed by a written contract. (The City's CEO and Directors are designated Senior Employees.)

It is a legal requirement that each Contract of Employment contains sufficient information to enable the Officer to effectively carry out his responsibilities. Under Section 5.38, each employee is to be reviewed at least once in every of their employment.

This matter is to be treated as a Confidential Item as it relates to an employee. Section 5.23 of the Local Government Act 1995 allows for matters relating to employees to be considered on a confidential basis.

The Local Government Act 1995, Section 5.38 states:

5.38 Annual Review of Certain Employees' Performances

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

The proposed CEO Review Process is in keeping with the Council decision of 28 September 2010 (to engage an external consultant) and the CEO's Contract of Employment.

RISK MANAGEMENT IMPLICATIONS:

HIGH: it is a requirement that every employee shall have a review at least once every twelve months. Failure to do so would be a breach of *Section 5.38* of the Local Government Act 1995 and the Chief Executive Officers Deed of Contract of Employment.

STRATEGIC IMPLICATIONS:

This proposal is in keeping with the City's Strategic Plan 2011-2021, Objective 4 "*Leadership, Governance and Management*", in particular, 4.2.1 "*Promote employee preference, recognition, reward, satisfaction and wellbeing, and provide a safe and positive workplace.*"

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

A written quotation was obtained from WALGA to conduct the CEO's performance review as detailed in this report. An amount of \$3,000 (incl. GST) has been quoted. Any interviews (in person or telephone) will be an additional cost of \$120 (incl. GST) per hour (which includes any travelling time). Mr Phillips of WALGA has assisted the Council in conducting the CEO's Performance Review since 2004.

COMMENTS:

The Council's approval of the Officer Recommendation is requested.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 NOTICE OF MOTION: Cr Joshua Topelberg Rescission Motion to Change Part of the Council decision concerning Street Prostitution in the Highgate Area

That the Council;

1. NOTES that at the Ordinary Meeting of Council held on 11 June 2013 at Item 10.3, the Council resolved as follows:

“That the Council REQUESTS;

1. *The City publish on its web site the names of all persons convicted of seeking the services of a prostitute in a public place, where the offence has taken place in the City of Vincent;*
 2. *The names are to remain on the website for a period of six (6) months from the date of conviction; and*
 3. *A review to the approach of publishing names be carried out in twelve (12) months.”*
2. in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(1)(e) of the Local Government Act 1995, three Elected Members, namely Councillors Topelberg, Maier and Buckels, being one third of the number of offices of members of the Council, SUPPORT this motion to change the Council decision;
 3. Councillor Joshua Topelberg MOVES a motion to CHANGE the decision by rescinding clause 3 (as above);
 4. in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(1)(e) of the Local Government Act 1995 the Council APPROVES BY AN ABSOLUTE MAJORITY that Clause 3. be changed to read as follows; and
 - “3. A review to the approach of publishing names be carried out at the Ordinary Meeting of Council to be held on 5 November 2013.”

Moved Cr Topelberg, Seconded Cr Buckels

That the motion be adopted.

Debate ensued.

AMENDMENT

Moved Cr McGrath, Seconded Cr Carey

“That Clause 3 be amended to read as follows:

- “3. A review to the approach of publishing names be carried out at the Ordinary Meeting of Council to be held in ~~5 November~~ February 2013-2014.”

Debate ensued.

AMENDMENT PUT AND CARRIED (5-4)

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

Debate ensued.

**MOTION AS AMENDED PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (5-4)**

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

COUNCIL DECISION ITEM 10.1

That the Council;

1. NOTES that at the Ordinary Meeting of Council held on 11 June 2013 at Item 10.3, the Council resolved as follows:

“That the Council REQUESTS;

1. *The City publish on its web site the names of all persons convicted of seeking the services of a prostitute in a public place, where the offence has taken place in the City of Vincent;*
 2. *The names are to remain on the website for a period of six (6) months from the date of conviction; and*
 3. *A review to the approach of publishing names be carried out in twelve (12) months.”*
2. in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(1)(e) of the Local Government Act 1995, three Elected Members, namely Councillors Topelberg, Maier and Buckels, being one third of the number of offices of members of the Council, SUPPORT this motion to change the Council decision;
 3. Councillor Joshua Topelberg MOVES a motion to CHANGE the decision by rescinding clause 3 (as above);
 4. in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(1)(e) of the Local Government Act 1995 the Council APPROVES BY AN ABSOLUTE MAJORITY that Clause 3. be changed to read as follows; and
 - “3. A review to the approach of publishing names be carried out at the Ordinary Meeting of Council to be held in February 2014.”
-

10.3 NOTICE OF MOTION: Cr Dudley Maier Request to Investigate Undergrounding of Power Program in the City of Vincent

That the Council;

1. NOTES that;

- 1.1 on 8 November 2011 it requested a report detailing a locally funded roll out of underground power over a fourteen year period;
- 1.2 a sum of \$30,000 has been included in the 2013-2014 Budget to develop a long term financial model for undergrounding of power in the City;
- 1.3 The City's Administration has previously been requested to investigate alternative funding models for underground power including, but not limited to, the model adopted by the City of Subiaco, and to provide a report on the implications for ratepayers of the City of Vincent if the City adopted a funding model based on the one used by the City of Subiaco;
- 1.4 the City's Undergrounding of Power Policy (Policy 2.2.2) states that the City's share of costs under any State Underground Power Program project will be recouped from property owners in the project area; and

2. REQUESTS that the Chief Executive Officer seek Expressions of Interest from suitably qualified organisations to develop a long term financial model and possible Implementation Plan for undergrounding of power in the City which:

- 2.1 investigates different funding models available to the City and makes recommendations as to the best option;
- 2.2 investigates different options for managing such a project and makes recommendations as to the best option; and
- 2.3 provides recommendations as to a feasible timeframe based on any funding constraints and the ability of the industry to deliver.

COUNCIL DECISION ITEM 10.3

Moved Cr Maier, Seconded Cr Carey

That the motion be adopted.

Debate ensued.

The Presiding Member suggested this matter be deferred for four (4) weeks for further consideration.

PROCEDURAL MOTION

Moved Cr Maier, Seconded Cr Carey

That the item be DEFERRED to the Ordinary Meeting of Council to be held on 10 September 2013, for further consideration.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

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

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

13.1 Metropolitan Local Government Structural Reform/Amalgamations – City of Vincent Request to the City of Perth

Ward:	-	Date:	12 August 2013
Precinct:	-	File Ref:	ORG0031
Attachments:	001 – Maps of Proposed New Local Governments (1-14) 002 – Map of Proposed New Local Governments – Metropolitan Area 003 – Letter to Residents and Business Proprietors 004 – City of Vincent Petition 005 – Department of Local Government Presentation 006 – Rates comparison 2012/2013 007 – Comparison Capital City's – boundaries and populations		
Tabled Items:			
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

Disclosure of Financial Interest:
Cr Topelberg disclosed a Financial interest in this item.

OFFICER RECOMMENDATION:

That the Council formally REQUESTS the City of Perth to;

1. SUPPORT the City of Vincent's position that ALL of the City of Vincent be incorporated into the City of Perth; and
2. Include in its submission to the Local Government Advisory Board for the extension of the proposed City of Perth Local Government boundaries to include all of the City of Vincent Local Government District.

Moved Cr Carey, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT 1

Moved Cr Maier, Seconded Cr Carey

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

ADVISES the City of Perth of the strength of City of Vincent's financial position.”
AMENDMENT PUT AND CARRIED UNANIMOUSLY (9-0)

Debate ensued.

Cr Topelberg advised the Presiding Member that he should have departed the Chamber during the voting of the Amendment, as he had declared a Financial Interest.

The Presiding Member recommitted the Amendment and carried out voting as follows:

PROCEDURAL MOTION

Moved Cr Maier, Seconded Cr Buckels

That the Amendment be recommitted, to enable Cr Topelberg to depart the Chamber.

PROCEDURAL MOTION CARRIED UNANIMOUSLY (9-0)

Cr Topelberg departed the Chamber at 7.53pm.

AMENDMENT 1

Moved Cr Maier, Seconded Cr Carey

That a new Clause be inserted to read as follows:

“ADVISES the City of Perth of the strength of City of Vincent’s financial position.”

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

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

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

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

Cr Topelberg returned to the Chamber at 7.54pm.

COUNCIL DECISION ITEM 13.1

That the Council;

1. Formally REQUESTS the City of Perth to;
 - 1.1 SUPPORT the City of Vincent’s position that ALL of the City of Vincent be incorporated into the City of Perth; and
 - 1.2 Include in its submission to the Local Government Advisory Board for the extension of the proposed City of Perth Local Government boundaries to include all of the City of Vincent Local Government District; and
 2. ADVISES the City of Perth of the strength of City of Vincent’s financial position.
-

PURPOSE OF REPORT:

To obtain the Council’s approval to seek the City of Perth’s support for all of the City of Vincent to be incorporated into the City of Perth.

BACKGROUND:

Previous Reports

The Council previously considered the matter of Local Government structural reform at the Ordinary Meetings of Council held on 7 September 2005, 20 December 2005, 16 March 2009, 28 April 2009, 7 July 2009 and 25 August 2009, 22 September 2009, 9 March 2010, 7 December 2010, 20 December 2011, 13 March 2012, 8 May 2012, 22 May 2012 6 November 2012, 26 March 2013 and 30 July 2013.

DETAILS:

Previous Council Decision:

At the Special Council Meeting held on 30 July 2013, the Council considered the Metropolitan Local Government Review Panel Recommendations and resolved as follows;

"COUNCIL DECISION ITEM 7.1

That the Council;

1. *RECEIVES the report dated 30 July 2013 concerning the Local Government Structural Reform and proposed amalgamations of Metropolitan Local Governments, as detailed in this report and shown in Appendix 7.1 (Attachments 005, 006, 007 & 008);*
2. *RECOGNISES the need for Local Government structural reform in Western Australia;*
3. *OPPOSES the State Government's proposal to merge a significant proportion of the City of Vincent into the City of Stirling, as shown in Appendix 7.1 (Attachment 007 - Map 1), as it is considered there is very little "community of interest" between the population of the two municipalities and that it will be to the detriment of the inner city identity of the precincts that make up the City of Vincent;*
4. *STRONGLY SUPPORTS a full merger of the City of Vincent with the City of Perth, as this is considered the best way to deliver efficient and dynamic Governance for the City's residents, business's and five (5) Town Centres;*
5. *OPPOSES the State Government's decision to amend the Local Government Act 1995 to remove any poll or referendum provisions for residents or ratepayers of Metropolitan Local Government's;*
6. *Establishes a community and social media campaign, including petitions, town hall meetings and advertising to oppose the Stirling merger plan to be directed by a committee formed by the Mayor and four Councillors and relevant officers. The following four Councillors were appointed;*
 1. *Cr Carey;*
 2. *Cr Harley;*
 3. *Cr Topelberg;*
 4. *Cr Wilcox; and*
(Cr McGrath if Cr Topelberg is unavailable);
7. *REQUESTS the Chief Executive Officer to engage personnel with the skill to oversee the campaign for the next two (2) months;*
8. *APPROVES the appointment of the Mayor and Chief Executive Officer to the proposed Implementation Transition Committee for the City of Vincent;*

9. *REQUESTS the Chief Executive Officer to provide a report to the Council no later than 27 August 2013, concerning the following:*
- 9.1 *the progress of the community campaign; and*
- 9.2 *the preparation of a submission to the Local Government Advisory Board;*
10. *AUTHORISES the Chief Executive Officer and Mayor to:*
- 10.1 *enter into discussions with stakeholders, including the Minister for Local Government, Members of Parliament, City of Perth, City of Stirling and any other relevant persons/organizations; and*
- 10.2 *commence discussions with the City of Perth on a merger of the whole of the City of Vincent into the City of Perth;*
- 10.3 *consult with the Vincent community concerning the Government's proposal;*
11. *REQUESTS its representatives in State Government to support the Council's position; and*
12. *ADVISES the Premier, Minister for Local Government, City's of Perth, City of Stirling and the City's ratepayers and residents of its decision."*

(NOTE: WALGA position is for 15-20 Local Governments in the Metropolitan Area.)

ACTION TAKEN TO DATE:

Following the Council's Special Meeting held on 30 July 2013, the following action has been taken:

1. Letter to the Premier;

The Mayor wrote to the Premier of Western Australia on 5 August 2013.

2. The City of Vincent's Campaign:

Letter to ratepayers and residents and business proprietors

A letter together with the City's petition was sent to all ratepayers, residents and business proprietors in the City was sent on Thursday 8 August 2013. (see Attachment 003).

3. Petition

A petition was agreed by the campaign committee and is shown in Attachment 004.

The petition has been placed in the:

- Administration and Civic Centre;
- Beatty Park Leisure Centre; and
- Library and Local History Centre.

At the time of writing this report 1,655 signatures have been received. The number of signatures is increasing rapidly each day.

4. Advertisements

Advertisements have been placed in Local community newspapers.

5. Website

A special page has been included in the City's website.

6. Community Rally

The City's campaign committee organised a community rally which was held on Saturday 10 August 2013 between 2 and 4 pm in Angove Street, North Perth. This rally was attended by in excess of 1200 people who expressed their support for the City of Vincent to be merged to the City of Perth. (and not split with City of Stirling).

The Mayor, Councillor Carey, Chief Executive Officer, Local Member for Perth Eleni Evangel and several community representatives addressed the rally.

Local Member for Perth Eleni Evangel strongly supported the City's position and undertook to submit the City's position to the Parliament and to make representations to the Minister for Local Government and the Premier.

Extensive TV coverage was received by Channel 2, 7 and 9.

7. Meeting with the City of Perth

On Monday 12 August 2013 the City's Mayor met with the Lord Mayor of the City of Perth.

8. Meeting with the City of Stirling

The City has requested a meeting with the City of Stirling Mayor and Chief Executive Officer and at the time of writing this report, the City was awaiting a time and date.

9. Department of Local Government Briefing

The Chief Executive Officer attended a briefing organised by the Department of Local Government and Communities on Thursday 8 August 2013.

A copy of the Directors General Power point presentation is shown at Attachment 005.

Strengthening Perth as A Global City

There is a strong case that merging the two Cities will be of great benefit to the City of Perth as follows:

1. Merging the City of Vincent and the City of Perth makes sense to build a sustainable global city that is a gateway to the movement of people, capital and ideas.
2. By world and Australian standards, the City of Perth lags behind major capitals in terms of population. The City of Perth has the smallest area and population of any Australian capital city but faces increasing demands for services by a rapidly growing but fragmented residential population.
3. The City of Perth's own submission identifies the small size and population as a problem in planning the City well – including Kings Park in the boundary will not change that. With a population of 17,000, the current City of Perth is smaller than the City Councils of Hobart, Darwin and Adelaide.

4. Merging the City of Vincent with the City of Perth would produce a capital city authority of 50,000 people – still well behind the other capitals we compete with for commerce, tourism and investment. (Refer to attachment 007)
5. The country's most successful cities have Capital City authorities of more than 100,000 people – Sydney with 187,679 and Melbourne with 100,611 - and they work more effectively because of their size. In each case the bulk of the population is in the inner-city suburbs, not the central area.
6. The State Government's own review of local government recommended that Vincent be incorporated into Perth.
7. Vincent's vibrant and diverse inner-city urban villages and varied housing styles are a natural fit with the consolidation of Perth as a centre for business, entertainment, education and cultural events.
8. The City of Perth would gain Beatty Park Leisure Centre, which has recently undergone a \$17m redevelopment and is now considered to have one of the best Leisure Centre's in the State. It has a current value of approx. \$30 million. This would fit well with the intention to include high profile assets in the City of Perth. The membership numbers have exceeded expectations and it is expected that the Centre will now be operationally financially sustainable for the future. Historically Beatty Park is associated a being an icon for the leisure and recreation industry in the state of Western Australia and is used by many high profile sporting groups both local and interstate for rehabilitation. The Centre has a close link with the City of Perth will many of the patrons coming from the City and also a number of the Clubs who utilise the Centre and associated with the City of Perth. The Centre would be a valuable asset for the City of Perth- not only in financial terms.

Local Government Advisory Board – Guiding Principles

The Local Government Advisory Board had previously specified that any submissions to the board for changes to Local Government Boundaries should meet the following guiding principles:

1. Community of Interest;
2. Physical and Topographical features;
3. Demographic trends;
4. Economical and Financial Impact;
5. History of the area;
6. Transport and Communication;
7. Matters affecting viability of the Local Government(s) involved; and
8. Delivery of Local Government services.

What is Community of Interest?

The Local Government Advisory Board (LGAB) describes community of interest as:

For example, sporting, leisure and library facilities create a focus for the community. The use of shopping areas and the location of schools also act to draw people together with similar interests. This can also give indications about the direction that people travel to access services and facilities. The external boundaries of a local government need to reflect distinct communities of interest wherever possible. Neighbourhoods, suburbs and towns are important units in the physical, historical and social infrastructure and often generate a feeling community and belonging. The Board believes that wherever possible, it is inappropriate to divide these units between local governments.

The term "Community of Interest" can include a sense of community identity and belonging, similarities in the characteristics of the residents, and similarities in the economic activities. It can also include dependence on shared facilities such as catchment areas for schools, shopping centres, sporting teams and other facilities.

Reasons for City of Vincent to be merged with City of Perth – LGAB Principles

There are many good reasons why the City of Vincent fits best with the City of Perth, as follows:

1. Community of Interest

- 1.1 The City of Stirling is a very large Local Government and many (if not all) of its suburbs **do not** have a "*community of interest*" with the City of Vincent.
- 1.2 City of Vincent residents identify as inner city residents. They have lived in the area for either most of their lives, or have moved here because they work, live and recreate in the City;
- 1.3 Vincent has vibrant inner-city communities, built around five town centres, which are interconnected and share a common sense of identity. The inclusion within the City of Perth fits with this focus;
- 1.4 The City of Vincent economic structure is based on mainstreet commercial entertainment strips, which need active place making. The City shares this with Perth and not with Stirling;

2. Physical and Topographical Features

- 2.1 The boundaries proposed by the State Government DO NOT comply with the principle of following major roads/physical features or barriers, eg: Richmond Street is a minor road.
- 2.2 The current proposed boundaries are illogical and do not meet the guidelines prescribed by the Local Government Advisory Board.
- 2.3 The current proposed boundary will split the Mount Lawley/Beaufort Street business district, - it will be governed by three (3) different Local Governments. Beaufort Street is under this proposal in three different local government areas- if the City of Vincent was completely amalgamated with the City of Perth, this would mean the majority of commercial Beaufort Street would be in the City of Perth;

3. Demographic Factors

- 3.1 The Demographics of Vincent more closely aligned with the City of Perth than the City of Stirling.

4. Economic and Financial Impact

- 4.1 The City of Perth has the lowest rates of any Local Government in the Metropolitan area (\$981 on GRV 21,000.) this compares to the City of Stirling of 1368 and the City of Vincent 1414. Refer to appendix 13.1, attachment 006.
- 4.2 The City of Perth would inherit a budget in excess of \$40 million. (as opposed to only a part of the Vincent budget.)
- 4.3 The City of Perth would receive Cash Reserve Funds of approx \$8.60 million.

- 4.4 Determination/methodology for the allocation of assets would be easier- especially those assets that are not location specific. eg Depot at Osborne Park(valued at approx \$10-12 million), Depot trucks, tractors, vehicles, machinery etc,(\$3.5 million), the City's share of Tamala Park land (valued at approx \$27 million.).
- 4.5 The amalgamation process would be more cost efficient and much easier to implement by two local governments (instead of three).

5. History of the area

- 5.1 Vincent has been a part of the City of Perth since the early 1900's, up until 1 July 1994, when the former City of Perth was split – creating the Towns of Vincent, Cambridge and Victoria Park.
- 5.2 Many long term residents still identify with the City of Perth.
- 5.3 The Robson Report recommends in both of its options that the WHOLE of the City of Vincent amalgamate with the City of Perth;

6. Transport and Communication

- 6.1 The City of Vincent is well serviced by public transport, which provide an efficient to the central business service.
- 6.2 Many Vincent residents work in the central business district and rely on the current transport network to the CBD.
- 6.3 The transport network to many part of the City of Stirling are not available.

7. Matters affecting viability of Local Government

- 7.1 This principle would not be affected.

8. Delivery of Local Government services

- 8.1 The City of Perth is more physically closer to the most of Vincent than is the City of Stirling, thereby making it easier for the Vincent residents to conduct business.

BACKGROUND INFORMATION:

Premier's Announcement – City of Perth Boundaries

On Sunday 28 July 2013, the Premier and Minister for Local Government announced new boundaries for the City of Perth.

The effect of this announcement is that the City of Vincent is to be split between the City of Perth and City of Stirling, with the new boundary as follows:

Mitchell Freeway, Richmond Street, Loftus Street, Beaufort Street, Walcott Street, Lord Street, Guildford Road, Mitchell Street, Stanley Street and to the Swan River, as shown in refer to Appendix 7.1, Attachment 007 - Map 1.

Premier and Minister's Announcement – Metropolitan Local Governments

On Tuesday 30 July 2013, the Mayor and Chief Executive Officer attended a meeting of Local Government Mayors and Chief Executive Officers, whereby the Premier and Minister for Local Government announced the Government's proposal for Local Government Structural Reform and proposed amalgamations for Metropolitan Local Governments.

In the short time available since the Premier's announcement, the Chief Executive Officer has prepared this agenda report and advises as follows:

1. The thirty (30) existing Metropolitan Local Governments will be reduced to 14 – refer to attached summary table outlining the changes.
2. Proposed new boundary changes/amalgamations are to be effective from 1 July 2015.
3. It is anticipated that Commissioners will be in place in early 2015 (or sooner if necessary).
4. All Metropolitan Local Government's are required to make a submission to the Local Government Advisory Board, by the 4 October 2013, on the Government's proposed amalgamations/structural Reform recommendations.
5. If a submission is lodged by 4 October 2013, each Local Government will receive \$200,000 to assist with the Reform process.
6. If a submission is not lodged by 4 October 2013, the Minister will lodge his own submission (based on what has already been announced) and the Local Governments will not receive any funding.
8. The Minister announced that he and/or the Local Government Advisory Board are prepared to consider minor changes ("*tweaking*") of proposed boundaries and significant ("*wholesale changes*") will not be considered.
9. An Implementation Transition Committee (comprising of representatives Department of Local Government and Communities, Western Australian Local Government Association (WALGA) and Local Government Managers Association), reporting to the Minister for Local Government will be formed to oversee the Structural Reform process and Local Government Implementation Transition Working Groups for each new Local Government entity (comprising of Council Members and Officers), will report to the Implementation Transition Committee.
10. As prescribed in the Local Government Act 1995, all permanent employees will have a period of 2 years, effective from 1 July 2015, whereby their conditions cannot be "*less favourable*" than present.

Submissions to the Local Government Advisory Board:

The following was announced at the meeting held on 30 July 2013.

The Minister for Local Government has REQUESTED each Local Government to lodge a submission with the Local Government Advisory Board on the Government's proposal for proposed new Local Governments in the Metropolitan Area, by the 4 October 2013.

If a Local Government HAS LODGED its submission with the Local Government Advisory Board by 4 October 2013, if it is in accordance with the Government's proposal, it may receive \$200,000 from the State Government, to assist in the Structural Reform process.

If a Local Government HAS NOT LODGED its submission with the Local Government Advisory Board by 4 October 2013, the Minister for Local Government will lodge his own submission concerning the Local Government, based on the Government's proposal, as announced on 30 July 2013.

The Minister for Local Government has announced that he and/or the Local Government Advisory Board are prepared to consider any submissions for minor changes (“*tweaking*”) to the Government’s proposed boundaries and significant (“*wholesale changes*”) will not be considered.

An Implementation Transition Committee (comprising of representatives Department of Local Government and Communities, Western Australian Local Government Association (WALGA) and Local Government Managers Association), reporting to the Minister for Local Government will be formed to oversee the Structural Reform process and Local Government Implementation Transition Working Groups for each new Local Government entity (comprising of Council Members and Officers), will report to the Implementation Transition Committee.

In the short time available to prepare this report it has not been possible to detail the impact and ramifications on the preparation of a submission. Accordingly, a further report is proposed to be submitted to the Council no later than 27 August 2013.

Metropolitan Local Government Structural Review Report (Robson Report)

The Robson Report preferred option is a structure of twelve (12) Local Governments in Metropolitan Perth. This model provides an opportunity for alignment with the ten (10) strategic activities centres.

The Panel recommended two Options – A and B – the report provided maps of proposed new boundaries.

Both Options recommend 12 Local Governments in the metropolitan area- primarily based on the State Government’s *Directions 2031* Strategic Activity Centres of:

- Armadale, Cannington, Fremantle, Joondalup, Midland, Morley, Perth, Rockingham, Stirling and Yanchep (proposed).
- The Panel identified two secondary sectors namely, Claremont and Cockburn.

Option A – in essence amalgamates existing Local Governments, but it is not the Panel’s preferred option.

Option B – the Panel’s preferred option involves amalgamating and splitting some Local Governments to provide for average populations of 190,000 electors by 2026.

CONSULTATION/ADVERTISING:

There has been considerable media reporting concerning Local Government Structural Reform in Western Australia.

The Council has approved of a campaign to engage with the City’s ratepayers, residents and business proprietors, for all of the City to be merged with the City of Perth.

LEGAL/POLICY:

Any Local Government boundary amendment is subject to the provisions of Schedule 2.1 of the Local Government Act 1995, relating to creating, changing the boundaries of, and abolishing districts.

The Premier and Minister announced that amendments would be made to the Local Government Act poll provisions (that is a Schedule 2.1).

The Local Government Advisory Board is required to consider the following criteria when looking into structural reform changes:

- Community of interest;
- Physical and topographic factors;
- Demographic factors;
- Economic matters;
- History of the area;
- Transport and communication;
- Matters affecting viability of the Local Government(s) involved; and
- Delivery of Local Government services.

Additionally, Schedule 2.1 provides that the employment of staff is not to be terminated or varied as a result of amalgamation unless compensation acceptable to the person is made, or a period of at least two years has elapsed since the order for amalgamation had effect.

RISK MANAGEMENT IMPLICATIONS:

High: There is a strong risk that if the City does not provide a submission to the Local Government Advisory Board, by 4 October 2013, on the Government's proposal, it will miss an opportunity to influence, to some degree, the future of the City of Vincent.

It will also not receive the \$200,000 funding

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2021 provides various stated objectives of financial sustainability, sustainable community infrastructure and best management practices.

SUSTAINABILITY IMPLICATIONS:

The City is in a strong financial position, with considerable funds in reserve, debts covered by money-back guarantees, considerable future revenue from its share of the Tamala Park land and with potential income from the future redevelopment in Leederville.

FINANCIAL/BUDGET IMPLICATIONS:

There are no funds in the 2012/2013 Budget for Local Government Structural Reform matters.

If the City lodges its submission with the Local Government Advisory Board by 4 October 2013, it may received \$200,000 to assist in the Structural Reform process.

Expenditure to date

ITEM	INDICATIVE COST
Mailout to Residents	\$10,000
Printing Campaign Material	\$5,000
Consultant – Media/Communications	\$5,000
Community Rally Costs	\$4,200
Advertising Local newspapers	\$2,800
Graphic Designer	\$1,550
Employee Overtime	\$1,200
Total	\$29,750

COMMENTS:

The Government's proposal for Metropolitan Local Governments is very disappointing as it is contrary to the recommendations of the Metropolitan Local Government Review Panel report (Robson Report).

The splitting of the City of Vincent between the City of Perth and City of Stirling is considered a detriment to the City's ratepayers and residents. It is considered that the City of Stirling has very little in common with the City of Vincent population, as the City of Vincent is a vibrant inner city Local Government – more aligned with the City of Perth.

The Chief Executive Officer is of the strong opinion that if the City of Vincent is to be amalgamated, the whole of the City should merge with the City of Perth – as recommended by the "Robson Report".

The Vincent Community reaction against the Government's proposal is widespread and there is almost total support for the whole of the City of Vincent to be merged with the City of Perth.

The support of the City of Perth for the City's position is considered crucial and accordingly a formal request to the City of Perth would be beneficial.

Approval of the Officer Recommendation is therefore requested.

13.2 URGENT BUSINESS: Appointment of Member for the Mindarie Regional Council (MRC)

Ward:	-	Date:	12 August 2013
Precinct:	-	File Ref:	ORG0054
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That, due to the resignation of the Council's previously appointed Member, the Mayor Hon. Alannah MacTiernan, the Council APPROVES BY AN ABSOLUTE MAJORITY the appointment of Councillor to be its Member for the Mindarie Regional Council until 18 October 2013.

Moved Cr Maier, Seconded Cr McGrath

That the recommendation be adopted.

The Presiding Member called for nominations and Cr Maier nominated. No other nominations were received:

That, due to the resignation of the Council's previously appointed Member, the Mayor Hon. Alannah MacTiernan, the Council APPROVES BY AN ABSOLUTE MAJORITY the appointment of Councillor Maier to be its Member for the Mindarie Regional Council until 18 October 2013.

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

COUNCIL DECISION ITEM 13.2

That, due to the resignation of the Council's previously appointed Member, the Mayor Hon. Alannah MacTiernan, the Council APPROVES BY AN ABSOLUTE MAJORITY the appointment of Councillor Maier to be its Member for the Mindarie Regional Council until 18 October 2013.

PURPOSE OF REPORT:

For the Council to appoint a Member to the Mindarie Regional Council due to the resignation of its appointed Member, Mayor Hon. Alannah MacTiernan, from the MRC with effect from 9 August 2013.

BACKGROUND:

Mayor Hon. Alannah MacTiernan has resigned from the MRC with effect from 9 August 2013. It is important for the City to be represented on the Regional Council.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Section 52 (1) and (2) of the Interpretation Act confers power to appoint a person to a position including an Acting Appointment. The Local Government Act is deficient as it does not allow the appointment of a Deputy Member and an urgent amendment is currently being considered.

RISK MANAGEMENT IMPLICATIONS:

High: The non-attendance of a City representative to the Regional Council will result in the City not having any vote in important matters.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Strategic Plan 2011 – 2016, Key Objective 4.1 – *“Provide good strategic decision making, leadership and professional management”*.

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Local Government Act is being amended, so that Deputy Members can be appointed for prescribed periods, therefore deleting the matter to be determined by a Council for each occasion.

It is important that the Council be represented on the Mindarie Council.

13.3 URGENT BUSINESS: Department of Planning Nomination - Local Government Development Assessment Panels Member

Ward:	-	Date:	12 August 2013
Precinct:	-	File Ref:	LEG0060
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That, due to the resignation of the Council's previously appointed Member, the Mayor Hon. Alannah MacTiernan, the Council APPROVES BY AN ABSOLUTE MAJORITY the appointment of Councillor to be its Member for the Development Assessment Panels (DAP) until 18 October 2013.

NB: Current Member (Cr Dudley Maier) and Alternate Members (1. Cr Joshua Topelberg and 2. Cr Warren McGrath) - re-appointed until 26 April 2015.

Moved Cr McGrath, Seconded Cr Topelberg

That the recommendation be adopted.

The Presiding Member called for nominations and Cr Topelberg nominated:

That, due to the resignation of the Council's previously appointed Member, the Mayor Hon. Alannah MacTiernan, the Council APPROVES BY AN ABSOLUTE MAJORITY the appointment of Councillor Topelberg to be its Member for the Development Assessment Panels (DAP) until 18 October 2013.

NB: Current Member (Cr Dudley Maier) - re-appointed until 26 April 2015.

Cr McGrath requested to be Alternate Member No1.

The Presiding Member called for a nomination for Alternate Member No2 and Cr Pintabona nominated.

No other nominations were received.

AMENDMENT

Moved Cr Buckels, Seconded Cr Topelberg

"That the Alternate Members be amended as follows:

NO: 1. Cr Warren McGrath and NO: 2. Cr John Pintabona) - appointed until 18 October 2013.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (9-0)

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

COUNCIL DECISION ITEM 13.3

That, due to the resignation of the Council's previously appointed Member, the Mayor Hon. Alannah MacTiernan, the Council APPROVES BY AN ABSOLUTE MAJORITY the appointment of:

1. Councillor Topelberg to be its Member for the Development Assessment Panels (DAP) and 2. *Alternate Member No: 1. Cr Warren McGrath; and Alternate Member No: 2. Cr John Pintabona, until 18 October 2013.*

NB: Current Member (Cr Dudley Maier) re-appointed until 26 April 2015.

PURPOSE OF REPORT:

For the Council to appoint a Member to the Development Assessment Panels due to the resignation on 9 August 2013 of its appointed Member, Mayor Hon. Alannah MacTiernan.

BACKGROUND:

Mayor Hon. Alannah MacTiernan has resigned from the DAP with effect from 9 August 2013. Councillor Dudley Maier is the Council's second Member, with Councillor Joshua Topelberg - Alternate Member No. 1 and Councillor Warren McGrath - Alternate Member No. 2.

It is important for the City to have two Members on the DAP.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Legislation: Planning and Development Act 2005; and
Planning and Development (Development Assessment Panels) Regulations 2011.

RISK MANAGEMENT IMPLICATIONS:

Low: Similar to applications determined by Council, the proponent will hold a right of review against the DAPs decision, or any conditions included therein, in accordance with the *State Administrative Tribunal Act 2004* and the *Planning and Development Act 2005*. The DAP, as the decision maker, will defend the decision at the State Administrative Tribunal (SAT).

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Strategic Plan 2011 – 2016, Key Objective 4.1 – “Provide good strategic decision making, leadership and professional management”.

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

It is important that the Council have full representation on the DAP.

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

Nil.

15. CLOSURE

There being no further business, the Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting closed at 8.00pm with the following persons present:

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Warren McGrath (<i>Deputy Mayor</i>)	South Ward
Cr Matt Buckels	North Ward
Cr John Carey	South Ward
Cr Roslyn Harley	North Ward
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Community Services
Petar Mrdja	A/Director Planning Services
Jeremy Van Den Bok	A/Director Technical Services
Mike Rootsey	Director Corporate Services
Jerilee Highfield	Executive Assistant (Minutes Secretary)
Sara Fitzpatrick	Journalist – “ <i>The Guardian Express</i> ”
David Bell	Journalist – “ <i>The Perth Voice</i> ”

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 13 August 2013.

Signed:Presiding Member
Mayor Hon. Alannah MacTiernan

Dated this day of 2013