



CITY OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

23 JULY 2013

*This document is available in the following alternative formats
upon request for people with specific needs; large print, Braille
and computer disk*

**INDEX
(23 JULY 2013)**

ITEM	REPORT DESCRIPTION	PAGE
9.1 PLANNING SERVICES		
9.1.1	No. 5/177 (Lot 5; STR: 59820) Stirling Street, West Perth – Proposed Change of Use from Office to Consulting Rooms (Non-Medical – Massage Therapy) – Retrospective Application (PRO6048; 5.2013.167.1)	43
9.1.2	Nos. 369-371 (Lot: 1 D/P: 4706) Oxford Street, Corner of Anzac Road, Mount Hawthorn – Proposed Renewal of Previously Approved Use for Unlisted Use (Recording and Rehearsal Studio) (Retrospective Application) (PRO0012; 5.2012.379.2)	9
9.1.3	Way Finding Strategy Implementation – Progress Report No. 2 (Pedestrian Way Finding Totem Signs) (PLA0084)	79
9.1.4	Amendment No. 85 to Planning and Building Policy Manual – Rescission of Existing Policy Nos. 3.7.1, 3.7.2, 3.7.3 and 3.4.4 and Adoption of New Policy relating to Parking and Access (PLA0199)	87
9.1.5	Amendment No. 108 to Planning and Building Policy Manual – Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones (PLA0247)	110
9.1.6	Amendment No. 117 to Planning and Building Policy Manual – Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage (PLA0261)	120
9.1.7	Amendments to the Municipal Heritage Inventory (PLA0098 V26; PLA0226)	53
9.1.8	LATE ITEM: Community Engagement Process relating to the Amendments to the Residential Design Codes for Areas Zoned Residential R80 (PLA0110)	60
9.1.9	LATE ITEM: No. 172 (Lot 510; D/P: 52158) Newcastle Street, Perth – Proposed Rooftop Garden Addition and Associated Access (PRO0185)	68
9.2 TECHNICAL SERVICES		
9.2.1	2013/2014 Road Rehabilitation and Upgrade Program and Roads to Recovery AUSLINK Funding Program – Adoption (TES0174)	17
9.2.2	Proposed Wider Street Treatment/Traffic Management – Summer Street, East Perth (TES0234 & TES0247)	20
9.2.3	Vincent Greening Plan - Proposed Streetscape Enhancements – progress Report No 2 (TES0234)	125
9.2.4	Proposed Black Spot Treatment at the Intersection of Walcott and York Streets, North Perth – Approval to Proceed (TES0173)	131
9.2.5	Garage Sale Trail – Progress Report No. 1 (ENS0083)	22
9.2.6	Further Report - Tender No. 463/13 – Supply and Delivery of One (1) Eight (8) Cubic Metre/Eleven (11) Cubic Metre Rear Loader Refuse Truck with Dual Bin Lifters (TEN0472)	26
9.2.7	Wade Street Reserve – Proposed Upgrade Associated with the Vietnamese Monument of Gratitude – Progress Report No. 4 (RES0124)	135

9.3 CORPORATE SERVICES

9.3.1	Investment Report as at 30 June 2013 (FIN0033)	141
9.3.2	Authorisation of Expenditure for the Period 1 – 30 June 2013 (FIN0032)	33
9.3.3	Licence – North Perth Out of School Care Centre (PRO0610)	36
9.3.4	Annual Plan – Capital Works Programme 2013/2014 - Approval (FIN0025)	38
9.3.5	Hyde Park & Banks Reserve and extension of Temporary/Portable Mobile Service at Hyde Park – Expression of Interest Café/Kiosk (RES0042 & RES0008)	143

9.4 COMMUNITY SERVICES

9.4.1	Percent for Art – Artwork to be placed on Council Reserve, corner Albert and Angove Streets, North Perth (PRO3901)	64
9.4.2	Street Prostitution in Highgate Area – Final Progress Report No. 4 (TES0175)	72
9.4.3	Cultural Development Seeding Grant Application – Pakistanis in Australia Inc (FIN0155)	40

9.5 CHIEF EXECUTIVE OFFICER

9.5.1	FURTHER REPORT: Draft Policy No. 4.1.34 – Active Citizen Award (FIN0202) [Absolute Majority Decision Required]	149
9.5.2	Information Bulletin	42

10. COUNCIL MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1	Cr John Carey and Cr Joshua Topelberg Request to Establish a Community Consultation and Engagement Review Working Group	77
10.2	Cr Dudley Maier Rescission Motion to Change Part of the Council decision concerning Beatty Park Leisure Centre, Landscape Plan	76
10.3	Cr John Carey Request to Review The Current ‘Speed Cushion’ Trial On Fitzgerald Street Between Angove Street And Raglan Road	153
10.5	Cr Warren McGrath Requests the recording of the proceedings for Hanson Construction Materials Pty Ltd And City Of Vincent [2013] Wasat 11 - 21 January 2013	153

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (Without Discussion)

Nil	155
-----	-----

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil	155
-----	-----

13. URGENT BUSINESS

Nil	155
-----	-----

14. CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“Behind Closed Doors”)

10.4	Mayor Hon. Alannah MacTiernan and Cr Warren McGrath Request to Appoint a Director - Special Projects	156
------	--	-----

15. CLOSURE	158
-------------	-----

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 23 July 2013, commencing at 6.06pm.

1. (a) DECLARATION OF OPENING

The Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting open at 6.06pm 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:

Nil.

(b) Members on Approved Leave of Absence:

Cr Matt Buckels on approved leave of absence from 29 June 2013 to 4 August 2013 inclusive for personal commitments.

(c) Present:

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Warren McGrath (<i>Deputy Mayor</i>)	South Ward (until 10.19pm)
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 (until 9.52pm)
Rick Lotznicker	Director Technical Services (until 9.52pm)
Mike Rootsey	Director Corporate Services (until 9.52pm)
Petar Mrdja	A/Director Planning Services (until 9.52pm)
Jerilee Highfield	Executive Assistant (Minutes Secretary until approximately 9.52pm)
<u>Employee of the Month Recipient</u>	
Brodee Albonetti	Acting Coordinator Safer Vincent (until approximately 6.40pm)
<u>Media</u>	
Sarah Waters	Journalist – "The Guardian Express" (until approximately 9.52pm)
David Bell	Journalist – "The Perth Voice" (until approximately 9.52pm)

Approximately 15 Members of the Public.

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

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

1. Phil Hughes of 64C Campion Road, Balcatta – Item 9.1.1 Stated the following:
 - He is the applicant relating to the Item presented in the Agenda for tonight's meeting.
 - His wife had extensive qualifications from Thailand through Government Agencies where she worked for the Government and trained.

Cr Pintabona departed the Chamber at 6.08pm.
2. Marie Slyth of 89 Carr Street, West Perth – Item 9.1.7 Stated the following:
 - Her concern was regarding the article presented in The Voice newspaper last week relating to the Heritage listings. She rang the Planning Commission and spoke to Mr Paul Ellenbrook that the Planning Reforms had been in Planning stages for a number of years, however three (3) months ago that they were advertised in The Western Australian newspaper.

Cr Pintabona returned to the Chamber at 6.11pm.
3. Tundy Jones of 12 Farr Avenue, North Perth – Item 10.2 Stated the following:
 - She had previously spoken to the Council regarding the concerns of the residents relating to the changes to Farr Avenue in the main carpark due to the redevelopment of Beatty Park Leisure Centre.
 - One of her concerns were in relation to the changes encroaching the existing main carpark on the small grassed area across from her property.
 - That after several enquiries, that at a Meeting of the Council in March 2013, that ten (10) car bays should be added, five (5) on either side of the emergency access road to provide parking for employees.
4. Craig Willis of 13 Woodville Street, North Perth – Item 9.4.1 Stated the following:
 - He had been invited to attend a meeting with the Chief Executive Officer and a number of the City's Technical Officers. He attended the meeting with several neighbours and his lawyer and when he arrived he was advised that the Chief Executive Officer was unavailable.
 - He would like a written explanation as to why he could not attend the meeting.
 - That during the meeting he was advised of a proposed construction method and one that he had never heard about before and asked for clarification of what rammed earth systems are?
 - He would like a written response relating to his previous question which he handed out information at the previous Council Meeting as to "Why you approved four (4) offices and then they are now selling eight (8)"?
 - He provided a handout (depicting dog faeces and a suggested artwork depicting a dog defecating under a lamp shade.) relating to the Agenda Item 9.4.1 – Percent for Art. The handout was distributed to the Council.

The Chief Executive Officer advised the Council and Mr Willis that he had been on two (2) weeks leave and returned on Monday 22 July 2013. When he arrived back at work he was advised that shortly prior to the meeting which had been arranged by two of the City's Directors (Rick Lotznicker - Technical Services and Petar Mrdja Planning Services), if he would be available to attend the meeting. The Meeting had not been included in the CEO diary and unfortunately he had previous commitments and advised accordingly that he could not attend. He requested that his apology be submitted. His non attendance was not due to disrespect to Mr Willis or any other person.

The Presiding Member Mayor Hon. Alannah MacTiernan advised that in relation to Mr Willis's question, a written answer will be presented at the next Meeting on the rammed earth systems and the megashore system. In relation to the matter, she thought that the Council had discharged it and explained that the approval was for a certain square meterage of office space.

5. Prue Jones of 269 Fitzgerald Street – Planning Solutions, North Perth – Item 9.1.9 Stated the following:
 - That they were happy with the Officers Recommendation to advise the Metropolitan Redevelopment Authority that the Council support in principle the proposed rooftop garden addition and the associated access.
 - She thanked the Councillors and the City's Officers for their time and consideration and looked forward to their ongoing support.
6. Debbie Saunders of 150 Oxford Street, Leederville – Items 9.42 and 10.1 Stated the following:
 - That a couple of weeks ago the Chief Executive Officer read a letter in response to Councillor Topelberg's questions and he stated that "*the names, ages, suburb and a few other pieces, pleas, fines and court costs etc*" would be on the website. Currently on the website at the moment there are people listed with just their names, asked; "*does the City think they are covered if those people choose to sue for wrongly being identified as the person being convicted of these crimes*"? Legally is the City covered?
 - That on the City of Vincent Facebook site she posted a comment asking whether the photographer of a certain photograph, whose name was the same as the person on the "Name and Shame" website. This was subsequently taken down by someone on Council and now she is barred from putting any comment at all on the City's Website.
 - That if the Council thinks that freedom of speech is something that is applied to everyone or you can pick and choose who gets to post a comment on the site. She did not believe that she had broken any rule of conduct that the City had on the website and as she had not been notified at all. It left her wondering why? And by who?
 - Regarding Agenda Item 10.1 requesting another review regarding Community Consultation, she did not believe there were any problems with Community Consultation strategy as it is. There had never been any issues with Community Consultation. The only issue had come about since the change of Mayor, under the previous Mayor there was never a problem. We always got our notices and they were usually hand delivered.

The Presiding Member Mayor Hon. Alannah MacTiernan advised Ms Saunders that the City's Name and Shame website includes the names of those persons that have been convicted of soliciting a prostitute in a public place and lists all the details that are revealed in the Court. This is not the same at every court hearing and the City is finding now that there appear to be cases now that are not providing the address. The court case that are held is a public proceeding, and like the newspapers, the City reports from that court proceeding and provide as much of the detail as the City can get from the court. There does seem to be a change in practice in the court of recent time, where names and ages are not necessarily being given.

There is no issue of defamation. What the City is providing on the site is factually correct and the reason the City is doing it is to act a deterrent and there is very clear evidence that it is working as a deterrent on the word of the people themselves that have been convicted.

7. Stuart Lofthouse of 123 Oxford Street, Leederville – Stated the following:
 - He wished to talk about Community Consultation, however with the few comments just made by the Presiding Member Mayor Hon. Alannah MacTiernan, made him want to clarify and clean up a few issues that she maybe not be particularly okay with. Although she is very okay with Media and such like issues. The Police Report, he understood that it acts for the whole of Northbridge, not just Stirling Street that is under surveillance. Today listed in the Guardian Newspaper it stated that there were eighteen (18) charges. If it was eighteen (18) charges..... great job, however ,there had only been six (6) or seven (7) charges.

- In relation to Community Consultation at Oxford Street Reserve it did not occur. In the street no one received a package and since the Consultation period finished he had asked for the five hundred (500) metre radius and more information.

The Presiding Member Mayor Hon. Alannah MacTiernan advised that she had acknowledged, a mistake had been made and there should have been a distribution and had every reason to expect that there would have been a letter box drop to all the businesses in relation to Oxford Street. This had happened in the past when the first public meeting had been called. No one is more disappointed than me that this did not occur and I have made sure that in our latest Consultation and not sure if this had commenced yet.

Ms Debbie Saunders asked the Presiding Member if this was Stage Two (2) of the plans.

The Presiding Member advised that this should be delivered to all business in the area and you will receive it towards the end of the week.

Ms Debbie Saunders again asked the Presiding Member if this was Stage Two (2) in the Enhancement Plan.

The Presiding Member advised that this is a separate project, as part of the enhancement and you could call it Stage Two (2).

Ms Debbie Saunders stated to the Presiding Member that none of the Councillors were aware of the Stage Two (2) or what Stage Two (2) is in relation to.

The Presiding Member advised that this had been passed at the previous Council Meeting.

Mr Lofthouse interrupted the Presiding Member by stating that they had emailed Councillors.

The Presiding Member advised that she will sort the matter out.

Mr Lofthouse interrupted the Presiding Member again and the Presiding Member advised Mr Lofthouse that this is not a debating time and that the Council was here to deal with a whole range of items and we are not having a debate on this.

Mr Lofthouse advised the Presiding Member that three quarters of the public gallery are here about Community Consultation and how it does not occur. Mr Lofthouse Stated: What we are saying is that it did not occur, you realised it did not occur, but you're still going forward. We are asking bring it back and reconsult and then if everyone wants it beautiful. But if they don't we, highlight the problem.

The Presiding Member advised Mr Lofthouse that the City's Working Group has got three (3) representatives.

Both Mr Lofthouse and Ms Saunders again interrupted the Presiding Member stating that out of the people from the Community in the business there was one (1) the husband and wife, one was allowed on and the other was not, because one did not live in the area. Stated they are husband and wife and they live in the same house. We are confused so please don't start quoting that because I will start picking up the problems.

The Presiding Member advised that the Council have five (5) people , five (5) Community Representatives, three (3) that are long term retailers in the area and we have two (2) Local Community members and, that is five, (5) from that community that are part of that Leederville Enhancement Group.

Ms Saunders advised the Presiding Member that not one has ever come and spoken to anyone in the street.

The Presiding Member started to speak and Mr Lofthouse again interrupted her asking; "why don't we take the consultation back and do it again?."

The Presiding Member advised that the Council will continue and asked if there are any other speakers.

Mr Lofthouse stood up and stated; "my name is Anthony Tran" and would like to make a few comments."

There being no further speakers, Public Question Time closed at approx. 6.34pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

4.1 Cr Topelberg requested leave of absence from 27 July 2013 to 4 August 2013 (inclusive), due to work commitments.

4.2 Cr McGrath requested leave of absence from 7 August 2013 to 9 August 2013 (inclusive), due to work commitments.

Moved Cr Topelberg, Seconded Cr Wilcox

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

CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was on approved leave of absence.)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Minutes of the Ordinary Meeting of Council held on 9 July 2013

Moved Cr Pintabona, Seconded Cr Maier

That the Minutes of the Ordinary Meeting of Council held on 9 July 2013 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was on approved leave of absence.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

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

7.1 Meeting with the Minister for Local Government regarding the Local Government Reform

I have been invited to a meeting along with the other Mayors and Shire Presidents to a meeting on Tuesday 30 July 2013, with the Minister for Local Government and possibly the Premier, presumably to be told about our fate as an entity.

I have to say I am deeply concerned that there has been a growing rumour that Vincent is to be cut in half and that half of it, possibly Vincent Street South has been one, Bulwer Street, Brisbane Street and Vincent Street have been possible boundaries that have been named is to go into the City of Perth and the remainder is to go to the City of Stirling.

Councillors I have supported Local Government Reform and I think most of us can recognise the arguments in favour of it, I think it will be a completely backward step for us to see areas such as North Perth, Leederville and Mount Hawthorn, which are inner City suburbs by their nature that have an inner city vibe, to see those to be placed in the "megaluff" that is City of Stirling and I think that would be a very unfortunate situation for these suburbs.

7.2 Employee Of The Month Awards For The City Of Vincent For June 2013

As members of the public will know, the Council recognises its employees by giving a monthly award for outstanding service to the Ratepayers and Residents of the City. The recipients receive a \$120 voucher, kindly donated by the Bendigo North Perth Community Bank, and a Certificate.

The Employee of the Month Award for June 2013 is awarded to Brodee Albonetti, A/Co-ordinator Safer Vincent in the City's Ranger and Community Safety Services.

Brodee was nominated by Director Community Services, Rob Boardman, for her hard work in driving and implementing the rollout of the City's CCTV network on Beaufort Street across the suburbs of Perth, Highgate and Mount Lawley.

Her achievements include:

- Negotiating 20 individual business agreements with local businesses to obtain their support and backing for the project to co-host the cameras and servers;
- Overcoming various technical issues in establishing an extensive wireless network, power to cameras and liaison with the CCTV provider and telecommunication providers;
- Close liaison with WA Police, including Perth and Bayswater Police Stations; and
- Promoting positive community safety aspects of the project to the community through media and business agencies.

The CCTV network which is now at 90% complete and has added a further 47 cameras to the City's existing CCTV network.

Brodee's positive attitude has been noticed by others, including Chris Parry, a community member on the Safer Vincent Crime Prevention Partnership who recently sent an email in this regard, stating '*Just some final feedback from me for the day, since it seems to be a theme for me today, Brodee is doing a great job!*'

....and this about sums it up!

Received with Acclamation!

7.3 Deferral Of Item 9.1.2

It is announced that Item 9.1.2 relating to Nos. 369-371 Oxford Street, Corner of Anzac Road, Mount Hawthorn – Proposed Renewal of Previously Approved Use for Unlisted Use (Recording and Rehearsal Studio) (Retrospective Application), has been DEFERRED at the request of the applicant in order to consider matters raised in the Officer report.

8. DECLARATIONS OF INTERESTS

- 8.1 Mayor Hon. Alannah MacTiernan declared an Impartiality interest in Item 9.1.7 – Amendments to the Municipal Heritage Inventory. The extent of her interest being that her husband owns a property in Parry Street and this Item recommends that the property be placed on the Municipal Heritage Inventory. She stated that she has no Financial Interest in this property.
- 8.2 Cr Dudley Maier declared an Impartiality interest in Item 9.1.8 – LATE ITEM: Community Engagement Process relating to the Amendments to the Residential Design Codes for Areas Zoned Residential R80. The extent of his interest being that he owns a property in the area that is affected by the changes to the RCodes, his property does not fall within the 359 Sq metre range that is impacted. He believed he has an interest in common.

8.3 Cr John Carey declared an Financial interest in Item 9.1.8 – LATE ITEM: Community Engagement Process relating to the Amendments to the Residential Design Codes for Areas Zoned Residential R80. The extent of his interest being that he owns a property that is impacted by amendments to the Residential Design Codes for the area Zoned Residential R80, he has requested Council approval to participate in debate and vote on the item.

Cr Carey departed the Chamber at 6.42pm – to allow the Council to consider his request to participate in the debate and vote on Item 9.1.8.

PROCEDURAL MOTION:

Moved Cr Harley, Seconded Cr Topelberg

That Cr Carey's request to participate in the debate and vote on item 9.1.8 be approved.

PROCEDURAL MOTION CARRIED (7-0)

**(Cr Buckels was on approved leave of absence.)
(Cr Carey was out of the Council Chamber and did not vote.)**

Cr Carey returned to the Chamber at 6.44pm.

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

Nil.

10. REPORTS

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

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

Items 9.1.1, 9.1.7, 9.1.8, 9.1.9, 9.4.1, 9.4.2, 10.1 and 10.2

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

Item 9.5.1

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

Item 9.1.8

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	9.1.8
Cr Buckels	On Approved Annual Leave
Cr Carey	9.3.5
Cr Harley	Nil
Cr Maier	9.1.5, 9.2.7, 9.3.1 & 9.5.1
Cr McGrath	9.1.6 & 9.2.3
Cr Pintabona	Nil
Cr Topelberg	9.1.3, 9.1.4 & 9.2.4
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 9.2.1, 9.2.2, 9.2.5, 9.2.6, 9.3.2, 9.3.3, 9.3.4, 9.4.3 & 9.5.2

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

Item 10.1

New Order of Business:

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

(a) Unopposed items moved *En Bloc*;

Items 9.2.1, 9.2.2, 9.2.5, 9.2.6, 9.3.2, 9.3.3, 9.3.4, 9.4.3 & 9.5.2

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

Items 9.1.1, 9.1.7, 9.1.8, 9.1.9, 9.4.1, 9.4.2, 10.1 and 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 Pintabona, Seconded Cr Maier

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

Items 9.2.1, 9.2.2, 9.2.5, 9.2.6, 9.3.2, 9.3.3, 9.3.4, 9.4.3 & 9.5.2

CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was on approved leave of absence.)

9.1.2 Nos. 369-371 (Lot: 1 D/P: 4706) Oxford Street, Corner of Anzac Road, Mount Hawthorn – Proposed Renewal of Previously Approved Use for Unlisted Use (Recording and Rehearsal Studio) (Retrospective Application)

Ward:	North	Date:	12 July 2013
Precinct:	P2 – Mount Hawthorn Centre	File Ref:	PRO0012; 5.2012.379.2
Attachments:	001 – Property Information Report and Development Application Plans 002 – Additional Information Relating to the Proposal Provided by the Applicant		
Tabled Items:	Nil		
Reporting Officer:	S De Piazzi, Planning Officer (Statutory)		
Responsible Officer:	P Mrdja, Acting Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

1. in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1, and the Metropolitan Region Scheme REFUSES the application submitted by J Poole for the Proposed Renewal of Previously Approved Use for Unlisted Use (Recording Studio) (Retrospective Application) at Nos. 369-371 (Lot: 1 D/P: 4706) Oxford Street, Corner of Anzac Road, Mount Hawthorn, as shown on plans stamp-dated 30 November 2012, for the following reasons:
 - 1.1 The development does not comply with the following objectives of the City of Vincent Town Planning Scheme No. 1:
 - 1.1.1 To protect and enhance the health, safety and general welfare of the City’s inhabitants and the social, physical and cultural environment;
 - 1.2 Non-compliance with the City’s Policy No. 3.7.1 relating to Parking and Access as the Unlisted Use provides “Nil” on-site parking and generates a 4.475 car bay shortfall which would create an undesirable precedent and have a significant impact on the amenity of surrounding locality;
 - 1.3 Non-compliance with the previously issued conditional approval granted by Council at its Ordinary Meeting held on 25 November 1996; and
 - 1.4 Consideration of the objections received from adjoining owners/occupants as per the Policy No. 4.1.5 relating to Community Consultation; and
2. WITHIN TWENTY-EIGHT (28) DAYS OF THE COUNCIL DECISION, the Unlisted Use (Recording and Rehearsal Studio) shall cease operation; and
3. AUTHORISES the Chief Executive Officer to take legal action if the unlisted use has not ceased operations within twenty-eight (28) days of the Council decision.

PROCEDURAL MOTION

Moved Cr Harley, Seconded Cr Wilcox

That the item be DEFERRED at the request of the Applicant, in order to consider matters raised in the Officer report.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was on approved leave of absence.)

PURPOSE OF REPORT:

The application is referred to the Council for determination given the proposal relates to an "SA", use, which received two (2) objections during the consultation period.

BACKGROUND:

This proposal is located on the former site of the Hip-E Night Club, which ceased operation at the premises in March 1993.

Date	Comment
18 October 1993	Council resolved to refuse a proposal for the use of Recording and Rehearsal Studio.
22 March 1994	Council resolved to refuse a proposal addressing the car parking and noise concerns raised in the former refusal.
4 June 1995	The Minister for Planning upheld an appeal and granted approval for the Recording and Rehearsal Studio for a period of twelve months, subject to conditions.
12 August 1996	Council resolved to refuse a proposal for renewal of the previously approved use of Recording and Rehearsal Studio.
23 September 1996	Council resolved to approve the authorisation of the Chief Executive Officer to commence legal action against the owner for carrying out an unauthorised use of Recording and Rehearsal Studio.
25 November 1996	Council resolved to rescind the resolution adopted by Council at its Ordinary Meeting held on 12 August 1996, rescind the resolution adopted by Council at its Ordinary Meeting held on 23 September 1996, and approve the use of Recording and Rehearsal Studio for a period of twelve months subject to conditions.

DETAILS:

Since the most recent approval on 25 November 1996, the site has continued operating as a Recording and Rehearsal Studio, and is currently still operating without meeting the conditions of approval including (but not limited to) the use being renewed after twelve (12) months of operation. The matter was brought to the attention of the City's Officers when a complaint was lodged in relation to excessive noise emanating from the premises, at which point the matter was followed up and a retrospective application was lodged 23 August 2012.

After numerous extensions to deadlines to meet the City's requests due to extenuating circumstances, the applicant has not been able to meet the requirements and has requested that the application be determined with the information currently provided.

Landowner:	A E Mack
Applicant:	J Poole
Zoning:	Commercial
Existing Land Use:	Unlisted Use (Unauthorised Recording and Rehearsal Studio)
Use Class:	"SA"
Use Classification:	Unlisted Use (Recording and Rehearsal Studio)
Lot Area:	460 square metres
Right of Way:	City owned, sealed, 5 metres wide

ASSESSMENT:

Town Planning Scheme/Precinct/Parking and Access Assessment

Design Element	Complies 'Acceptable Development'	OR	'Performance Criteria' Assessment
Land Use			✓
On-Site Parking			✓

Town Planning Scheme/Precinct/Parking and Access Detailed Assessment

Issue/Design Element:	Land Use
Requirement:	Town Planning Scheme No. 1 and Mount Hawthorn Centre Precinct Policy 3.1.2 Permitted uses within a Commercial Zone
Applicants Proposal:	"SA" use – Unlisted Use (Recording and Rehearsal Studio)
Performance Criteria:	Uses are to be as listed in the Commercial Zone of the Zone Table in the City of Vincent Town Planning Scheme No. 1. Where it is considered that a particular development could have a detrimental impact on the amenity of the surrounding area (mainly adjacent residential development), it is subject to the advertising procedure set down in the City of Vincent Town Planning Scheme No. 1 and City of Vincent Planning and Building Policy Manual.
Applicant justification summary:	The existing Recording and Rehearsal Studio has been in operation for 21 years and has had few problems during this time. Given the service which is provided to the community by the small local business, supplying a service to thousands of musicians, it is considered that it is 'Enhancing our Diverse Community'. Of the requests which have not been met, the Acoustic Report requested is prohibitively expensive and not suited for minor scale development of this type, noise levels have been previously tested. Providing a compliant car park is also an issue as the parking arranged as per the previous approval is located on an adjacent lot which is under a separate owner to the owner of the lot being leased. Given the number of uses approved in the nearby area which are considered to have just as high if not higher impact for issues such as sound levels, there is no reason why this use should be singled out and shut down. Such uses include the Oxford Hotel, and a Wine Bar at the corner of Dunedin and Green Streets. <i>*For full comments refer to attachment 002.</i>

Issue/Design Element:	Land Use
Officer technical comment:	<p>Not Supported – While it is noted that the business does provide a service to the community, it has a long history of non compliance with Council requirements. In the past the business illegally commenced after having been refused by Council, and once approval was issued, a number of conditions of approval were never met.</p> <p>Conditions of the most recent approval which have not been complied to-date include the following:</p> <ul style="list-style-type: none"> • Condition (ii); relating to the provision of eight parking bays being provided at the rear of No. 373 (Lot 2) Oxford Street at the applicants cost. • Condition (iv); relating to a Caveat being placed on No. 373 (Lot 2) Oxford Street covering conditions in favour of the City. • Condition (viii); relating to the approval being only for a period of twelve (12) months, and the use ceasing or reapplied for at the end of this period.
	<p>It is also noted that condition (iii) of the approval for a cash-in-lieu contribution of \$21,600 for the approved parking shortfall was waived and therefore not required to be met.</p> <p>It has been reported from the community consultation comments that the following conditions have also not been met:</p> <ul style="list-style-type: none"> • Condition (i); relating to operation hours not exceeding 10:00pm. • Condition (v); relating to the containment of traffic and car parking as to not cause nuisance to adjoining properties and locality. • Condition (vi); relating to the use not causing nuisance to residents in the adjoining residential zone. <p>Having the matter being brought once again to the City's attention through a compliant received, the applicant was requested to either cease the use or retrospectively apply for renewal of the use. In the current retrospective application the applicant has been unable to meet all of the City's requests. Items which were requested but have not been met include the following:</p> <ul style="list-style-type: none"> • Provision of an Acoustic Report. • Evidence that the current owner of No. 373 (Lot 2) Oxford Street is willing to agree to the original condition of approval (ii) and (iv) relating to the provision of car bays for the use of both properties being located on the Lot 2 at the applicants cost. <p>Given the above, in absence of an Acoustic Report and no evidence of an agreement with the adjoining neighbour in relation to car parking, the applicant is not able to demonstrate that the premises will be able to comply with noise level requirements, nor meet the on-site car bay requirements. Therefore it cannot be demonstrated that it will not have a detrimental impact on the adjoining residential properties and locality.</p>

Issue/Design Element:	On-Site Parking
<p><u>Parking and Access Policy 3.7.1 and Mount Hawthorn Centre Precinct Policy 3.1.2</u> Car parking requirement (nearest whole number)</p> <ul style="list-style-type: none"> • Recreational Facility (1 space per 30m² of gross floor area) • 183.7m² gross floor area = 6.12 car bays • Existing Shops were noted to have a base requirement of four (4) car bays in the most recent council approval. <p>Total car bays required = 10 car bays</p>	<p>10 car bays</p>
<p>Adjustment factors:</p> <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop/station) • 0.95 (within 400 metres of one or more existing public car parking place(s) with in excess of a total of 25 car parking spaces) <p>Total adjustment factor = 0.8075</p>	<p>8.075 car bays</p>
<p>Minus the car parking provided on-site Bays provided on site = Nil</p>	<p>8.075 car bays</p>
<p>Minus the previously approved on-site car parking shortfall Previously approved shortfall = 3.6 car bays OMC 25 November 1996</p>	<p>4.475 car bays</p>
<p>Resultant Shortfall</p>	
<p>4.475 car bays</p>	
<p>Performance Criteria:</p>	<p>Adequate car parking is to be provided on-site to ensure that unreasonable commercial parking does not spill into adjacent residential streets. Car parks should not visually detract from the public environment or character of the area and, preferably, should not be visible from streets and public spaces. They should, therefore, be located underground or at the rear of properties.</p>
<p>Applicant justification:</p>	<p>N/A</p> <p><i>*For full comments refer to attachment 002.</i></p>
<p>Officer comment:</p>	<p>As noted above the applicant has been unable to provide evidence to the City that the adjoining owner of No. 373 (Lot 2) Oxford Street is willing to agree to the original condition of approval (ii) and (iv) relating to the provision of car bays for the use of both properties being located on the Lot 2 at the applicants cost.</p> <p>Without such an agreement the lot is not capable of providing any on-site car bays, and will have a shortfall of 4.475 car bays on top of the already approved shortfall of 3.6 car bays (of which the cash-in-lieu payment was waived).</p> <p>Given the nature of the use whereby often users will need to bring music equipment to and from the site, it is likely that majority of the customers will have to journey to and from the site by car, and as such is likely to increase pressure on the existing on street parking and potentially overflow into the adjoining residential area. Given that the premise can cater for up to three bands (usually consisting of three to four members each) at any one time and their associated equipment, there is potential for a large parking demand associated with the use, and a "nil" provision of on-site car bays is not considered adequate in this instance.</p>

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
--------------------------	----	-------------------------------------	-----

Consultation Period: 12 June 2013 – 2 July 2013.

Comments received: Two (2) objections.

Summary of Comments Received:	Officers Technical Comment:
<p><u>Recording and Rehearsal Studio</u></p> <p>Loud noise regularly emanates from the property, with the studio often used past 10:00pm on weekdays and midnight on weekends, on occasion having to resort to calling the police to lodge noise complaints.</p> <p>There has been an increase in graffiti in the immediate area since the property has been used as recording and rehearsing studio.</p>	<p>Supported – Applicant has been unable to demonstrate through an acoustic report that the premise is capable of meeting noise level requirements, as such the application has been recommended for refusal.</p> <p>Noted – This is not a planning matter, any complaints relating to graffiti should be directed to the City's Rangers Services.</p>
<p>The users of the premise often display aggressive and antisocial behaviours if asked to remove vehicles blocking the right of way, and leave the area in a poor state, items found include empty alcohol bottles, condoms, needles, undergarments, and vomit.</p>	<p>Noted – This is not a planning matter, in relation to any anti-social behaviour activities it is recommended that the City's Safer Vincent section be contacted to investigate. The City's Rangers and Environmental Health Officers can also assist with the collection of syringes and sharps should this be required.</p>
<p><u>Parking</u></p> <p>As no car bays have been provided on site cars are regularly parked in the right of way, obstructing traffic. Users often become abusive if asked to move. Rangers have been notified of this issue in the past.</p>	<p>Noted – The applicant has been unable to demonstrate the allocation of any car bays for the use of the premises. Given the nature of the use in which a majority of customers will bring musical instruments on site, it is considered likely that the business will have an adverse impact on the car parking demand. As the applicant has been unable to demonstrate the provision of any on-site car bays the application has been recommended for refusal.</p>

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

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1;
- Mount Hawthorn Centre Precinct Policy No. 3.1.2;
- Parking and Access Policy No. 3.7.1; and
- Community Consultation Policy No. 4.1.5.

RISK MANAGEMENT IMPLICATIONS:

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

Should the Council approve the application for development approval; the proposal will be in conflict with the City's Town Planning Scheme No. 1, Parking and Access Policy 3.7.1, and Mount Hawthorn Centre Precinct Policy 3.1.2; creating an undesirable precedent for future development in the surrounding area.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Natural and Built Environment

- 1.1 *Improve and maintain the natural and built environment and infrastructure*
 - 1.1.5 *Take action to improve transport and parking in the City and mitigate the effects of traffic.*

Economic Development

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

Community Development and Wellbeing

- 3.1 *Enhance and promote community development and wellbeing.*
 - 3.1.3 *Promote health and wellbeing in the community.*

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

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

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

ENVIRONMENTAL	
Issue	Comment
Nil.	

SOCIAL	
Issue	Comment
Currently the development has had complaints/objections lodged regarding the behaviour of its users and lack of sound insulation resulting in a diminished quality of living and amenity for adjoining home owners/occupiers.	
A positive factor of the use is that it provides a place for local bands to practice and record their music.	

ECONOMIC	
Issue	Comment
A positive factor is that the use allows for the current business to maintain operation and any employment associated with the use. The use will also provide economic opportunities for musicians through use of the service provided.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS & CONCLUSION:

It is noted that the existing Recording and Rehearsal Studio, whilst having a long history of non-compliance with requirements of the City, does provide a service to the community. However given the applicants inability to demonstrate that this use will not detrimentally impact the existing local area's amenity, particularly the adjoining residential area in relation to noise levels and parking overflow from the site, the benefits do not necessarily outweigh the adverse impact on the nearby residents and landowners, and perhaps the use would be more suited within another precinct, further from surrounding residential development.

The applicant has been given significant extensions of time to meet the City's requests as the retrospective application has been with the City for over nine months, during which this time the Studio has continued to operate. In absence of the necessary evidence required to ensure minimal impact the application is recommended for refused by Council, and required to cease operations.

9.2.1 2013/2014 Road Rehabilitation and Upgrade Program and Roads to Recovery AUSLINK Funding Program - Adoption

Ward:	Both	Date:	11 July 2013
Precinct:	All	File Ref:	TES0174
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	R Lotznicker, Director Technical Services; C Economo, manager Engineering Operations.		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council ADOPTS the 2013/2014 Road Rehabilitation and Upgrade Program and 2013/2014 Roads to Recovery AUSLINK Funding Program as outlined in the report.

COUNCIL DECISION ITEM 9.2.1

Moved Cr Pintabona, Seconded Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Buckels was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval for the allocation of funds allowed for in the 2013/2014 budget to specific projects in the Road Rehabilitation and Upgrade Program and Roads to Recovery AUSLINK Funding Program.

BACKGROUND:

Road Rehabilitation and Upgrade Program:

In 1997, the Council resolved to progressively implement the above program to ensure the City's road infrastructure is maintained at an acceptable level of service and safety.

To ensure that the program is dynamic in reflecting changing circumstances, including development activity, other capital improvement projects, residents' requests, changing road conditions and State Funding for roads through the Metropolitan Regional Road Program (MRRP), it was considered appropriate to review and update the program on an annual basis and request that only the current year of the program be adopted.

Roads to Recovery Program:

This program has been in place since 2005. In March 2009 the Commonwealth Government announced that from 1 July 2009, \$1.75 billion would be available to local governments including State and Territory governments for an extended Road to Recovery program. The City was advised that its annual allocation would be \$173,115 per annum over the next five (5) years.

Over the last eight years, the City has received approximately \$1.27m in funding from the Commonwealth Roads to Recovery Program - AUSLINK Funding Program. The current funding round is due to expire in this financial year (2013/2014).

DETAILS:**2013/2014 - Metropolitan Regional Road Program:**

In early 2013 Main Roads WA (MRWA) advised the City of the approved Metropolitan Local Road Project Grants as follows. This program funds the rehabilitation of higher order roads whereby the state contributes two-thirds ($\frac{2}{3}$) of the cost with the City requiring to fund the remaining one-third ($\frac{1}{3}$).

Road	Section	Grant	Municipal Funding	Budget
Beaufort St	Bulwer to Brisbane St	\$193,138.00	\$96,570.00	\$289,708.00
Lord St	Lincoln to Edward St	\$308,366.00	\$154,183.00	\$462,549.00
William St	Walcott to Vincent	\$208,915.00	\$104,457.00	\$313,372.00
Newcastle St	Fitzgerald to Charles	\$121,904.00	\$60,952.00	\$182,856.00
	Total	\$832,323.00	\$416,162.00	\$1,248,485.00

Note: The above projects have been approved by MRWA.

2013/2014 - Local Roads Resurfacing:

In addition, \$203,838.00 (from Municipal Funds) has been allocated in the 2013/2014 budget for the upgrade of local roads resurfacing/rehabilitation and the following roads are recommended for upgrade.

Road	Location	Description	Length	Width	Budget
			(km)	(m)	
Loch St	Charles St to the end	Asphalt overlay	0.26	7.0	\$ 28,000.00
Harold St	Lord to West Pde	Asphalt overlay	0.13	12.6	\$ 33,000.00
Pier St	Parry to Brewer	Asphalt overlay	0.19	12.4	\$ 42,000.00
View St	Angove St to Albert St	Asphalt Overlay	0.19	6.2	\$ 20,000.00
West Pde	Harold to Guildford Rd	Requires Kerbing	0.32	10.0	\$ 80,838.00
		Total			\$203,838.00

2013/2014 - Roads to Recovery Program:

In addition, \$173,115 (fully funded by the Commonwealth Government) has been allocated in the 2013/2014 budget for the upgrade of local roads resurfacing/rehabilitation and the following roads are recommended for upgrade.

Road	Section	Description	Length	Width	Budget
			(km)	(m)	
Linton St	Anzac to Purslowe	Apply 7mm SMA	0.57	6.0	\$84,000.00
Ambleside St	East St to end	Apply 7mm SMA	0.18	5.8	\$30,000.00
Federation St	Anzac to Britannia	Apply 7mm SMA	0.14	7.2	\$21,500.00
Coogee St	Woodstock to Ellesmere	Apply 7mm SMA	0.19	7.5	\$26,115.00
Glenelg St	Federation to End	Apply 7mm SMA	0.07	8.5	\$11,500.00
		Total			\$173,115.00

CONSULTATION/ADVERTISING:

An Information Bulletin is distributed to affected residents in the street prior to any works being undertaken.

LEGAL/POLICY

The City is responsible for the care, control and management of over 145kms of roads, which include Primary Distributors, Local Distributors and Access Roads.

RISK MANAGEMENT IMPLICATIONS:

High: It is important to maintain the road infrastructure to a high level of service and safety.

STRATEGIC IMPLICATIONS:

This is in keeping with the Objectives of the City's *Strategic Plan 2011 -2016*:

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:

Ensuring that appropriate intervention measures are planned at the appropriate time will ensure the longevity of the road infrastructure at the lowest possible cost.

FINANCIAL/BUDGET IMPLICATIONS:

The 2013/2014 capital budget contains the following (for the three programs the subject to this report).

Program	Grant	Muni	Total
Metropolitan Regional Road Program:	\$ 832,323.00	\$ 416,162.00	\$1,248,485.00
Local Roads Resurfacing Program	Nil	\$ 203,838.00	\$ 203,838.00
Roads to Recovery Program	\$ 173,115.00	Nil	\$ 173,115.00
	\$ 1,005,438.00	\$ 620,000.00	\$1,625,438.00

COMMENTS:

Since its creation, the City has expended a considerable amount on maintaining and upgrading the road infrastructure. The City has also been very successful in securing annual funding from the Metropolitan Regional Roads Program. In addition over the last eight (8) years, the City has received approximately \$1.27m in funding from the Commonwealth Roads to Recovery Program - AUSLINK Funding Program.

It is requested that the officer recommendation be adopted.

9.2.2 Proposed Wider Street Treatment/Traffic Management – Summer Street, East Perth

Ward:	South	Date:	12 July 2013
Precinct:	Banks (15)	File Ref:	TES0234 & TES0247
Attachments:	001 – Proposed Summer Street Treatment Plan		
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 Wider Street Treatment /Traffic Management proposal for Summer Street, East Perth as shown on attached Plan No. 2756-CP-01B;
2. **CONSULTS** with residents in Summer Street regarding the proposal; and
3. **FURTHER** considers the matter at the conclusion the Community Consultation.

COUNCIL DECISION ITEM 9.2.2

Moved Cr Pintabona, Seconded Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Buckels was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval to consult with residents regarding a wider street/traffic management proposal for Summer Street, East Perth to improve the street amenity and safety.

BACKGROUND:

Funds were allocated in the 2011/2012 budget (brought forward currently on 2013/2014) budget to undertake traffic management/safety improvement in Summer Street, East Perth. The proposal was placed “on hold” pending the outcome of the Claisebrook Road Streetscape proposal (*which is now the subject of a separate report in this agenda*).

DETAILS:

Summer Street comprises a mixed Commercial/residential street 10.0m in width which runs east/west between Bulwer Street and the East Perth Train Station.

Thirty (30) properties directly adjoin the street which is classified to carry 3,000 vehicles per day. The street provides access and parking for visitors to the East Perth Train Station and given its geographic location in the road network higher than usual traffic volumes would be expected (but are well below the threshold of 3,000).

Traffic data (east of Claisebrook Road)

The most recent traffic data indicates that there are one thousand four hundred and fifty two (1,452) average weekday vehicle movements in Summer Street with one hundred and six (106) vehicle per hour in the morning peak period and one hundred and ninety five (195) vehicles per hour in the evening peak period. The 85% speed is only 42.3kph

Proposal:

While the 85% speed is low given the width of the street and its function as both providing access to residential properties and to the East Perth Train Station, it is considered reasonable, in the interest of public safety (and streetscape improvements, to implement a wider street treatment in the street. Refer attached Plan No. 2756-CP-01B.

These treatments are relatively inexpensive and have proved to be effective at other locations in the City.

CONSULTATION/ADVERTISING:

Residents/Businesses of Summer Street will be consulted regarding the proposal in accordance with the City's Community Consultation Policy.

LEGAL/POLICY:

Summer Street is classified as an Access Road in accordance with the Functional Road Hierarchy and is under the Care, Control and Management of the City.

RISK MANAGEMENT IMPLICATIONS:

Medium: Opportunity to improve amenity for residents and users of the street.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The 2013/2014 budget includes the following budget for Summer Street.

- Summer Street – Bulwer to end \$32,000 (wider street treatment)
- Claisebrook Road/Summer Street Intersection - \$19,500

COMMENTS:

Safety issues have previously been raised by residents of Summer Street and visitors to the East Perth Train Station. It would also be an opportunity to plant additional trees and planted nibs.

It is therefore recommended that the residents/businesses be consulted regarding the proposal and that the Council further consider the matter at the conclusion of the consultation.

9.2.5 Garage Sale Trail – Progress Report No. 1

Ward:	Both	Date:	11 July 2013
Precinct:	All	File Ref:	ENS0083
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	M Rutherford, Waste Management Officer		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **NOTES that;**
 - 1.1 **The City of Vincent is one of twenty five (25) local governments participating in Garage Sale Trail in 2013;**
 - 1.2 **Garage Sale Trail is a not-for-profit organisation which encourages households, schools, sporting clubs and other not-for-profit or charity organisations to hold a garage sale on the same day; and**
 - 1.3 **Garage Sale Trail will take place on Saturday 26 October 2013; and**
2. **RECEIVES a further progress report in November 2013, including the results of the event.**

COUNCIL DECISION ITEM 9.2.5

Moved Cr Pintabona, Seconded Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Buckels was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of the report is to advise the Council that the City of Vincent is one of twenty five (25) local governments participating in Garage Sale Trail in Western Australia in 2013, representing over one million Western Australians.

BACKGROUND:

The Garage Sale Trail is a not-for-profit organisation which started in Bondi NSW in 2010 as a way to build community and also to address the large amount of dumping. The theme was “Don’t Dump It. Sell It”.

Garage Sale Trail involves households, schools, sporting clubs and other not-for-profit or charity organisations holding a garage sale on the same day. The event will take place nationally on *Saturday 26 October 2013*. Profits can be kept by the seller or donated to charity.

DETAILS:

In August 2012 Andrew Valdor – Co-founder and partner of Garage Sale Trail – spoke to the Waste Authority and a number of local governments to introduce them to Garage Sale Trail.

Two (2) meetings were held in Perth on the 5th and 6th September 2012, of which the City of Vincent hosted a breakfast meeting on the 6th September at the City's Administration and Civic Centre for Mindarie Regional Council (MRC) Member Councils, however other interested sustainability/waste educators (including those outside the MRC) were welcome to attend.

Due to the interest received by local Councils to become involved with Garage Sale Trail, Andrew returned to hold another information day in Perth for the interested Councils to attend. This information day was again hosted by the City of Vincent at its Library and Local History Centre on Wednesday 5 December 2012.

The following Local Governments have confirmed their involvement for Garage Sale Trail, including twenty five (25) Local Governments either directly or through Regional Councils:

City of Armadale	City of Stirling	Shire of Harvey
City of Bunbury	City of Subiaco	SMRC
City of Cockburn	City of Vincent	Town of Cambridge
City of Fremantle	Mindarie Regional Council	Town of Claremont
City of Gosnells	Rivers Regional Council	Town of Cottesloe
City of Joondalup	Shire of Capel	Town of East Fremantle
City of Kwinana	Shire of Collie	Town of Mosman Park
City of Mandurah	Shire of Dardanup	Town of Victoria Park
City of Nedlands	Shire of Donnybrook-Balingup.	Wellington Regional Council
City of Perth	Shire of Peppermint Grove	WMRC/Earth Carers

Garage Sale Trail website launched in April 2013: garagesaletrail.com.au. In early August this website will evolve and the campaign website will go live. It is then that participants will be able register their sales and the dashboard for each Council will go live. Buyers can also use the website to browse items and sales before and on the day.

On the day, each seller determines the time their sale starts and finishes, so shoppers are encouraged to check the website for details.

Stephanie Brincat the National Partnerships Manager – Government, will be managing all local government and state government relationships for the Garage Sale Trail. From the beginning of July 2013 a team of State Council Managers will be on board to support Local Governments to activate the program locally.

CONSULTATION/ADVERTISING:

The Garage Sale Trail supports participation by providing a registration website, organising media coverage and promotion, and by developing brochures tailored to each locality with a map of all the garage sales in the area. The concept is that buyers will visit a number of sales in the same day.

ABC Radio in Western Australia and the Community Newspaper Group have already committed to supporting the program for 2013.

The Garage Sale Trail website and smart phone app will also be available.

The program is promoted through social media channels such as Facebook, Twitter, Pinterest and Instagram. Local Governments are required to act as a catalyst for the program by encouraging involvement in their community and assisting with promotions as much as possible.

Each Local Government is driving the event from a different department within their area. The Garage Sale Trail event covers a range of departments, including but not limited to sustainability, waste, marketing and community development.

The main contact for the City of Vincent will be the Waste Management Officer however the City's Environmental Officer-Projects, Sustainability Officer, Marketing Officer and Community Development Section have also been made aware of the event and are assisting with promotions.

So far the City has created an events page on the City of Vincent website:
http://www.vincent.wa.gov.au/Your_Community/Whats_On/Events/Events_2013/Garage_Sale_Trail

This also provides a link to Garage Sale Trail website (below is the logo on the link).



Letters will also be distributed to the community, precinct groups and primary schools within the City to advise about Garage Sale Trail and encourage involvement, and a newspaper spread will be published in the local Voice and Guardian newspapers closer to the event date to advertise what garage sales will be happening within the City of Vincent.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: The theme of "Don't Dump It. Sell It" reduces the incidence of undesirable material finding its way to landfill and dumped rubbish on verges.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

- 1.1.3: Take action to reduce the City's environmental impacts and provide leadership on environmental matters.*
 - (f) Encourage the reduction of waste within the City and promote recycling.*

Community Development and Wellbeing

Objective 3.1: Enhance and promote community development and wellbeing

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

SUSTAINABILITY IMPLICATIONS:

The City's *Sustainable Environment Strategy 2011-2016* states:

"Reduce, Re-use, Recycle

Objective 8: Create, promote and facilitate better and more efficient management of waste within the City.

FINANCIAL/BUDGET IMPLICATIONS:

The cost for each participating Council is \$10,000 however the event is free for the actual garage sale participants (residents, charities and small business).

In October 2012 the Waste Authority offered Western Australian Local Government Authorities the chance to apply for financial assistance to participate in Garage Sale Trail. The funding included a 50% (\$5000) subsidy off the Council's registration fee, but was limited, and managed on a first come first served basis.

The City of Vincent submitted an application for funding from the Waste Authority on Monday 18 February, and received notification from the Waste Authority via a letter dated 11 March 2013 that the submission was successful in securing a 50% reduction of the Garage Sale Trail registration fee, which was paid directly from Waste Authority to the Garage Sale Trail.

The City paid the remainder \$5,000 (excluding GST) directly to Garage Sale Trail in April 2013 from the Recycling Expenditure-Displays/Promotions account.

As a condition of funding from the Waste Authority, Local governments are required to encourage involvement in their community and assist with promotions. This will come out of the City's 2013/2014 Recycling Expenditure-Displays/Promotions account.

COMMENTS:

The Garage Sale Trail has proved to be very successful in the Eastern States and has been shown to be a good community builder (locals meet each other), an enterprise possibility (spending garage proceeds in local area), a sustainability prompter and waste reducer (good link to bulky waste/bulk verge collection awareness).

Western Australia will be formally involved in the Garage Sale Trail for the first time in 2013.

By organising communities around Australia to hold garage sales on the same day Garage Sale Trail aim to reduce waste to landfill, enable new neighbourly connections, provide a platform for fundraising, inspire creativity & stimulate local economies.

By being involved with Garage Sale Trail, the City has unlocked the program making it available to its residents, community groups, schools, libraries and local businesses to participate.

9.2.6 Further Report - Tender No. 463/13 – Supply and Delivery of One (1) Eight (8) Cubic Metre/Eleven (11) Cubic Metre Rear Loader Refuse Truck with Dual Bin Lifters

Ward:	Both	Date:	11 July 2013
Precinct:	All	File Ref:	TEN0472
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	G Dennison, Depot Purchasing Officer; C Economo, Manager Engineering Operations		
Responsible Officer:	R Lotznicker; Director Technical Services		

OFFICER RECOMMENDATION:

That the Council **ACCEPTS** the tender submitted by Major Motors Pty Ltd (option 1) as being the most acceptable to the City for the supply and delivery of one (1) 8m³ rear loader refuse truck with dual bin lifters, at a total cost of \$236,814.54 (excluding GST), in accordance with the specifications as detailed in Tender No. 463/13.

COUNCIL DECISION ITEM 9.2.6

Moved Cr Pintabona, Seconded Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Buckels was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval for awarding of the tender for the supply and delivery of one (1) rear loader refuse truck with twin bin lifters as a replacement for the existing vehicle.

BACKGROUND:

Further Information:

This item was deferred at the Ordinary Meeting of Council held on 9 July 2013 as there were some discrepancies in the evaluation table/s and the Life Cycle Cost weighting was questioned.

These matters have been addressed in the further report. Changes are shown with underlining.

Tender No. 463/13 - Supply and Delivery of one (1) 8m³/or 11m³ rear loader refuse truck was advertised in *The West Australian* newspaper on 27 February 2013.

At the close of the tender at 2.00pm on 20 March 2013, two (2) tenders were received.

Present at the tender opening were Finance Officer, Olla Wojcik, and Depot Purchasing Officer, George Dennison.

DETAILS:

The details of all tenders received for Tender No. 463/13 are listed below:

Note: All prices *exclude* GST.

Item	Major Motors (Option 1)	Major Motors (Option 2)	Major Motors (Option 3)
	Isuzu with MacDonald Johnson body 8m ³	Isuzu with MacDonald Johnson body 11m ³	Isuzu with Garwood body 10m ³
Supply and delivery of new vehicle with trade-in Isuzu 1BDO625	\$236,814.54	\$248,414.54	\$229,304.55
Supply and delivery of new vehicle only	-	-	-
Outright purchase of the City's existing vehicle Isuzu 1BDO625	-	-	-
Total Price including Trade-in	\$236,814.54	\$248,414.54	\$229,304.55

Item	WA Hino (Option 1)	WA Hino (Option 2)	WA Hino (Option 3)
	Hino FD1124 with MacDonald Johnson body 8m ³	Hino FE1426 with MacDonald Johnson body 8-11m ³	Hino FG1628 with Garwood body 10m ³
Supply and delivery of the new vehicle with trade-in Isuzu 1BDO625	\$235,295.61	\$260,922.61	\$243,517.27
Supply and delivery of new vehicle only	\$252,568.34	\$278,195.34	\$260,790.00
Outright purchase of the City's existing vehicle Isuzu 1BDO625	-	-	-
Total Price including Trade-in	\$235,295.60	\$260,922.60	\$243,517.27

Tender Evaluation

Evaluation Criteria:

The following weighted criterion was included in tender No 463/13 documentation and was used to assess each of the tenders.

<u>Evaluation Criteria</u>		<u>Weighting</u>
<u>Mandatory Product Feature</u>	<u>Product features essential to undertake required function. Specification conformance. Response and Detail to Specification. Noise levels to be stated.</u>	<u>30%</u>
<u>Special Facilities</u>	<u>Ease of vehicle servicing. Availability of spare parts. Number of technical support staff available.</u>	<u>25%</u>
<u>Price Tender</u>	<u>The total cost shown on the Tender Schedule will be assessed with or without the trade-in</u>	<u>20%</u>

	<u>included at the City's discretion</u>	
<u>Operators Ergonomics</u>	<u>East of operation/controls. Operator comfort</u>	<u>10%</u>
<u>Life Cycle Costs</u>	<u>Service/maintenance costs</u>	<u>5%</u>
<u>Warranty</u>	<u>Assessed on performance. Warranty period offered</u>	<u>5%</u>
<u>Delivery</u>	<u>Tenderer to state time frame</u>	<u>5%</u>
<u>TOTAL</u>		<u>100%</u>

Tender Evaluation Panel:

The Tender Evaluation Panel consisted of the Director Technical Services, Manager Engineering Operations, Depot Purchasing Officer and Supervisor Waste Management and Precinct Cleaning. Each tender was assessed using the above evaluation criteria in accordance with the tender documentation.

Each of the two (2) tenderers provided the following three (3) options:

- Option 1: Truck cab chassis with a MacDonald Johnston 8m³ compactor unit.
- Option 2: Truck cab chassis with a MacDonald Johnston 11m³ compactor unit.
- Option 3: Truck cab chassis with a Garwood 10m³ compactor unit.

The Tender Evaluation Panel met on the 1 May and 25 June 2013 to assess the submissions. The tenders were further independently evaluated by each of the panel members and the final evaluation scores submitted for collation.

Tender Summary

Compactor Unit:

It was decided that the only suitable compactor unit for the City of Vincent Waste Operations was the MacDonald Johnston 8m³ unit. The reasons why the panel selected only this compactor unit are outlined below.

From the details provided by the tenderers (dimensions etc) the MacDonald Johnston 11m³ compactor unit was considered too large and would hamper operations due the narrow width of some of the City's street and Right of Ways (ROWs). Also with increased infill development parked cars in narrow streets is becoming and increasing issue for waste collection vehicles.

The proposed collection vehicle will predominately remove waste from the inner City/business premises and therefore the need for a suitably sized vehicle.

With the Garwood 10m³ Compactor Unit, manufactured in South Australia, any back up support staff in Perth is not available and as waste collection vehicles require high ongoing support/repairs due to high frequency usage the City relies on the supplier for speedy ongoing scheduled maintenance and repairs.

In addition the size of this compactor unit may cause problems in narrow streets/ROWs.

Officer's comments:

The information provided for the compactor unit was very well documented, comprehensive and conformed with all of the City's requirements. The City of Vincent has been undertaking Waste Operations with Mac Donald Johnston Compactor Bodies since its inception and it is a proven product with a greater pay load capacity.

The recommended compactor body is smaller (height and width) making the turning circle of the vehicle easier to negotiate the City's narrow access roads and ROWs. MacDonald Johnston have good technical support team in Bayswater to assist the City with repairs to the unit.

Truck Cab chassis with MacDonald Johnston 8m³ compactor unit:

	Weighting	Major Motors	WA Hino
		Isuzu with MacDonald Johnson body 8m ³	Hino FD1124 with MacDonald Johnson body 8m ³
Mandatory Product Features	30	29.3	25.1
Special Facilities	25	24.2	22.8
Price Tender	20	19.9	20
Operators Ergonomics	10	9.7	9.7
Life Cycle Costs	5	2.3	4.5
Warranty	5	5	4.5
Delivery	5	5	1.8
TOTAL/SCORE	100	95.4	88.4

1. Major Motors

<u>Total weighted Score</u>	95.4 (first)
<u>Mandatory Product Features</u>	
<ul style="list-style-type: none"> Product features essential to undertake required function. 	Product has a majority of mandatory features requested and is the most suitable unit for Waste Operations.
<ul style="list-style-type: none"> Specification conformance 	Adheres to the majority of the tender specifications.
<ul style="list-style-type: none"> Response and Detail to Specification 	Tender is well documented and has more detail to specification
<ul style="list-style-type: none"> Noise levels to be stated 	Not stated
<u>Special Facilities</u>	
<ul style="list-style-type: none"> Ease of Vehicle servicing 	Malaga / Forrestfield / O'Connor workshops
<ul style="list-style-type: none"> Availability of spare parts 	All parts stocked at premises
<ul style="list-style-type: none"> Number of technical support staff available 	Not stated- but three outlets for repairs listed above
<u>Price Tender</u>	
<ul style="list-style-type: none"> The total cost shown on the Tender Schedule will be assessed with or without the trade-in included at the City's discretion 	\$236,814.55 (Excluding GST)- Supply and delivery of the new vehicle with trade-in Isuzu 1BDO625

<u>Life Cycle Costs</u>	
<ul style="list-style-type: none"> Service/maintenance costs 	Fixed priced servicing stated however <i>no life cycle costs appended (tender is assessed on documentation provided) hence score given.</i> 24 hour breakdown assistance indicated. <i>(Most trucks have a similar profile and running costs are not much different but the level of service can determine the end result in Cost of running that vehicle. The City's operations personnel keep log sheet cards, for every vehicle purchased. Every repair is recorded These are true Life Cycle Costs which are available and assist in vehicle determination)</i>
<u>Operators Ergonomics</u>	
<ul style="list-style-type: none"> Ease of operation/controls. 	Operators ergonomics / ease / operation of vehicle is very good.
<ul style="list-style-type: none"> Operator comfort 	Excellent operator comfort.
<u>Warranty</u>	
<ul style="list-style-type: none"> Assessed on performance 	Good durability and performance assessed due to previous purchases by the City for over approximately 18 years use of this model vehicle.
<ul style="list-style-type: none"> Warranty period offered 	3 years / 150,000 kms / or 5 year extension @ \$2,950.00
<u>Delivery</u>	
<ul style="list-style-type: none"> Tender to state time frame 	Truck ex-stock- 20 / 26 weeks for compactor body.

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

<u>Officer's comments:</u>	
<p>The City of Vincent presently operates an Isuzu which has provided very good results over the years. The panel considered that even though some of the tender requirements were not specified in the documentation provided the Isuzu vehicle was the most suitable for waste operations for the City. This vehicle also stated the turning radii which is more conducive with the City's narrow access roads and Right of Ways.</p> <p>The City's operations personnel keep log sheet cards, for every vehicle purchased from the time the City (then Town) was created and every repair/maintenance requirements both minor and major is recorded. These are true Life Cycle Costs which are available and assisted in the determination of this vehicle.</p>	

2. WA Hino

<u>Total weighted Score</u>	88.4 (second)
<u>Mandatory Product Features</u>	This vehicle has also the majority of the product features requested.
<ul style="list-style-type: none"> Product features essential to undertake required function. 	
<ul style="list-style-type: none"> Specification conformance 	Adheres to most of the required tender specifications
<ul style="list-style-type: none"> Response and Detail to Specification 	Some specifications itemised only.
<ul style="list-style-type: none"> Noise levels to be stated 	Data sheets included but not this make / model.
<u>Special Facilities</u>	
<ul style="list-style-type: none"> Ease of Vehicle servicing 	24/26 Kewdale Road, Welshpool
<ul style="list-style-type: none"> Availability of spare parts 	All parts stocked at premises

<ul style="list-style-type: none"> For Number of technical support staff available 	Not stated- repairs at above outlet
<u>Price Tender</u> <ul style="list-style-type: none"> The total cost shown on the Tender Schedule will be assessed with or without the trade-in included at the City's discretion 	\$235,295.60 - Supply and delivery of the new vehicle with trade-in Isuzu 1BDO625
<u>Life Cycle Costs</u> <ul style="list-style-type: none"> Service/maintenance costs 	Information provided. <i>(Most trucks have a similar profile and running costs are not much different but the level of service can determine the end result in Cost of running that vehicle. The City's operations personnel keep log sheet cards, for every vehicle purchased. Every repair is recorded These are true Life Cycle Costs which are available and assist in vehicle determination)</i>
<u>Operators Ergonomics</u>	
<ul style="list-style-type: none"> Ease of operation/controls. 	Has excellent operation and ease of controls.
<ul style="list-style-type: none"> Operator comfort 	Good operator comfort.
<u>Warranty</u>	
<ul style="list-style-type: none"> Assessed on performance 	Good performance and durability of previous vehicles operated by the City of Vincent
<ul style="list-style-type: none"> Warranty period offered 	3 years/150,000 klms
<u>Delivery</u>	
<ul style="list-style-type: none"> Tender to state time frame 	Not stated

Officer's comments:

The tender received was reasonably documented, and conformed with most the City's tender requirements. The turning circle for the vehicle was not stated which is crucial for the City's operations. Also as mentioned above The City's operations personnel keep log sheet cards, for every vehicle purchased from the time the City (then Town) was created and every repair/maintenance requirements both minor and major is recorded.

Conclusion/Discussion:

Following detailed analysis of the tender documents and assessment by the panel including taking into account previous experience and records of operating a number of different make of rubbish trucks over the years, it is recommended that the Council approve Major Motors Pty Ltd tender for the purchase of an eight cubic metre ISUZU FSR 700 Auto.

In addition, Major Motors Pty Ltd offered a better warranty with an offer of 24 hour, 365 days for 36 months Roadside Assistance. The tender submitted by them was also most compliant with the City's specifications. The vehicle being traded is an ISUZU and the City of Vincent has not had any issues arising over the years and proved to be an asset to our fleet.

CONSULTATION/ADVERTISING:

The tender was advertised in the West Australian newspaper on the 27 February 2013.

LEGAL/POLICY:

The tender was advertised and assessed in accordance with the Local Government Act Tender Regulations and the City's Policy 1.2.2 – *Code of Tendering* and Policy No. 1.2.3 – *Purchasing*.

RISK MANAGEMENT IMPLICATIONS:

High: Waste Collection is a vital essential service. Keeping the fleet in optimum condition by ensuring trucks are traded at acceptable intervals is paramount in minimising the risk of breakdowns/downtime etc.

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:

New trucks comply with Euro 5 emission standards. These are the highest emission standards and ensure CO² emissions into the atmosphere are minimised as much as possible.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$300,000 has been included in the City's 2012/2013 budget for this item.

Budget Amount:	\$300,000.00 (funded from the Major Plant Replacement Reserve)
Spent to Date:	\$ Nil
Funds remaining:	\$300,000.00
Proposed Purchase	\$273,178.17 (Excluding GST)
Less Trade vehicle	\$ 36,363.63 (Excluding GST)
Total net price	\$236,814.54 (excluding GST)

COMMENTS:

It is recommended that the tender submitted by Major Motors Pty Ltd be accepted as being the most acceptable to the City for the supply and delivery of one (1) eight (8) cubic metre rear loader compactor refuse truck with twin bin lifters, at a total cost of \$236,814.54 (excluding GST) in accordance with the specifications as detailed in Tender No. 463/13.

9.3.2 Authorisation of Expenditure for the Period 1 – 30 June 2013

Ward:	Both	Date:	12 July 2013
Precinct:	All	File Ref:	FIN0032
Attachments:	001 – Creditors Report		
Tabled Items:	-		
Reporting Officers:	O Wojcik, Accounts Payable Officer; B Tan, Manager Financial Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

1. Schedule of Accounts for the period 1 June 2013 – 30 June 2013 and the list of payments;
2. Direct lodgement of payroll payments to the personal bank account of employees;
3. Direct lodgement of PAYG taxes to the Australian Taxation Office;
4. Direct lodgement of Child Support to the Australian Taxation Office;
5. Direct lodgement of creditors payments to the individual bank accounts of creditors; and
6. Direct lodgement of Superannuation to Local Government and City of Perth superannuation plans; and

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

COUNCIL DECISION ITEM 9.3.2

Moved Cr Pintabona, Seconded Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Buckels was on approved leave of absence.)

DECLARATION OF INTEREST

Members/Officers	Voucher	Extent of Interest
Nil.		

PURPOSE OF REPORT:

To present to the Council the expenditure and list of accounts approved by the Chief Executive Officer under Delegated Authority for the period 1 June 2013 – 30 June 2013.

BACKGROUND:

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

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Automatic Cheques	74407 - 74524	\$295,429.93
Transfer of Creditors by EFT Batch	1542, 1544 - 1546, 1548 - 1551	\$3,767,916.40
Transfer of PAYG Tax by EFT	June 2013	\$269,887.25
Transfer of GST by EFT	June 2013	
Transfer of Child Support by EFT	June 2013	\$1,435.58
Transfer of Superannuation by EFT:		
• City of Perth	June 2013	
• Local Government	June 2013	
Total		\$4,334,669.16
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$10,158.21
Lease Fees		\$3,971.04
Corporate MasterCards		\$21,359.80
Loan Repayment		\$194,101.70
Rejection fees		\$90.00
Total Bank Charges & Other Direct Debits		\$229,680.75
Less GST effect on Advance Account		0.00
Total Payments		\$4,564,349.91

LEGAL POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2011-2016:

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

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

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

SUSTAINABILITY IMPLICATIONS:

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

ADVERTISING/CONSULTATION:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENT:

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

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

9.3.3 Licence - North Perth Out of School Care Centre – Approval

Ward:	North	Date:	12 July 2013
Precinct:	North Perth Centre	File Ref:	PRO0610
Attachments:	001 – Map of Licence Area		
Tabled Items:	-		
Reporting Officer:	M Rootsey, Director Corporate Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **APPROVES** a licence from 1 December 2013 to 30 November 2018 for the premises located at the North Perth Town Hall, being granted to North Perth Out of School Care as per Appendix 9.3.3, as follows:

1.1	Term:	five (5) years; and	
1.2	Rent:	\$6,000 per annum plus GST indexed to CPI	

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

COUNCIL DECISION ITEM 9.3.3

Moved Cr Pintabona, Seconded Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Buckels was on approved leave of absence.)

PURPOSE OF REPORT:

To approve the five (5) year licence to the North Perth Out of School Care Inc. for part of the premises located at the North Perth Town Hall.

BACKGROUND:

NPOSC has been incorporated since 1989 and caters to the needs of the local community through the provision of its services. It operates as a not for profit body and is managed by community members who are mostly parents at the North Perth Primary School.

The North Perth out of School Care Inc. (NPOSC) has operated at the North Perth Town Hall for the previous five (5) years.

NPOSC offer out of school care for children between the ages of four (4) and twelve (12) years. Approximately twenty to thirty (20-30) children attend each day for after school care and forty (40) children a day attend our vacation care programme during school holidays. Activities offered include art, craft, dramatic/fantasy play, reading, sport, movies and limited electronic game play.

DETAILS:

The hall is used during school terms on weekdays from 2 pm to 6.30 pm, and during school holidays on weekdays from 7am to 6.30 pm. The times booked do not conflict with any other regular users.

The North Perth Out of School Care Inc have requested a new licence for a five (5) year period. The Director Corporate Services has met with the Committee members to discuss the new licence.

CONSULTATION/ADVERTISING:

Not Applicable.

LEGAL/POLICY:

Policy 1.2.1 Terms of Lease:

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

RISK MANAGEMENT IMPLICATIONS:

Low North Perth out of School Care have been good tenants during their lease periods.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2011-2016 – Key Result Area One:

- “1.1.6 Enhance and maintain the City’s infrastructure to provide a safe, healthy, sustainable and functional environment “(a) implement adopted annual infrastructure upgrade programs, including streetscape enhancements, footpaths, rights of way, car parking and roads.”

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The current annual licence payment is \$5,927.78 per annum GST inclusive and is linked to the annual Consumer Price Index (CPI).

COMMENTS:

The licence serves the purpose of assisting an essential community based service for the community. The usage of the hall will also continue to encourage the increased use of the Multicultural Garden adjacent to the hall which has been designed to provide culturally diverse play options.

9.3.4 Annual Plan – Capital Works Programme 2013/2014 - Approval

Ward:	Both	Date:	12 July 2013
Precinct:	All	File Ref:	FIN0025
Attachments:	001 – Annual Capital Works Plan Schedule		
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 **APPROVES** the Annual Plan Capital Works 2013/2014 Programme, as shown in Appendix 9.3.4.

COUNCIL DECISION ITEM 9.3.4

Moved Cr Pintabona, Seconded Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Buckels was on approved leave of absence.)

PURPOSE OF REPORT:

To present the Annual Plan and Schedule for the Capital Works Programme 2013/2014 for Council Approval.

BACKGROUND:

At the Special Meeting of Council held on 2 July 2013, the Council adopted the Annual Budget 2013/2014.

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 \$9.5 million of new Capital Works.

The programme takes into consideration the following factors:

- Approvals from third party agencies;
- Budget/funding;
- Cash flow requirements;
- Consultation requirements;
- Employee leave periods;
- Existing workload commitments of the workforce; and
- Liaison with other agencies/service areas.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The Capital Works Programme has been prepared on the adopted 2013/2014 Annual Budget.

STRATEGIC IMPLICATIONS:

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

In keeping with the City's Strategic Plan 2011-2021 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 2013/2014 Annual Budget.

COMMENTS:

The schedule of projects may be subject to change during the year. However, the Capital Works Programme will be initially implemented on the basis of the timing as outlined in the attached programme.

Quarterly progress reports on the Capital Works Programme will be prepared for Council throughout the year.

The projects listed will ensure the City's infrastructure and assets are upgraded and maintained for the overall benefit of the community.

9.4.3 Cultural Development Seeding Grant Application – Pakistanis in Australia Inc.

Ward:	North	Date:	16 July 2013
Precinct:	All	File Ref:	FIN0155
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	L Munz, Community Development Officer J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council **APPROVES** a Cultural Development Seeding Grant of \$500 for the Pakistanis in Australia Inc. to host a cultural event/dinner which marks the Eid and Pakistani Independence Day, on 17 August 2013, plus in-kind use of the Community hall in Mount Hawthorn or North Perth to hold the event.

COUNCIL DECISION ITEM 9.4.3

Moved Cr Pintabona, Seconded Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Buckels was on approved leave of absence.)

PURPOSE OF REPORT:

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

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.

A Cultural Development Seeding Grant has been received from Pakistanis in Australia Inc. to assist in costs associated with hosting a cultural celebratory dinner and performance in the City of Vincent.

DETAILS:

Pakistani Celebration marking Eid and Pakistani Independence Day

Pakistanis in Australia Inc., a not-for-profit group, is proposing to host an evening with a dinner and a performance by famous Perth based comedian, Mr Sami Shah. As Eid is the festival of sharing with others, it is proposed to invite a number of organisations from the City of Vincent to showcase the achievements of Pakistani community members who have been playing an active role in the community.

The event, to be held on 17 August 2013, provides an opportunity to share the Pakistani culture. Revenue from ticket sales will cover the catering costs of a traditional dinner with the City of Vincent asked to cover the costs of the entertainment and provide in-kind costs for hall hire.

This event will precede the Eid Festival to be hosted in the City of Vincent.

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 event 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 Pakistanis in Australia Inc. highlights that all budgeted costs will cover the running of the event and that no fundraising activities will occur.

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:	\$ 1,000 600
Balance:	\$ 5,000 <u>5,400</u>

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

COMMENTS:

The application by Pakistanis in Australia Inc. 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.

9.5.2 Information Bulletin

Ward:	-	Date:	12 July 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 12 July 2013, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.5.2

Moved Cr Pintabona, Seconded Cr Maier

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Buckels was on approved leave of absence.)

DETAILS:

The items included in the Information Bulletin dated 12 July 2013 are as follows:

ITEM	DESCRIPTION
IB01	Unconfirmed Minutes of the Design Advisory Group Meeting held on 19 June 2013
IB02	Unconfirmed Minutes of the Sustainability Advisory Group Meeting held on 20 May 2013
IB03	Mindarie Regional Council Ordinary Council Meeting Minutes held on 4 July 2013
IB04	State Council Summary Meeting Minutes held on 3 July 2013
IB05	Unconfirmed Minutes of the Arts Advisory Group Meeting held on 3 April 2013
IB06	Unconfirmed Minutes of the Seniors Advisory Group Meeting held on 26 June 2013
IB07	Department of Local Government name change to Department of Local Government and Communities
IB08	Government House Western Australia thank you letter regarding the City of Vincent Book “Beatty Park – Celebrating the First Fifty Years 1962-2012”
IB09	Earth Carers Newsletter June 2013
IB10	Letter from Minister of Sport and Recreation; Racing and Gaming, Hon. Terry Waldron MLA dated 24 June 2013 regarding Community Sporting and Recreation Facilities (CSRFF) Outcomes of Applications for Funding 2013/2014 (includes Attachment)
IB11	Report on the Mayor and Chief Executive Officer's attendance at the National General Assembly of Local Government 2013 (attachments are Tabled Items as the document is too large to be scanned)

9.1.1 No. 5/177 (Lot 5; STR: 59820) Stirling Street, West Perth – Proposed Change of Use from Office to Consulting Rooms (Non-Medical – Massage Therapy) – Retrospective Application

Ward:	South	Date:	12 July 2013
Precinct:	Beaufort; P13	File Ref:	PRO6048; 5.2013.167.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicant Justification and Qualifications 003 – Photos of the Premises		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Planning Officer (Statutory)		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Mr P Hughes on behalf of the owner, MA Sertorio for Proposed Change of Use from Office to Consulting Rooms (Non-Medical–Massage Therapy) Retrospective Application at No. 5/177 (Lot 5; STR: 59820) Stirling Street, Perth as shown on plans stamp-dated 1 May 2013, subject to the following conditions:

1. **Windows, doors and adjacent areas at ground level fronting Parry Street shall maintain an active and interactive relationship with the street;**
2. **Non Medical Consulting Rooms (Massage Therapy):**
 - 2.1 **any change of use from Non Medical Consulting Rooms (Massage Therapy) shall require Planning Approval to be applied for and obtained from the City prior to the commencement of such use;**
 - 2.2 **the use shall be limited to a maximum of one (1) consulting room operating at any one time. Any increase in the number of consulting rooms/consultants shall require Planning Approval to be applied for and obtained from the City;**
 - 2.3 **the hours of operation shall be limited to the following times: 8.00am to 6:00pm Monday to Friday, 8:00am to 5:00pm Saturday and 11:00am – 5:00pm Sundays, Closed Christmas Day, Good Friday and Anzac Day and other official WA public holidays;**
 - 2.4 **this approval for consulting rooms (Non Medical – Massage Therapy) is for a period of twelve (12) months only and should the applicant wish to continue the use after that period, it shall be necessary to re-apply to and obtain approval from the City prior to the continuation of the use; and**
 - 2.5 **shall not be used for massage activity of a sexual nature, prostitution, as a brothel business, as an agency business associated with prostitution, as an escort agency business, or the like; and**

3. **WITHIN TWENTY-EIGHT (28) DAYS OF THE ISSUE DATE OF THIS 'APPROVAL TO COMMENCE DEVELOPMENT,'** the owner(s), or the applicant on behalf of the owner(s) shall comply with the following requirements:
- 3.1 pay a cash-in-lieu contribution of \$3,426 for the equivalent value of 0.979 car parking spaces, based on the cost of \$3,500 per bay as set out in the City's 2012/2013 Budget; OR
 - 3.2 lodge an appropriate assurance bond/bank guarantee of a value of \$3,426 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:
 - 3.2.1 to the City at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or
 - 3.2.2 to the owner(s)/applicant following receipt by the City with a Statutory Declaration on the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development; or
 - 3.2.3 to the owner(s)/applicant where the subject 'Approval to Commence Development,' did not commence and subsequently expired.
- The car parking shortfall and consequent cash-in-lieu contribution can be reduced as a result of a greater number of car bays being provided on-site and to reflect the new changes in the car parking requirements.
- 3.3 The applicant is required to pay \$556.00 as outstanding planning fees for the Retrospective Planning application; and
4. **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT,** the following shall be completed to the satisfaction of the City;
- 4.1 One (1) class 3 bicycle facilities for the commercial component shall be provided at a location convenient to the entrance, publicly accessible to the development. The bicycle facilities shall be designed in accordance with AS2890.3.

ADVICE NOTES:

- 1. All signage that does not comply with the City's Policy No. 3.5.2 Relating to Signs and Advertising shall be subject to a separate Planning Application and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the City prior to the erection of the signage;
- 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, are designed integrally with the building, and be located so as not to be visually obtrusive from Parry and Stirling Streets.

Moved Cr Topelberg, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Topelberg, Seconded Cr Pintabona

“That Clause 3 be amended to read as follows:

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

3.1 **pay a cash-in-lieu contribution of ~~\$3,426~~ \$4,895 for the equivalent value of 0.979 car parking spaces, based on the cost of ~~\$3,500~~ \$5,000 per bay as set out in the City’s ~~2013/2013~~ 2013/2014 Budget; OR**

3.2 **lodge an appropriate assurance bond/bank guarantee of a value of ~~\$3,426~~ \$4,985 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:**

3.2.1 **to the City at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or**

3.2.2 **to the owner(s)/applicant following receipt by the City with a Statutory Declaration on the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject ‘Approval to Commence Development; or**

3.2.3 **to the owner(s)/applicant where the subject ‘Approval to Commence Development,’ did not commence and subsequently expired.**

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

Debate ensued.

AMENDMENT PUT AND CARRIED (5-3)

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

Against: Cr Maier and Cr McGrath and Cr Topelberg

(Cr Buckels was on approved leave of absence.)

MOTION AS AMENDED PUT AND CARRIED (7-1)

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

Against: Cr Carey

(Cr Buckels was on approved leave of absence.)

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 the application submitted by Mr P Hughes on behalf of the owner, MA Sertorio for Proposed Change of Use from Office to Consulting Rooms (Non-Medical–Massage Therapy) Retrospective Application at No. 5/177 (Lot 5; STR: 59820) Stirling Street, Perth as shown on plans stamp-dated 1 May 2013, subject to the following conditions:

- 1. Windows, doors and adjacent areas at ground level fronting Parry Street shall maintain an active and interactive relationship with the street;**
- 2. Non Medical Consulting Rooms (Massage Therapy):**
 - 2.1 any change of use from Non Medical Consulting Rooms (Massage Therapy) shall require Planning Approval to be applied for and obtained from the City prior to the commencement of such use;**
 - 2.2 the use shall be limited to a maximum of one (1) consulting room operating at any one time. Any increase in the number of consulting rooms/consultants shall require Planning Approval to be applied for and obtained from the City;**
 - 2.3 the hours of operation shall be limited to the following times: 8.00am to 6:00pm Monday to Friday, 8:00am to 5:00pm Saturday and 11:00am – 5:00pm Sundays, Closed Christmas Day, Good Friday and Anzac Day and other official WA public holidays;**
 - 2.4 this approval for consulting rooms (Non Medical – Massage Therapy) is for a period of twelve (12) months only and should the applicant wish to continue the use after that period, it shall be necessary to re-apply to and obtain approval from the City prior to the continuation of the use; and**
 - 2.5 shall not be used for massage activity of a sexual nature, prostitution, as a brothel business, as an agency business associated with prostitution, as an escort agency business, or the like; and**
- 3. WITHIN TWENTY-EIGHT (28) DAYS OF THE ISSUE DATE OF THIS ‘APPROVAL TO COMMENCE DEVELOPMENT,’ the owner(s), or the applicant on behalf of the owner(s) shall comply with the following requirements:**
 - 3.1 pay a cash-in-lieu contribution of \$4,895 for the equivalent value of 0.979 car parking spaces, based on the cost of \$5,000 per bay as set out in the City’s 2013/2014 Budget; OR**
 - 3.2 lodge an appropriate assurance bond/bank guarantee of a value of \$4,895 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:**
 - 3.2.1 to the City at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or**
 - 3.2.2 to the owner(s)/applicant following receipt by the City with a Statutory Declaration on the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject ‘Approval to Commence Development; or**
 - 3.2.3 to the owner(s)/applicant where the subject ‘Approval to Commence Development,’ did not commence and subsequently expired.**

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

- 3.3 The applicant is required to pay \$556.00 as outstanding planning fees for the Retrospective Planning application; and
4. PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the City;
- 4.1 One (1) class 3 bicycle facilities for the commercial component shall be provided at a location convenient to the entrance, publicly accessible to the development. The bicycle facilities shall be designed in accordance with AS2890.3.

ADVICE NOTES:

1. All signage that does not comply with the City's Policy No. 3.5.2 Relating to Signs and Advertising shall be subject to a separate Planning Application and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the City prior to the erection of the signage;
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, are designed integrally with the building, and be located so as not to be visually obtrusive from Parry and Stirling Streets.

PURPOSE OF REPORT:

The report is referred to a meeting of the Council as applications for Consulting Rooms are required to be considered by the Council.

BACKGROUND:

History:

Date	Comment
9 February 2010	The Western Australian Planning Commission conditionally approved the subdivision of Nos. 208-212 Beaufort Street and Nos. 173-179 Stirling Street, Perth.
14 September 2010	The Council at its Ordinary Meeting deferred their decision with respect to an application for demolition of the existing car park and construction of a six storey building comprising forty (40) single bedroom multiple dwellings and twenty-five (25) multiple dwellings including car parking.
26 October 2010	The Council at its Ordinary Meeting conditionally approved the demolition of the existing car park and construction of a five storey mixed use development comprising thirty-seven (37) single bedroom multiple dwellings, twenty (20) multiple dwellings and six (6) offices and associated car park.
14 June 2011	The Council at its Ordinary Meeting conditionally approved the application for a Change of Use of Unit 3 from Office to Eating House.
22 February 2012	The City approved an application for a change of use from Office to Consulting Rooms (Unit 7).
7 September 2012	The City approved an application for a change of use from Office to Eating House (Unit 6).
23 October 2012	The City approved an application for a shade sail under delegated authority.
25 June 2013	The City approved an application for a Change of Use from Eating House and Office to Small Bar with Ancillary Coffee Shop.

DETAILS:

Landowner:	M Sertorio
Applicant:	P Hughes
Zoning:	Commercial
Existing Land Use:	Office
Use Class:	Consulting Rooms
Use Classification:	'AA'
Lot Area:	2284 square metres
Right of Way:	Not Applicable

The application proposes a Change of Use of the subject tenancy from Office to Consulting Rooms (Non-Medical – Massage Therapy) with the following features proposed:

- Sole Trading Massage Therapy;
- Maximum number of clients per time is one (1);
- Propose to utilise an existing car bay for use, within the tenancy;
- Proposed Hours of Operation – Monday to Saturday – 9:00am – 7:00pm
Sunday – 9:00am – 5:00pm; and
- Maximum number of employees is one (1);

It is noted upon a site inspection of the property on 19 June 2013 that the use had already commenced operation. It is therefore considered as a retrospective application and in the event of approval being issued a retrospective payment of 3 times the cost of a change of use application is required.

The applicant has provided qualifications from The Liberal Arts School Health and Beauty in Bannkaew Sumunprai (Thailand) issued by The Office of the Private Education Commission, Nonthabur and the WATPO Traditional Medical School.

Similar Application - Withdrawn

It is noted a similar application was also received at the same time as the subject application for 2/177 Stirling Street. This application for a change of use from Office to Consulting Rooms (Non-Medical - Massage) appeared to have some association with a massage parlour used for the provision of sexual services. It was subsequently withdrawn by the applicant prior to any determination being made.

ASSESSMENT:

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

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Density/Plot Ratio	N/A		
Beaufort Precinct	✓		
Front Fence	N/A		
Front Setback	N/A		
Building Setbacks	N/A		
Boundary Wall	N/A		
Building Height	N/A		
Building Storeys	N/A		
Open Space	N/A		
Bicycles			✓
Access & Parking			✓

COMMERCIAL CAR BAYS	
<p>Car parking requirement (nearest whole number)</p> <ul style="list-style-type: none"> • Proposed Consulting Room (Unit 5) – One Consulting Room 3 Bays per Consulting Room Requires 3 Bays • Small Bar (Units 3, 4) (75 persons -1 bay per 4.5 persons) – 16.67 car bays • Office – (Units 1 & 2) (1 bay per 50 square metres gross floor area) Gross Floor Area = 176.3 square metres – Requires 3.526 car bays • Eating House – (Unit 6) (1 car bay per 4.5 square metres of public area) Public Floor Area – Unit 6 = 15.2 square metres Requires 3.37 spaces • Consulting Room- One consulting room (unit 7) 3 bays per consulting room Requires 3 car bays <p>Total car bays required = 29.566 car bays</p>	30.00 car bays
<p>Adjustment factors</p> <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.85 (within 400 metres of a public car parking in excess of 75 spaces) • 0.85 (within 800 metres of a rail station) • 0.80 (mix of uses with greater than 45 per cent of the gross floor area residential) 	(0.4913) 14.739 car bays
Minus the car parking provided on-site	10.00 car bays
<p>Minus the previously approved on-site car parking shortfall (OMC 14 June 2011 shortfall of 2.28 car bays was approved and cash-in-lieu has been paid) (Delegated Authority 7 September 2012 shortfall of 1.48 car bays was approved and cash-in-lieu has been paid)</p>	3.76 car bays
Resultant Shortfall	0.979 car bays
COMMERCIAL BICYCLE BAYS	
<p>Bicycle bay requirement (nearest whole number)</p> <p>Office</p> <ul style="list-style-type: none"> • 1 space per 200 square metres of public area for employees (class 1 or 2) (proposed 176.3 square metres) = 0.88 bicycle spaces = 1.0 space • 1 space per 750 square metres over 1000 square metres (class 3) = Nil <p>Eating House</p> <ul style="list-style-type: none"> • 1 space per 100 square metres of public area (class 1 or 2) (15.2 square metres) = 0.15 space= Nil spaces • 2 spaces plus 1 space per 100 square metres of public area (class 3) = 15.2 = 3.00 spaces <p>Consulting Room</p> <ul style="list-style-type: none"> • 1 space per 8 practitioners (class 1 or 2) = 0.5 = Nil • 1 space per 4 practitioners (class 3)= 1.0 spaces <p>Required= Two (2) Class 1 or 2 and Four (4) Class 3 bicycle bays</p>	<p>Class 1 or 2 – 2.00 spaces</p> <p>Class 3 – 4.00 spaces</p>

COMMERCIAL BICYCLE BAYS	
Minus the bicycle bays provided on-site	Three (3) spaces – Class 3
Resultant Shortfall	One (1.0) Class 3 Bay

It is considered that the premises are located in close proximity to The Stadium/Brisbane Street car parks located to the east of the subject site and to the north within a 400 metre radius. These two car parks include over seventy-five (75) paid car parking bays. The Mclver train station is also located nearby, within 800 metres of the site and it provides another transport option to potential clientele. It is noted that the consulting room is located in close proximity to a number of significant mixed use commercial/residential developments recently constructed and well established.

Whilst it is not ideal to be seeking a further shortfall of car parking for the site, given the two previous car parking shortfalls, it is noted that with no variance supported to the car parking shortfall, the consulting room would not be able to operate given the car parking requirement of three (3) bays per consulting room. It is therefore considered appropriate to support a cash-in-lieu payment for the car parking shortfall of 0.979 car bays of \$3,426 based on the 2012/13 financial year requirement of \$3,500 per car bay rather than \$5,000 based on the 2013/2014 fees. The cash-in-lieu payment is based upon the previous financial year given the application was received on 1 May 2013.

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
--------------------------	-----	-------------------------------------	-----

Consultation Period:	31 May 2013 – 14 June 2013
Comments received:	Four (4) comments were received objecting to the proposed consulting rooms.

Summary of Comments Received:	Officers Technical Comment:
Issue: <u>Use</u>	
The proposed building is a residential building which is not suited for a massage business.	Not supported. The proposed use is of a commercial nature and given the recommended hours of operation is not expected to produce excessive noise or impacts. It's location within other commercial uses on the ground floor are not expected to be greater than the other office/small bar/consulting rooms already approved for the site.
Would suit an office with regular business hours.	Supported. The use of the premises as a consulting room is not considered greater in intensity than an office use.
There are two other massage businesses in the vicinity.	Not supported. The City is not involved in the commercial nature of businesses or the viability of establishments within a given area as they are not considered as valid planning considerations.

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

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- City of Vincent Town Planning Scheme No. 1;
- Beaufort Precinct Policy 3.1.13;
- Parking and Access Policy 3.7.1;
- Consulting Rooms Policy 3.5.22.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Economic Development

2.1 *Progress economic development with adequate financial resources.*

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

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

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

ENVIRONMENTAL	
Issue	Comment
Nil	

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

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS & CONCLUSION:

Consulting Rooms

A site visit, undertaken, by the City's Development Compliance Officer and Planning Officer (Statutory), whilst noting the use had commenced operation, also noted that the business appeared to be legitimate, and not used as a massage business of a sexual nature.

Furthermore, the applicant has provided valid massage therapy qualifications and certificates to validate the use of the premises. It is therefore recommended the use be supported, initially for a twelve (12) month approval, with the standard hours of operations as per the City's Policy No. 3.5.22 in relation to Consulting Rooms. The proposed use is deemed to be compliant with the provisions of the Policy and is therefore supported.

In light of the above, the application for a change of use from office to consulting rooms (non-medical – Massage Therapy) is supported subject to the above mentioned conditions.

9.1.7 Amendments to the Municipal Heritage Inventory

Ward:	Both Wards	Date:	12 July 2013
Precinct:	All Precincts	File Ref:	PLA0098 V26; PLA0226
Attachments:	001 – Summary of Submissions 002 – Heritage Assessment – Parry 63 003 – Heritage Assessment – Parry 89-149 004 – Heritage Assessment – Carr 89 005 – Heritage Assessment – Carr 107 006 – Heritage Assessment – Weld Square		
Tabled Items:	Nil		
Reporting Officer:	H Au, Heritage Officer D Mrdja, Acting Manager Strategic Planning, Sustainability and Heritage Services		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the report relating to amendments to the Municipal Heritage Inventory (Heritage List);
2. **NOTES** that four (4) submissions were received during the four (4) week advertising of the proposed amendments to the Municipal Heritage Inventory; and
3. **AUTHORISES** the entry of the following properties onto the City's Municipal Heritage Inventory:
 - 3.1 **No. 63 (Lot 826) Parry Street, Perth: Management Category B – Conservation Recommended;**
 - 3.2 **Nos. 89 to 149 (Lots 808, 807, 806, 805, 804, 803, 802, 709, 708, 707, 706 and 705) Parry Street, Perth: Management Category A – Conservation Essential;**
 - 3.3 **Nos. 89 (Lot 4) and 107 (Lot 56) Carr Street, West Perth: Management Category B – Conservation Recommended; and**
 - 3.4 **No. 180 (Lot 1271) Beaufort Street, Perth (known as Weld Square) – Management Category B – Conservation Recommended.**

COUNCIL DECISION ITEM 9.1.7

Moved Cr McGrath, Seconded Cr Maier

That the recommendation be adopted.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to consider entering the above sixteen (16) properties onto the City's Municipal Heritage Inventory (Heritage List) in accordance with the City's Policy No. 3.6.5 relating to Heritage Management – Amendments to the Municipal Heritage Inventory.

BACKGROUND:

Following the review of the City's Municipal Heritage Inventory undertaken in 2006, all further proposed amendments to the City's Municipal Heritage Inventory are to be considered in accordance with the procedures set out in the City's Policy No. 3.6.5 relating to Heritage Management - Amendments to the Municipal Heritage Inventory.

On 1 July 2007, a portion of the 'New Northbridge Precinct', which is roughly bounded by Newcastle, Lord, Parry, Little Parry and William Streets, Perth, was transferred to the then Town of Vincent from the City of Perth as part of a local government boundary change. A number of properties within the 'New Northbridge Precinct' were listed on various heritage listings at the time, which are detailed as below:

- Nos. 61 (Lot 827), 63 (Lot 826) and 65 (Lot 825) Parry Street, Perth were listed on the East Perth Redevelopment Authority's Heritage Inventory;
- Nos. 89 to 149 (Lots 808,807,806,805,804,803,802,709,708,707,706 & 705) Parry Street, Perth were listed on the East Perth Redevelopment Authority's Heritage Inventory and are currently listed on the Heritage Council's State Register of Heritage Places; and
- Weld Square was listed on the former City of Perth Heritage List.

The normalisation of the 'New Northbridge Precinct' was finalised on 17 December 2011, which has meant now that the area in which the abovementioned properties are located is now within the planning control of the City of Vincent.

Since this time, the City has updated its Town Planning Scheme No. 1 and associated Policies to ensure that all development within this area is now guided by the City of Vincent planning requirements.

To complete this process, the City is now wishing to formally adopt some of the abovementioned properties along Parry Street, together with Weld Street, onto the City of Vincent's Municipal Heritage Inventory pursuant to Clause 23 of the City of Vincent Town Planning Scheme No. 1. This will also mean that any proposed development of these properties will be required to be undertaken in accordance with the City's Planning Policies relating to Heritage Management.

In addition to the above, the City has received two applications to add a property on the Municipal Heritage Inventory. The two nominations relate to the proposed entry of Nos. 89 (Lot 4) and 107 (Lot 56) Carr Street, West Perth on the Municipal Heritage Inventory.

History:

Date	Comment
1 July 2007	A portion of the 'New Northbridge Precinct' was transferred to the then Town of Vincent from the City of Perth as part of a local government boundary change.
8 February 2011	The Council supported Stage 1 B Normalisation of New Northbridge. The City's Officers recommended that following the normalisation, the properties along Parry Street and Weld Square be listed on the City's Municipal Heritage Inventory and a separate report will be presented to the Council on this matter.
17 December 2011	The normalisation of the area formerly known as 'New Northbridge Precinct' was finalised.

Previous Reports to Council:

This matter was previously reported to the Council on 8 February 2011 (Item 9.1.5).

The Minutes for the above Ordinary Meeting of Council 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/Minutes_2011

DETAILS:

The City of Vincent first released its Municipal Heritage Inventory in 1995 which has since been substantially updated resulting in the creation of the current working Municipal Heritage Inventory. The Inventory includes a range of places both natural and built that have been identified as having cultural heritage significance requiring varying degrees of protection and conservation. As a working document it is important that places can be deleted, added or amended to the list when required.

The key objectives of the City's Policy No. 3.6.5 relating to Heritage Management - Amendments to the Municipal Heritage Inventory are to:

1. Provide a procedure for adding, deleting or amending entries on the City of Vincent's Municipal Heritage Inventory;
2. Ensure places are added, deleted or amended from the City of Vincent Municipal Heritage Inventory following due process; and
3. Ensure that decisions for adding, deleting or amending places on the City of Vincent's Municipal Heritage Inventory are based on consideration of the cultural heritage significance of the place.

Since the completion of the normalisation of a portion of the 'New Northbridge Precinct', the City's Heritage Officers have undertaken heritage assessments to assess the cultural heritage significance of the properties within the 'New Northbridge Precinct', as per the City's Policy No. 3.6.2 relating to Heritage Management – Assessment, to formally adopt some of the abovementioned properties onto the City of Vincent's Municipal Heritage Inventory.

A summary of the Draft Heritage Assessments and the Heritage Officers' recommendations are detailed below. Copies of each of the assessments, as well as the documentation prepared by the State Heritage Office for Nos. 89-149 Parry Street, Perth are shown in Appendices 9.1.7.

Places proposed to be added on Municipal Heritage Inventory

No. 63 (Lot 826) Parry Street, Perth

The Draft Heritage Assessment undertaken by the City's Heritage Officers dated 4 April 2013 illustrates that the subject single storey brick and iron dwelling at No. 63 Parry Street has *moderate aesthetic value* as it is a fine and representative example of a Federation bungalow style of architecture, which contributes to the character of the area. The place has *some historic value* as it reflects the expansion and development of residential buildings on the city fringes during the rapid population increase of the 1890's gold boom and the early years of the twentieth century.

In light of the above, the City's Heritage Officers recommended that No. 63 Parry Street, Perth has moderate cultural heritage value to warrant entry onto the City of Vincent's Municipal Heritage Inventory, as a Management Category B – Conservation Recommended.

Nos. 89 to 149 (Lots 808,807,806,805,804,803,802,709,708,707,706 & 705) Parry Street, Perth

The documentation prepared by the State Heritage Office dated 28 April 2006 illustrates that the Parry Street Precinct, which comprising Nos. 89 to 149 Parry Street, Perth, has cultural heritage significance for the following reasons:

- The precinct is rare as an example of a relatively intact streetscape of late nineteenth century;
- The place has significance as a cohesive streetscape of modestly and elaborately detailed residential buildings;
- The precinct forms an integrated group of single storey residential buildings, which contributes to the historic character of the area and to the community's sense of place;
- The place reflects the expansion and development of residential buildings on the city fringes during the 1890s gold boom and the early years of the twentieth century;
- The place collectively demonstrates the standard of residential accommodation built in the area during the late nineteenth and early twentieth century and the subsequent changes in ownership illustrate the social mobility of the Northbridge population; and
- The place is important for its role in providing low cost housing for residents in Northbridge.

The properties at Nos. 89 to 149 Parry Street, Perth are currently listed on the Heritage Council's State Register of Heritage Places. Given the above, it is recommended that the properties at Nos. 89-149 Parry Street Perth have exceptional cultural heritage value to warrant entry onto the City of Vincent's Municipal Heritage Inventory, as a Management Category A – Conservation Essential.

Nos. 89 (Lot 4) and 107 (Lot 56) Carr Street, West Perth

The Draft Heritage Assessment dated 27 June 2013 indicates that No. 89 Carr Street has *moderate aesthetic value* as it is a fine and representative example of a Federation Cottage, which demonstrates a high quality of architectural design and detailing that contributes to the character of the area.

The full Heritage Assessment undertaken by the City's Heritage Officers dated 15 February 2013 indicates that No. 107 Carr Street has *moderate aesthetic value* as it is a fine and representative example of a Federation Queen Anne bungalow, which demonstrates a high quality of architectural design and detailing in its front façade that contributes to the character of the area.

In light of the above, the City's Heritage Officers recommended that both Nos. 89 and 107 Carr Street, West Perth have moderate cultural heritage value to warrant entry onto the City of Vincent's Municipal Heritage Inventory, as a Management Category B – Conservation Recommended.

No. 180 (Lot 1271) Beaufort Street, Perth (known as Weld Square)

The Draft Heritage Assessment undertaken by the City's Heritage Officers dated 27 June 2013 indicates that No. 180 Beaufort Street, Perth (known as Weld Square) has *moderate historic value* as it is one of a few urban parks close to the city that originates from the late nineteenth century, using ideas from the Garden City and City Beautiful movements. The place has *moderate social value* as it was used by Noongar people as a camping ground and meeting place and continues to have great importance for Aboriginal people and local community. In addition, the place has *some aesthetic value* as its large grassed area and the mature trees are valued by the local and wider community.

In light of the above, the City's Heritage Officers recommended that Weld Square has moderate cultural heritage value to warrant entry onto the City of Vincent's Municipal Heritage Inventory, as a Management Category B – Conservation Recommended.

Places proposed not to be added on Municipal Heritage Inventory

No. 61 (Lot 827) Parry Street, Perth

It is noted that No. 61 Parry Street, Perth was proposed to be added onto the Municipal Heritage Inventory as per the Draft Heritage Assessment undertaken by the City's Heritage Officers dated 4 April 2013, which illustrates that No. 61 Parry Street has moderate cultural heritage value to warrant entry onto the City of Vincent's Municipal Heritage Inventory. However, a submission was received on 4 June 2013 during the community consultation period from the current owner of the property, who has clearly objected to the nomination to include the property at No. 61 Parry Street, Perth onto the City's Municipal Heritage Inventory, due to the continuous severe drainage problems at the subject dwelling. A detailed summary of the submission is shown in Appendix 9.1.7.

The City's Heritage Officers have considered the above comment and given that the owner has clearly objected to the nomination, it is recommended not to include No. 61 Parry Street, Perth onto the City of Vincent's Municipal Heritage Inventory.

No. 65 (Lot 825) Parry Street, Perth

The Draft Heritage Assessment undertaken by the City's Heritage Officers dated 28 March 2013 illustrates that No. ~~64~~ 65 Parry Street does not meet the threshold for entry on the City's Municipal Heritage Inventory. This is largely based on the fact that various alterations and additions have been undertaken to the dwelling since the time of its construction which has served to diminish the authenticity of the place. As such, the Heritage Assessment of No. 65 Parry Street has not been included in the Community Consultation.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
--------------------------	----	-------------------------------------	-----

Consultation Type:	<ul style="list-style-type: none"> • Written notification to owner(s) and occupier(s) of adjacent affected properties as determined by the City of Vincent and to the Western Australian Planning Commission, State Heritage Office and National Trust of Australia (WA); • Advertisement in local newspaper; • Council member notification; • Community Precinct Group notification; • Notice on the City's website; and Copies displayed at City of Vincent Administration and Civic Centre and Library. • Circulated to Local History and Heritage Advisory Group
Comments Period:	28 days – Tuesday 7 May 2013 to Tuesday 4 June 2013

Submissions Received

A total of four (4) submissions were received during the consultation period with a breakdown of the submissions below. A detailed summary of the submission is shown in Appendix 9.1.7.

Government Authority Submissions

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

Community Submissions

Position	Number Received	Percentage
Support	-	-
Object	1	33.33%
Not Stated	2	66.66%
Total	3	100%

Total Submissions Received

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

LEGAL/POLICY:

- Town Planning Scheme No. 1;
- Policy No. 3.6.2 Heritage Management – Assessment;
- Policy No. 3.6.5 Heritage Management – Amendments to the City's Municipal Heritage Inventory (MHI).

RISK MANAGEMENT IMPLICATIONS:

Medium: It is important that the Council authorises the entry of the above sixteen (16) properties onto the City's Municipal Heritage Inventory to ensure that the key objectives of the City's Policy No. 3.6.5 relating to Heritage Management - Amendments to the Municipal Heritage Inventory are to be achieved.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Natural and Built Environment"

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

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

SUSTAINABILITY IMPLICATIONS:

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

"1.2 The Environmental Sustainability Context"

1.2.2 *Support for communities as they adjust to a changing climate and better manage areas of conservation or heritage importance."*

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

ENVIRONMENTAL	
Issue	Comment
The retention of heritage buildings that are capable of reasonable adaptation and re-use can have a significant impact on reducing demolition waste.	

SOCIAL	
Issue	Comment
The City's residents will have a strong sense of belonging and will value Vincent as a unique place to live and work because of its unique cultural heritage.	

ECONOMIC	
Issue	Comment
By promoting and facilitating the continuing use of heritage assets, the City's heritage can be retained to contribute to rich variety of 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:

In light of the above, it is recommended that the Council receives and supports the proposed amendments to the City's Municipal Heritage Inventory, in line with the Officer Recommendation.

9.1.8 LATE ITEM: Community Engagement Process relating to the Amendments to the Residential Design Codes for Areas Zoned Residential R80

Ward:	Both	Date:	19 July 2013
Precinct:	Cleaver Precinct; Hyde Park Precinct; Forrest Precinct;	File Ref:	PLA0110
Attachments:	001 – Maps illustrating the affected properties		
Tabled Items:	Nil		
Reporting Officer:	D Mrdja, Manager Strategic Planning, Sustainability and Heritage Services		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

- AUTHORISES** the Chief Executive Officer to engage and consult with the community regarding amendments to the Residential Design Codes for areas zoned Residential R80 with a land area of between 240 square metres and 359 square metres located within the Cleaver, Hyde Park and Forrest Precincts (as indicated on the attached plans); and
- RECEIVES** a progress report at the conclusion of the community engagement process.

Moved Cr Maier, Seconded Cr Pintabona

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

“That the Council;

- AUTHORISES** the Chief Executive Officer, in consultation with the Mayor, to call a forum for affected residents and property owners on Saturday 3 August 2013 to consider the impact of the amendments to the R Codes in respect to the minimum lot size in R80 zones and to consider possible consequences and responses to these changes;
- AUTHORISES** the Chief Executive Officer, in consultation with the Mayor, to seek public submissions on these changes; and
- To report back to Council at the conclusion of the community engagement process.”

Debate ensued.

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

(Cr Buckels was on approved leave of absence.)

COUNCIL DECISION ITEM 9.1.8

That the Council;

1. **AUTHORISES the Chief Executive Officer, in consultation with the Mayor, to call a forum for affected residents and property owners on Saturday 3 August 2013 to consider the impact of the amendments to the R Codes in respect to the minimum lot size in R80 zones and to consider possible consequences and responses to these changes;**
2. **AUTHORISES the Chief Executive Officer, in consultation with the Mayor, to seek public submissions on these changes; and**
3. **To report back to Council at the conclusion of the community engagement process.**

PURPOSE OF REPORT:

The purpose of the report is to obtain the Council's approval and support to begin a community consultation and engagement process relating to the amendments to the R Codes that effect the R80 zoned areas within the Cleaver, Hyde Park and Forrest Precincts.

BACKGROUND:

State Planning Policy No. 3.1, otherwise known as the Residential Design Codes of Western Australia (R Codes) provides a comprehensive framework guiding the design of residential development. The Western Australian Planning Commission have reviewed the R Codes and made various amendments to the document. One of the major amendments that is considered to significantly impact the character of some areas within the City, is the introduction of average and minimum site area requirements for Residential R80 zoned areas within the City.

Currently for all areas zoned R80, the R60 requirements are to apply. Therefore the average site area is 180 square metres and the minimum site area is 160 square metres. These requirements allow subdivision to occur with at least 360 square metres. The introduction of R80 requirements for grouped dwellings, reduces the average site area to 120 square metres and the minimum site area to 100 square metres. Therefore as of 2 August 2013 when then 2013 R Codes are to be gazetted, lots zoned R80 with at least 240 square metres are able to subdivide.

History:

Date	Comment
2 June 2013	The WAPC release the 2013 Residential Design Codes and advise that this will be gazetted on 2 August 2013.
9 July 2013	The Council at its Ordinary Meeting resolved to considered a report on the review of several planning and building policies to align with the 2013 R Codes.

Previous Reports to Council:

There are no previous reports to Council which directly relate to this matter.

DETAILS:

Out of 15 precincts within the City of Vincent, there are five precincts that contain R80 zoned lots. The table below shows a breakdown of each Precinct and how many lots within each Precinct that are sized between 240 square metres and 359 square metres (lots that currently are not able to subdivide, but will be able to as of 2 August 2013).

Precinct	Number of Lots between 240sqm and 359sqm
Mount Hawthorn	0 lots
Leederville	12 lots
Cleaver	55 lots
Hyde Park	371 lots
Forrest	73 lots
Total	578 lots

A map illustrating the properties affected is shown in Appendix 9.1.8 of this report.

The City's Officers have concerns that there are some concentrated areas of affected lots in the Cleaver, Hyde Park and Forrest Precincts, that also may cause concerns with the Community, as there is greater potential for demolition of existing character single houses, in order to build two grouped dwellings. It is therefore proposed that the Council authorise the City's Officer to begin a community consultation and engagement process in order to educate the community of the changes to the R Codes so that the City can respond accordingly to the potential impact on these areas.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	No
--------------------------	----	-------------------------------------	----

LEGAL/POLICY:

Residential Design Codes 2013.

RISK MANAGEMENT IMPLICATIONS:

High: It is considered that the amendments to the R Codes in relation to the introduction of average and minimum site area provisions for areas zoned R80 is a high risk to the community as, as of 2 August 2013, there will be an additional 578 lots that will be able to be subdivided, where currently they cannot. These lots are located in areas where it is considered to have high levels of character and streetscape value and these provisions may cause great concern for the community.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"1. *Natural and Built Environment*

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

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

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 Officers are concerned that the introduction of the R80 requirements for average and minimum site area may be also be a concern for the community. It is therefore proposed that the Council authorise the City's Officer to begin a community consultation and engagement process in order to educate the community of the changes to the R Codes so that the City can respond accordingly to the potential impact on these areas.

9.4.1 Percent for Art – Artwork to be placed on Council Reserve, Corner Albert and Angove Streets, North Perth

Ward:	North	Date:	12 July 2013
Precinct:	North Perth Centre (9)	File Ref:	PRO3901
Attachments:	001 – Proposed Artwork Designs – Designs A, B and C 002 – Location Site for the Proposed Artwork 003 – Examples of Robin Yakinthou Sculptural Artworks		
Tabled Items:	Nil		
Reporting Officers:	L Devereux, Community Development Officer J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

CORRECTED OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the report recommending the proposed artwork, “The Guiding Light”, by artist Robin Yakinthou to be placed on the Council reserve area on the corner of Angove and Albert Streets, North Perth; and

“2. REQUESTS the Chief Executive Officer to:

2.1 Advertise the proposal to install the artwork referred to in Clause 1 (Design C) for a period of twenty-one (21) days in accordance with Clause 2.7 of Policy 3.5.13 – Percent for Public Art; and

2.2 Report back to the Council with any public submissions received.”

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 Topelberg

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr McGrath

“That a new Clause 3 be inserted as follows:

“3. REQUESTS that a scaled drawing of the artwork in the context of the streetscape be submitted to the Council, prior to the commencement of the Public Consultation.”

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was on approved leave of absence.)

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

(Cr Buckels was on approved leave of absence.)

COUNCIL DECISION ITEM 9.4.1

That the Council;

1. **RECEIVES** the report recommending the proposed artwork, “The Guiding Light”, by artist Robin Yakinthou to be placed on the Council reserve area on the corner of Angove and Albert Streets, North Perth;
2. **REQUESTS** the Chief Executive Officer to:
 - 2.1 **Advertise** the proposal to install the artwork referred to in Clause 1 (Design C) for a period of twenty-one (21) days in accordance with Clause 2.7 of Policy 3.5.13 – Percent for Public Art;
 - 2.2 **Report back to the Council with any public submissions received; and**
3. **REQUESTS** that a scaled drawing of the artwork in the context of the streetscape be submitted to the Council, prior to the commencement of the Public Consultation.

PURPOSE OF REPORT:

To provide details relating to the placement of the Percent for Artwork design for the property development of Beersheba Investments Pty Ltd and to seek approval from the Council to place the sculpture on the Reserve outside the proposed development at No. 1 Albert Street, North Perth (corner of Angove Street).

BACKGROUND:

The Council at its Ordinary Meeting held on 14 February 2012, approved an application for the proposed demolition of an existing single house and construction of a four-storey plus basement mixed use development, consisting of offices and eleven multiple dwellings, subject to several conditions, including the following:

“3. *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:

- 3.1 *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 \$50,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development \$5,000,000); and*

- 3.2 *in conjunction with the above chosen option;*

- 3.2.1 *Option 1 –*

prior to the approval and subsequent issue of a Building Licence 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

3.2.2 *Option 2 –*

prior to the approval and subsequent issue of a Building Licence 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;”

In accordance with the above condition, the applicant has chosen Option 1 and, therefore, has elected to obtain approval from the City for an Artist to undertake a Public Art Project.

DETAILS:

On 15 May 2013, the City’s Officers met with Greg Brennan, Director of Beersheba Investments Pty Ltd and Robin Yakinthou, artist to discuss the proposed artwork to be located at the front of the property on Council land. Although Mr Brennan chose to take Option One in the Percent for Art Scheme, whereby he selects and manages the artist and artwork process, he has requested to place the artwork on Council land. The proposed building has full glass frontage and has no capacity on the exterior building or in the foyer to showcase a public artwork.

The development site is located next door to the North Perth Primary School and was formerly the “old teachers’ quarters”. The proposed artwork is a stainless steel reading lamp measuring in excess of three (3) metres in height and is currently titled “The Guiding Light” due to its association with education. It will be erected on public land directly in front of the boundary shared by the school and the development site. The sculpture hopes to capture the imagination of School children and residents alike. It will be a contemporary and original art piece ideally located close to the footpath making it accessible and interactive to the public.

The artist Robin Yakinthou, is an acclaimed sculptor who has exhibited annually at Sculpture by the Sea in Cottesloe. Mr. Yakinthou is local and predominantly produces commissioned work.

Mr. Yakinthou has produced (3) three designs of a reading lamp; Designs A & B are contemporary pieces; and Design C is consistent with an old style desk lamp. Mr. Brennan, the developer, would prefer to have Design C accepted by the Council. The three designs comply with the guidelines outlined in the Percent for Art Policy.

CONSULTATION/ADVERTISING:

The proposed artwork location has been discussed with the City’s Asset and Design Services and is deemed to have no safety issues regarding interference to traffic or injury to pedestrians.

LEGAL/POLICY:

The artwork has been commissioned in accordance with the City of Vincent Percent for Artwork Policy No. 3.5.13.

RISK MANAGEMENT IMPLICATIONS:

Low: A “dial before you dig” report has been received and indicates there are no adverse infrastructure issues with placing the artwork on the proposed site.

STRATEGIC IMPLICATIONS:

This is in keeping with the following Objectives of the City’s *Strategic Plan – Plan for the Future 2011-2016*, where the following Objective states:

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

SUSTAINABILITY IMPLICATIONS:

The artwork is to be made in stainless steel, a material noted for its durability.

FINANCIAL/BUDGET IMPLICATIONS:

The sculpture is priced at \$63,000 including the cost of site preparation and installation. The Artist is responsible for installing the artwork.

There will be a maintenance schedule provided to ensure the continuing integrity of the artwork.

COMMENTS:

The proposed sculpture is to be produced by an acclaimed artist, and aims to capture the imagination of school children and residents alike. It will be a contemporary and original art piece ideally located close to the footpath making it accessible and interactive to the public. The recommended location provides an appropriate setting for the sculpture offering excellent public access not only to pedestrians but also from those viewing the work from the road.

9.1.9 LATE ITEM: No. 172 (Lot 510; D/P: 52158) Newcastle Street, Perth – Proposed Rooftop Garden Addition and Associated Access

Ward:	South	Date:	18 July 2013
Precinct:	Metropolitan Redevelopment Authority(MRA)-Lindsay Street Precinct of the New Northbridge Project Area	File Ref:	PRO0185
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicant Justification		
Tabled Items:	Nil		
Reporting Officer:	R Narroo, Acting Co-ordinator Statutory Planning		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

OFFICER RECOMMENDATION:

That the Council **ADVISES** the Metropolitan Redevelopment Authority (MRA) that it **SUPPORTS IN PRINCIPLE** the Proposed Rooftop Garden Addition and Associated Access at No. 172 (Lot 510; D/P 52158) Newcastle Street, Perth and as shown on plans stamp dated 19 June 2013, subject to the following conditions:

1. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Newcastle Street and Washing Lane; and
2. **PRIOR TO THE ISSUE OF A BUILDING PERMIT:**
 - 2.1 a Sound Attenuation report is to be submitted to the satisfaction of Metropolitan Redevelopment Authority. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development; and
 - 2.2 the applicant shall demonstrate that the proposal achieves the Green Star Rating as specified by the Metropolitan Redevelopment Authority.

COUNCIL DECISION ITEM 9.1.9

Moved Cr Maier, Seconded Cr Topelberg

That the recommendation be adopted.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was on approved leave of absence.)

PURPOSE OF REPORT:

The subject site is zoned under the Metropolitan Redevelopment Authority (MRA) Scheme and is therefore determined by the MRA. Development Applications received in this area are referred to the City for their consideration and comments.

The purpose of this report is to advise Council of the subject development application and to subsequently provide comment to the MRA on the merits of the proposal.

BACKGROUND:

History:

Date	Comment
16 December 2009	The Metropolitan Redevelopment Authority (MRA) granted conditional approval to undertake development of a three storey hotel addition with an undercroft to the rear of a single storey heritage building.

DETAILS:

Landowner:	Anthony Casella
Applicant:	Planning Solutions Pty Ltd
Zoning:	MRA Central Perth Redevelopment Scheme
Existing Land Use:	Hotel under construction and Single House
Use Class:	Hotel
Use Classification:	MRA Central Perth Redevelopment Scheme
Lot Area:	427 square metres
Right of Way:	Not applicable

The subject site was granted approval to undertake development of a three storey hotel addition with an undercroft to the rear of a single storey heritage building by the East Perth Redevelopment Authority in December 2009.

On 19 April 2013 the Metropolitan Redevelopment Authority refused an application for a rooftop bar on the subject site. This application has subsequently been lodged for a roof top garden addition to the existing hotel. The proposed garden is to be located on the concrete roof of the hotel and will be for the exclusive use of the hotel guests.

The applicant's report on the proposal is as per Attachment 002.

ASSESSMENT:

The application is assessed and determined by MRA under the Central Perth Redevelopment Scheme. The City is required to provide its recommendation on the proposal to MRA by 5 August 2013.

CONSULTATION/ADVERTISING:

Required by legislation:	N/A	Required by City of Vincent Policy:	N/A
Consultation Period:	N/A		
Comments received:	N/A		

Given it is an MRA application, separate consultation was not required to be undertaken by the City.

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

Central Perth Redevelopment Scheme.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Not applicable.

SUSTAINABILITY IMPLICATIONS:

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

ENVIRONMENTAL	
Issue	Comment
The roof top has been designed for a four star Green Star Rating.	

SOCIAL	
Issue	Comment
The roof top will provide a communal meeting area for the residents of the hotel.	

ECONOMIC	
Issue	Comment
The proposal will provide short term employment opportunities.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS & CONCLUSION:

Building Services

A Building Permit is required for the additions/alterations to development of a Class 6 Building to standard BCA requirements. Private certification will be required in this instance.

Technical Services

No comments.

Health Services

No comments.

Heritage Services

The subject place is listed on the MRA Heritage List. It is understood that MRA will ensure that the subject application complies with MRA's heritage management policy. As such there are no further comments.

Planning Services

Given the roof garden is setback 14.4 metres from Newcastle Street, it will not have an undue impact on the streetscape in terms of bulk. It is considered that the roof garden appearance will enhance the streetscape and will provide passive surveillance to the street. The applicant has also confirmed that the proposal will comply with a four star Green Star Rating. Noise from the roof top may be an issue to the adjoining properties; however, it can be addressed by a sound attenuation report being conditioned and its recommendation being acted upon.

The site is located along Newcastle Street where high rise buildings are encouraged. At the corner of William Street and Newcastle Street, not far from the subject site, there is a mixed use development of six storeys under construction. The subject site is surrounded by three storey buildings and therefore it is considered that the roof top will not be out of context with the existing heights along this portion of Newcastle Street.

In light of the above, it is recommended that the Council supports in principle the development application for the roof garden.

9.4.2 Street Prostitution in Highgate Area – Final Progress Report No. 4

Ward:	South	Date:	12 July 2013
Precinct:	Highgate	File Ref:	TES0175
Attachments:	001 – WA Police statistics for the duration of Operation Proposal		
Tabled Items:	Nil		
Reporting Officer:	M Wood, A/Manager Ranger and Community Safety Services		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** the Final Progress Report No. 4 as at 7 July 2013 concerning action taken to combat street prostitution in the Highgate area.

COUNCIL DECISION ITEM 9.4.2

Moved Cr Topelberg, Seconded Cr Harley

That the recommendation be adopted.

Debate ensued.

Cr McGrath departed the Chamber at 7.10pm.

Debate ensued.

Cr McGrath returned to the Chamber at 7.11pm.

Debate ensued.

AMENDMENT

Moved Cr Topelberg, Seconded Cr Maier

“That a new Clause 2 be inserted to read as follows:

2. **REVIEWED** at the first Ordinary Meeting of Council to be held in 2014.”

The Chief Executive Officer advised the meeting that a Rescission Motion is required to change the previous Council Decision.

The Mover, Cr Topelberg stated that *he* wished to *withdraw his* amendment and the Seconder, Cr Maier agreed. Cr Topelberg withdrew his amendment.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of the report is to update the Council on all subsequent proactive measures undertaken by Council Members and Council Officers, in conjunction with WA Police, to respond and minimise the impact of street prostitution issues on Stirling Street.

BACKGROUND:

At the Ordinary Meeting of Council held on 14 May 2013 at Item 9.4.8, the Council resolved as follows:

"That the Council;

1. *RECEIVES the Progress Report No. 3 as at 5 May 2013 concerning action taken to combat street prostitution in the Highgate area;*
2. *AUTHORISES the Chief Executive Officer to continue implementation of the surveillance programme of placing Ranger/Security Officers in Stirling Street, Highgate and surrounding area beyond 13 May 2013 for a further period of one (1) month at an estimated cost of approximately \$12,540; and*
3. *NOTES that a report will be provided to the Council at the conclusion of the programme."*

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."*

DETAILS:

The City of Vincent, following the Council decision on 26 March 2013, commenced the implementation of proactive Ranger patrols working in close liaison with WA Police in an effort to address significant community concerns regarding street prostitution and kerb crawling activities in predominantly the Highgate area.

The City of Vincent and WA Police combined actions have continued as follows:

1. WA Police Statistics and Actions

WA Police statistics collated for the duration of Operation Proposal have been provided as shown in Appendix 9.4.2.

The WA Police presence has continued to have an effect on all activity in the area in regards to Street Prostitution.

WA Police have advised that:

- Interaction between City of Vincent Rangers and WA Police has provided positive results;
- Community and resident feedback and interaction continues to be positive; and
- Several residents continue to provide relevant feedback and information.

Inquiries continue in regard to proceeding by way of restraining Orders against Street Prostitutes under the Prostitution Act.

2. City of Vincent Rangers Actions

Ranger security patrols ceased on Sunday 16 June 2013. City of Vincent Rangers continues to keep a high profile daily presence in the area in the course of their general duties and report any suspicious activities to WA Police.

Collation of data for the duration of Ranger Patrols from 11 April 2013 to 16 June 2013 include;

Activity	Statistics
Patrol Hours	186 hours
Staggered Work Times (average times)	15:00 to 24:00 hours
Stirling Street	50 hours
Pier Street	12 hours
Wright Street	3 hours
Lincoln Street	5 hours
Smith Street	58 hours
Bulwer Street	4 hours
Other	109 hours
Calls Received on Dedicated Mobile	26
Referrals to WA Police	45
Registration Details Taken	141

3. Name and Shame

The publication of details of those convicted of seeking a prostitute in a public place serves as a deterrent to those contemplating seeking street prostitutes in the City of Vincent.

At the Ordinary Meeting of Council held on 11 June 2013, the Council approved a Notice of Motion to publish on its website only the names of persons convicted under section 5(1) of the Prostitution Act 2000, of 'seeking the services of a prostitute in a public place'. Information will remain on the City's website for a period of six months from the date of conviction.

To date, six (6) convictions along with person's names have been included on the City's website. Names of persons convicted of seeking the services of a prostitute in a public place will continue to be noted and the website updated upon further convictions taking place. This is being monitored closely through the Perth Magistrate Court by City Officers. The publishing of names will be subject to further review, which will be carried out in twelve (12) months.

CONSULTATION/ADVERTISING:

There is no requirement or need for advertising or consultation for decisions based in this report.

LEGAL/POLICY:

'Name and Shame' aspects have already been considered by the City's Lawyers with no further legal implications associated with this report.

STRATEGIC IMPLICATIONS:

This aligns with the City of Vincent *Strategic Plan 2011 – 2016*, where Objective 3.1.2 states:

"Promote and Foster Community Safety and Security".

RISK MANAGEMENT IMPLICATIONS:

It is important that the Council continue to maintain a complementary and partnership approach to ensure that the most effective response to prostitution concerns is maintained. There is a risk, due to the emotive nature and depth of street prostitution concerns in the local community that such issues could result in negative perceptions of community safety that is contrary to actual incidence of alleged offences.

A more accurate picture of street prostitution will be obtained by continuing to encourage residents to report all occurrences they observe to WA Police and subsequent analysis of WA Police statistics on related charged offences.

SUSTAINABILITY IMPLICATIONS:

As WA Police cannot attend on all occasions to concerns raised with prostitution offences, a continued partnership and 'whole of agency' approach, working closely in conjunction with WA Police and other Government Agencies and encouraging the proactiveness of the local community to report all anti-social and criminal behaviour offences, is the most sustainable approach.

FINANCIAL/BUDGET IMPLICATIONS:

The cost of the City's operations including staffing and equipment of capital expenditure was approximately \$29,640.

COMMENTS:

This report outlines the proactive actions of the City of Vincent Rangers and WA Police undertaken in response to community concerns raised in Stirling Street, Highgate. The Ranger patrols in Highgate as evidenced, have provided tangible results and the City has subsequently received positive feedback from WA Police and the community at large.

These operations are costly with implications on sustainability from a City of Vincent and local government perspective. There are further complex underlining social issues to reasons why women are conducting street work and why men seek services of street prostitutes, which have been outside the scope of this program. This report is recommended for approval.

10.2 NOTICE OF MOTION: Cr Dudley Maier Rescission Motion to Change Part of the Council decision concerning Beatty Park Leisure Centre, Landscape Plan

That the Council;

1. NOTES that at the Ordinary Meeting of Council held on 12 March 2013 (Item 9.3.1) in Clause 2.2 it resolved (in part);

"That the Council;

2. **APPROVES the Beatty Park Leisure Centre and Carpark Landscape Plan, as shown in Plan No. 2620-SO-01L (as amended), subject to;**
 - 2.2. *Five (5) London Plane Trees to be planted, three (3) to be planted along Farr Avenue and two (2) on the right hand side (on Beatty Park Reserve); 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 Maier, Wilcox and McGrath, being one third of the number of offices of members of the Council, SUPPORT this motion to change the Council decision;
3. Councillor Dudley Maier MOVES a motion to CHANGE the decision by amending clause 2.2 (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 be amended to; and
 - 4.1 Five (5) Tuart Trees to be planted, three (3) to be planted along Farr Avenue and two (2) on the right hand side (on Beatty Park Reserve).

Moved Cr Maier, Seconded Cr Topelberg

That the motion be adopted subject to changing Clause 4 to read as follows:

- "4.1 The Council APPROVES IN PRINCIPLE Five (5) Tuart Trees to be planted, three (3) to be planted along Farr Avenue and two (2) on the right hand side (on Beatty Park Reserve), and consults with the affected residents prior to the planting of the trees.**

Debate ensued.

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

(Cr Buckels was on approved leave of absence.)

COUNCIL DECISION ITEM 10.2

That the Council;

1. **NOTES** that at the Ordinary Meeting of Council held on 12 March 2013 (Item 9.3.1) in Clause 2.2 it resolved (in part);

"That the Council;

2. **APPROVES** the Beatty Park Leisure Centre and Carpark Landscape Plan, as shown in Plan No. 2620-SO-01L (as amended), subject to;
 - 2.2. *Five (5) London Plane Trees to be planted, three (3) to be planted along Farr Avenue and two (2) on the right hand side (on Beatty Park Reserve); 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 Maier, Wilcox and McGrath, being one third of the number of offices of members of the Council, **SUPPORT** this motion to change the Council decision;
3. Councillor Dudley Maier **MOVES** a motion to **CHANGE** the decision by amending clause 2.2 (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 be amended to read as follows;
 - "4.1 The Council **APPROVES IN PRINCIPLE** Five (5) Tuart Trees to be planted, three (3) to be planted along Farr Avenue and two (2) on the right hand side (on Beatty Park Reserve), and consults with the effected residents prior to the planting of the trees."

NOTE:

The Council considered it appropriate to consult with all affected residents in Farr Avenue prior to the planting of the trees.

10.1 NOTICE OF MOTION: Cr John Carey and Cr Joshua Topelberg Request to Establish a Community Consultation and Engagement Review Working Group

That the Council;

1. ESTABLISHES a Community Consultation and Engagement Review Working Group comprising of;
 - 1.1 Mayor (or nominee);
 - 1.2 Two (2) Council Members;
 - 1.3 Chief Executive Officer;
 - 1.4 Director Planning Services, Director of Community Services and Director Technical Services (or nominees);
 - 1.5 Marketing & Communications Officer; and
2. APPROVES the role of the Working Group to include:
 - 2.1 Review of the current City of Vincent Community Consultation Policy;
 - 2.2 Development of a Community Consultation Guide for developers and change of use applicants to encourage community engagement best practice;
 - 2.3 Making any other recommendations to the Council in regards to this policy matter as required; and
3. PROVIDE recommendations to the Council no later than November 2013;
4. REVIEWS the role of the Working Group in February 2014; and
5. NOTES that significant consultation undertaken by the City may be utilised as case studies/working examples by the Working Group.

Moved Cr Carey, Seconded Cr Topelberg

That the motion be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Maier, Seconded Cr Pintabona

That Standing Orders be suspended to enable Cr Carey to clarify the questions.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was on approved leave of absence.)

Debate ensued.

PROCEDURAL MOTION

Moved Cr Maier, Seconded Cr Pintabona

That Standing Orders be resumed.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was on approved leave of absence.)

AMENDMENT

Moved Cr Carey, Seconded Cr McGrath

“That Clause 4 be amended to read as follows:

4. **REVIEWS the role of the Working Group and will report in February April 2014 on the impact of the recommendations; and**

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was on approved leave of absence.)

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

(Cr Buckels was on approved leave of absence.)

COUNCIL DECISION ITEM 10.1

That the Council;

1. **ESTABLISHES a Community Consultation and Engagement Review Working Group comprising of;**
 - 1.1 **Mayor (or nominee);**
 - 1.2 **Two (2) Council Members – Cr Carey and Cr Topelberg;**
 - 1.3 **Chief Executive Officer;**
 - 1.4 **Director Planning Services, Director of Community Services and Director Technical Services (or nominees);**
 - 1.5 **Marketing & Communications Officer; and**
 2. **APPROVES the role of the Working Group to include:**
 - 2.1 **Review of the current City of Vincent Community Consultation Policy;**
 - 2.2 **Development of a Community Consultation Guide for developers and change of use applicants to encourage community engagement best practice;**
 - 2.3 **Making any other recommendations to the Council in regards to this policy matter as required; and**
 3. **PROVIDE recommendations to the Council no later than November 2013;**
 4. **REVIEWS the role of the Working Group and will report in April 2014 on the impact of the recommendations; and**
 5. **NOTES that significant consultation undertaken by the City may be utilised as case studies/working examples by the Working Group.**
-

**9.1.3 Way Finding Strategy Implementation – Progress Report No. 2
(Pedestrian Way Finding Totem Signs)**

Ward:	All	Date:	12 July 2013
Precinct:	Both	File Ref:	PLA0084
Attachments:	001 – Proposed Locations of Signs 002 – Proposed Places of Interest for Each Sign 003 – Proposed Indicative Design for Each Sign		
Tabled Items:	Nil		
Reporting Officer:	A Fox, Planning Officer (Strategic)		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

OFFICER RECOMMENDATION:

That the Council APPROVES the;

1. Proposed location of the eight (8) Pedestrian Way Finding Totem Signs within the City’s Town Centres of Leederville, North Perth, Mount Lawley, Mount Hawthorn and Perth, as shown in Appendix 001;
2. Proposed places of interest to be included in the eight (8) Pedestrian Way Finding Totem Signs within the City’s Town Centres of Leederville, North Perth, Mount Lawley, Mount Hawthorn and Perth, as shown in Appendix 002; and
3. Indicative graphic layout of Leederville 1 Pedestrian Way Finding Totem Sign, as shown in Appendix 003.

Moved Cr Maier, Seconded Cr Topelberg

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

“That the Council;

1. APPROVES the:
 - 1.1 Proposed location of the eight (8) Pedestrian Way Finding Totem Signs within the City’s Town Centres of Leederville, North Perth, Mount Lawley, Mount Hawthorn and Perth, as shown in Appendix 001;
 - 1.2 Proposed places of interest to be included in the eight (8) Pedestrian Way Finding Totem Signs within the City’s Town Centres of Leederville, North Perth, Mount Lawley, Mount Hawthorn and Perth, as shown in Appendix 002; and
 - 1.3 Indicative graphic layout of Leederville 1 Pedestrian Way Finding Totem Sign, as shown in Appendix 003;
2. AUTHORISES the Chief Executive Officer to inform the landowners and local businesses directly adjacent to the proposed Pedestrian Way Finding Totem Signs and business groups in each Town Centre area, of the City’s intention to install the Pedestrian Way Finding Totem Signs and seeks their comments prior to the final designs being approved; and
3. NOTES that the:
 - 3.1 graphic designs will be presented to a Council Member Forum prior to the final design being approved; and
 - 3.2 quote from National Corporate Imaging, for the manufacture and installation of the signage provides best value for money.”

Debate ensued.

Cr Carey departed the Chamber at 7.41pm.

Debate ensued.

Cr Carey returned to the Chamber at 7.43pm.

PROCEDURAL MOTION

Moved Cr Topelberg, **Seconded** Cr Carey

That the item be DEFERRED to enable Council Members to submit their comments.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with the following information for Council to consider and endorse:

- The proposed location of the eight (8) Pedestrian Way Finding Totem Signs;
- The proposed places of interest to be included on each of the eight (8) Pedestrian Way Finding Totem Signs; and
- The indicative graphic layout of the Leederville 1 Pedestrian Way Finding Totem Signs.

BACKGROUND:

At the Ordinary Meeting of Council held on 23 October 2012, the Council considered the City's Way Finding Strategy Implementation Plan and resolved in part as follows:

"That the Council;

- ...4. RECEIVES a report on the design, content and number of Way Finding Totem's and to report back to the Council and discussions to be held with the City of Perth to use a similar design format."*

History:

Date	Comment
9 March 2010	The Council at its Ordinary Meeting adopted the City's Car Parking Strategy and associated Precinct Parking Management Plans. More specifically Recommendation 12 of the Car Parking Strategy noted as follows:
	<i>"The Town develops a way finding and parking signage package which brands the Town of Vincent and assists drivers to:</i> <ul style="list-style-type: none">• <i>know where to look for parking and way finding signage when they need it;</i>• <i>understand the way the information is communicated; and</i>• <i>obtain the information quickly and without fuss.</i> <i>The system should be applied across the entire Town equally to council and privately owned public car parking areas."</i>

Date	Comment
10 July 2012	The Council at its Ordinary Meeting adopted the final version of the Way Finding Strategy. The Council also resolved that the City's Administration prepare a Way Finding Signage Strategy Implementation Plan to provide greater guidance in the implementation of the recommendations from the Strategy, and report this to the Council by October 2012. The Council also resolved for \$14,000 to be set aside from the Parking Reserve Fund to install part of the Way Finding Signage in the 2012/2013 financial year.
23 October 2012	The Council endorsed the City's Way Finding Signage Strategy Implementation Plan as a guiding document for the City's Administration to implement the recommendations of the Strategy that was endorsed by the Council on 12 July 2012. The Council also requested that a Progress Report be submitted to the Council by March 2013 on the degree to which the implementation can be accelerated.
February 2013	Way Finding Signage completed installation in Leederville, with the exception of the Pedestrian Signage.
26 March 2013	The Council endorsed the amended version of the City's Way Finding Strategy Implementation Plan, and for a total of \$95,000 to be included in the draft 2013/2014 Budget to implement the Way Finding Signage Strategy Implementation Plan. The Council requested that a report be presented with more detail on the Pedestrian Way Finding Totem Signs, prior to proceeding to design and manufacture.

Previous Reports to Council:

The matter was previously reported to the Council at its Ordinary Meeting on 26 March 2013, as Item No. 9.1.16. A copy of the minutes can be downloaded from the following link from the City's website: http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes

DETAILS:

Proposed Locations

Following a series of site visits and a further review of the locations that were proposed by the consultants in the Way Finding Signage Strategy, the City's Officers recommend that the Pedestrian Way Finding Totem Signs be positioned in the locations shown in Attachment 001. These locations have been chosen as they are considered to be the most widely accessible and functional pedestrian locations within each town centre.

Leederville

Sign One: Proposed to be located on the footpath of the western side of Oxford Street, 5 metres from the spiral Leederville Station footbridge entrance.

Sign Two: Proposed to be located on the south/west corner of the intersection of Oxford Street and Vincent Street outside the front of the Bank West building.

Mount Hawthorn

Sign One: Proposed to be located on the south side of Scarborough Beach Road on corner of Coogee Street, outside the IGA.

Sign Two: Proposed to be located on the north side of Scarborough Beach Road, next to bus stop on intersection of Fairfield Street. This is the location as per MHT-2 of the Way Finding Signage Strategy.

Mount Lawley

Sign One: Proposed to be located on the west side of Beaufort Street outside of IGA and next to the bus stop. This is the location as per MLT-1 of the Way Finding Signage Strategy.

North Perth

Sign One: Proposed to be located on the west side of Fitzgerald Street outside North Perth Plaza, near to the seats and the bus stop.

Sign Two: Proposed to be located on the south corner of Angove Street and Woodville Street, next to seats and bin and outside the old physio building.

Perth

Sign One: Proposed to be located on the east side of William Street next to bus stop. This is the location as per the consultants proposed PET—1 of the Way Finding Signage Strategy.

Proposed Places of Interest

A list of proposed places of interest for each Town Centre has been compiled for inclusion on the pedestrian way finding signs as shown in Attachment 002. This table indicates the places of interest to be included on each sign, including the walking distance and the approximate walking time taken to reach the place of interest.

Note that the walking distance is accurate to within 5 metres and indicates the distance via the most direct walkable route. Also note that the approximate walkable time assumes a walking speed of 10 minutes per 800m, which is a fairly standard TOD measure.

Indicative Design

An indicative design as shown in Attachment 003 has been prepared to provide a suggestion of the graphic layout and colour theme of the signs. The design has been based on City of Perth pedestrian totem signs.

The way finding signs will be designed to have a distinct visual appearance that will heighten the City's identity and allow users to quickly and easily find the way finding elements. This will help to make way finding information more identifiable across the City, and facilitate map updating and reproduction. Graphic design standards including fonts, colours, and pictographs will be standardised for way finding elements and will consider legibility for the majority of the population.

Two colour options have been prepared based on the preferred colour palette; one with the hood in 'Vincent maroon' and the other in 'Vincent heritage green', both having a 'Vincent black' background with white text for ease of reading. The use of the Vincent maroon or green colours are considered to provide a more 'corporate/formal' image, are widely recognised as identifying the City of Vincent and are consistent with the Vincent logo colours.

The indicative design indicates a general outline of the type of information to be included on each panel including places of interest, walking distances and times, symbols, maps and a history panel.

It is recommended that the Council endorse the indicative design of the signs in order to provide guidance for the final design and layout of the signs. It is noted that these designs are indicative only and that it is recommended that the City engage a graphic designer to prepare and design the eight (8) totem signs based on the above suggestions. The graphic designs will be presented to a Council Members Forum for final endorsement prior to manufacture and installation of the signs.

CONSULTATION/ADVERTISING

Required by legislation:	No	Required by City of Vincent Policy:	No
--------------------------	----	-------------------------------------	----

Prior to the installation of any signage within close proximity to businesses and/or residents, these businesses and/or residents will be advised in writing on the location of the new signage and business group liaison will also be undertaken. Contact with businesses will also be undertaken through the new e – Business News.

LEGAL/POLICY:

All signage will be installed in accordance with the Australian Standards and the Main Roads WA standards.

RISK MANAGEMENT IMPLICATIONS:

Low: The signage has been designed to comply with the Australian Standards and the Main Roads WA standards.

STRATEGIC IMPLICATIONS:

The City’s Strategic Plan 2011-2016 - Objectives 1.1.1, 1.1.4 and 1.1.5 state;

“Natural and Built Environment

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

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

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

SUSTAINABILITY IMPLICATIONS:

The following tables outline the applicable sustainability issues for the Way Finding Signage Implementation Plan.

ENVIRONMENTAL	
Issue	Comment
The proposed new way finding signage should assist in reducing the need for vehicle travel by providing greater accessibility for pedestrians, in turn reducing vehicle emissions.	

SOCIAL	
Issue	Comment
The proposed pedestrian totem signage in each of the City’s Town Centres, in particular these should assist in contributing to the public urban character.	

ECONOMIC	
Issue	Comment
The proposed new signage should have flow on effects to local businesses in each of the City’s Town Centres by promoting key destinations, car parking availability and pedestrian attractors.	

FINANCIAL/BUDGET IMPLICATIONS:

'Car Parking Strategy'

Budget Amount: \$95,000
Spent to Date: \$ 0
Balance: \$95,000

The following indicative Quotations have been received for the signs based on the indicative design outlined above.

Manufacture and Installation

Quote 1:
Jason Signs - \$6,500 per sign (plus GST)

Quote 2:
Kingman Visual – \$9,541 per sign (plus GST)

Quote 3:
National Corporate Imaging – \$3,162 per sign (plus GST)

Note that both Jason Signs and Kingman Visual have been used by the City of Perth to manufacture their pedestrian way finding signs which included a hood and solar panel. National Corporate Imaging have been used by the City of South Perth.

Design

An indicative quote for the design of the signs has been received from Market Force as detailed below. The City's Officers have chosen Market Force over local graphic designers as their preferred designer for this project in particular, as they have experience designing other Local Authorities way finding signage. Due to the significance of this project and its technical nature a design team that are familiar with way finding sign standards and best practice is highly valued.

Quote 1:
Design Only – \$9,410 (plus GST)

The above quote is for the design and printing costs of eight (8) totem signs only.

Quote 2:
Design, manufacture and installation – \$68,430 (plus GST)

The above quote includes the design and manufacture of eight (8) totem signs. Market force have advised that as a preferred WALGA and Local Government supplier they have partnered with Jason Signs who are the preferred WALGA supplier for signs in order to provide a seamless, one point of contact solution for this project.

Budget allocation

An amount of \$50,000 has been allocated in the 2013/2014 Budget to implement the Way Finding Signage Strategy Implementation Plan as part of the Car Parking Strategy Budget. In addition, an amount of \$45,000 has been carried over from the Car Parking Strategy account of the 2012/2013 Budget for the purpose of implementing the Way Finding Signage Strategy Implementation Plan including the pedestrian way finding signs.

Total Budget = \$95,000

COMMENTS & CONCLUSION:

The preferred locations for the eight (8) pedestrian totem signs as shown in Appendix 1 have been chosen as they are considered to be the most widely accessible and functional pedestrian locations within each town centre. These preferred locations will need to be endorsed by the Council prior to further work being undertaken in relation to finalising places of interest to be included on the signs, confirming distances to places of interest and finalising mapping information.

The indicative design presented in Appendix 3 will also need to be endorsed by the Council in order to provide guidance to the graphic designers for the final design and layout of the signs.

In light of the above, it is recommended that in order to move forward with this project, the Council endorses the preferred locations, places of interest and indicative design of the pedestrian totem poles.

9.1.4 Amendment No. 85 to Planning and Building Policy Manual – Rescission of Existing Policy Nos. 3.7.1, 3.7.2, 3.7.3 and 3.4.4 and Adoption of New Policy relating to Parking and Access

Ward:	Both Wards	Date:	12 July 2013
Precinct:	All Precincts	File Ref:	PLA0199
Attachments:	<u>001</u> – Existing Policy No. 3.7.1 relating to Parking and Access <u>002</u> – Existing Policy No. 3.7.2 relating to Loading and Unloading <u>003</u> – Existing Policy No. 3.7.3 relating to Car Stacking Systems <u>004</u> – Existing Policy No. 3.4.4 relating to Vehicle Access to Dwellings via a Right of Way <u>005</u> – New Policy No. 3.7.1 relating to Parking and Access <u>006</u> – Summary of Submissions		
Tabled Items:	Nil		
Reporting Officers:	C Roberts, Senior Strategic Planning Officer D Mrdja, Acting Manager Strategic Planning, Sustainability and Heritage Services		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

CORRECTED OFFICER RECOMMENDATION:

That the Council;

“1. **ADOPTS** the new Policy No. 3.7.1 – Parking and Access as shown in Appendix 9.1.4E (Attachment 005) subject to the following amendments:

- 1.1 The land use listed as ‘Public Utilities be deleted from Table 1;
- 1.2 Note 4 of Table 2 be amended to make reference to Adjustment Factor 6;
- 1.3 Paragraph 3 of Clause 1.4 be amended to read “... and current parking ratios ...”;
- 1.4 Clause 1.6 be amended as follows:

“1.6 Example of a Car Parking Calculation

The following commercial car parking calculation provides an example of how car parking would be calculated in the following instances:

- Where more than one land use is proposed;
- Where the ‘End of Trip Facilities’ adjustment factor applies to the eating house only shop and office only; and
- Where there is an excess of 50 car bays required.

Car Parking	
<u>Car parking requirement (nearest whole number)</u>	<u>= 39 car bays</u>
<ul style="list-style-type: none"> • <u>Shop – 1 bay per 20 square metres of net lettable area</u> <u>Gross Floor Area = 500 square metres (requires 25 car bays)</u> • <u>Office – 1 bay per 50 square metres of net lettable area</u> <u>Gross Floor Area = 700 square metres (requires 14 car bays)</u> 	
<u>Total car bays required = 39 car bays</u>	

<u>Car Parking</u>	
<u>Apply the adjustment factors.</u> • <u>0.80 (within 400 metres of a bus route)</u> • <u>0.85 (within 400 metres of a public car parking place with in excess of 75 car parking spaces)</u> • <u>0.90 (within a Town Centre area)</u> • <u>0.90 (provides end of trip facilities)</u>	<u>(0.612)</u> <u>(0.5508)</u> <u>x 39</u> <u>= 23.87</u> <u>21.48</u> <u>car</u> <u>bays</u>
<u>Car parking requirement (nearest whole number)</u> • <u>Eating House – 1 bay per 5 square metres of public floor area</u> <u>Public Floor Area = 300 square metres (requires 60 car bays)</u> <u>Total car bays required = 60 car bays</u>	
<u>Apply the adjustment factors.</u> • <u>0.80 (within 400 metres of a bus route)</u> • <u>0.85 (within 400 metres of a public car parking place with in excess of 75 car parking spaces)</u> • <u>0.90 (within a Town Centre area)</u> • <u>0.90 (provides end of trip facilities)</u>	<u>(0.5508)</u> <u>(0.612)</u> <u>x 60</u> <u>= 33.05</u> <u>36.72</u> <u>car</u> <u>bays</u>
<u>Total Number of Car Bays Required (after adjustment factors)</u>	<u>= 56.92</u> <u>58.2 car</u> <u>bays</u>
<u>Number of Car Bays in excess of 50 = 6.92 8.2 car bays</u> <u>(6.92 8.2 x 0.5) + 50</u>	<u>53.46</u> <u>54.1 car</u> <u>bays</u>
<u>Minus the car parking provided on-site</u>	<u>49 car</u> <u>bays</u>
<u>Resultant shortfall</u>	<u>4.46 5.1</u> <u>car</u> <u>bays”</u>

- 1.5 Paragraph 1 of Clause 2 be amended to read “... where a shortfall of car parking has been proposed.”;**
- 1.6 Paragraph 2 of Clause 2 be amended to read “... may approve a commercial car parking shortfall ...”;**
- 1.7 Table 4 be amended to add an additional line labelled “Total Demand”;**
- 1.8 The wording of Clause 3.2 be deleted and replaced with new wording as follows:**

“In a development that contains a mix of both residential and commercial uses, the development is to initially provide the minimum number of car bays in accordance with the Deemed-to-Comply provisions of the Residential Design Codes and the required number in accordance with Clause 1 of this policy.

However, where a surplus of car parking is provided (the amount of car parking provided exceeds the sum of the commercial requirement and the minimum Deemed-to-Comply requirements of the R Codes), the surplus is to be allocated so that at least 50 percent of the surplus is allocated to the commercial component.”

- 1.9 Paragraph 1 of clause 5.3 be amended to refer to “clause 5.1” rather than “clause 1.2”;**
- 1.10 Clause 6.3 be amended to refer to the “National Construction Code Series” rather than the “Building Codes of Australia”;**
- 1.11 A ‘close bracket’ be added in Part ‘K’ of clause 7.6.1;**
- 1.12 Numbering be added for the ‘Notes’ under the table in clause 7.6.1;**
- 1.13 Clause 7.6.2 be amended to refer to “clause 7.6.1” rather than “clause 3.6.1”;**
- 1.14 All references to “The Council” throughout the policy be amended to refer to “The City” except for the second reference in clause 8.4.”**

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

2. RESCINDS the following Policies as shown in Appendix 9.1.4A, B, C and D (Attachment 001, 002, 003 and 004 respectively):
- 2.1 No. 3.7.1 relating to Parking and Access;
 - 2.2 No. 3.7.2 relating to Loading and Unloading;
 - 2.3 No. 3.7.3 relating to Car Stacking Systems; and
 - 2.4 No. 3.4.4 relating to Vehicle Access to Dwellings via a Right-of-Way; and
3. AUTHORISES the Chief Executive Officer to advertise the new Policy No. 3.7.1 and the rescission of existing Policy Nos. 3.7.1, 3.7.2, 3.7.3 and 3.4.4, in accordance with Clause 47(6) of the City's Town Planning Scheme No. 1.

Moved Cr Topelberg, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Cr Pintabona departed the Chamber at 7.46 pm.

Debate ensued.

Cr Pintabona returned to the Chamber at 7.48pm.

Debate ensued.

AMENDMENT 1

Moved Cr Topelberg, Seconded Cr Harley

“That 7C in the Parking and Access Policy be amended to read as follows:

7C ~~The development is located on a site that contains a significant tree protected under the City’s Town Planning Scheme. The site cannot reasonably accommodate onsite parking required for the development due to the presence of an existing building and/or significant trees protected under the City’s Town Planning Scheme.~~

Debate ensued.

AMENDMENT 1 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was on approved leave of absence.)

AMENDMENT 2

Moved Cr Topelberg, Seconded Cr Maier

“That Clause 2.2.3 in the Parking and Access Policy be amended to read as follows:

- 2.2.3 The applicant (signatory to Form 1) may enter into an agreement with the City to pay all or part of the amount of cash-in-lieu by instalments over a period not exceeding five (5) years. An interest rate based on the long term bond rate is to be determined at the discretion of the Director Corporate Services.

AMENDMENT 2 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was on approved leave of absence.)

AMENDMENT 3

Moved Cr Topelberg, Seconded Cr Pintabona

“That Clause 2.2.5 in the Parking and Access Policy be amended to read as follows:

- 2.2.5 For new developments over \$3 million where a shortfall of it cannot be demonstrated that adequate car parking is proposed on-site, cannot be provided on-site (e.g. through the provision of a car stacking device), the City may will impose double the standard fee equal to twice the value of the cash-in-lieu contribution rate as shown in the annual Fees and Charges.;

The \$3 million threshold is equal to the opt-in value for proposals to be assessed by a Development Assessment Panel and is therefore considered a significant development.

AMENDMENT 3 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was on approved leave of absence.)

Debate ensued.

AMENDMENT 4

Moved Cr Topelberg, Seconded Cr Maier

“That Clause 2.2.7 in the Parking and Access Policy be amended to read as follows:

- 2.2.7 Where a proposed development is able to reasonably meet the car parking requirements on site but elects not to provide this parking, this application will be referred to Council for determination ~~cannot be approved under delegated authority.~~

Debate ensued.

AMENDMENT 4 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was on approved leave of absence.)

AMENDMENT 5

Moved Cr Topelberg, Seconded Cr Maier

“That Clause 6.1 in the Parking and Access Policy be amended to read as follows:

6.1 Service Bays

In commercial or mixed-use developments with a total commercial gross floor area of 1000 square metres or more, at least one of the required bays will be permanently set aside and marked for the exclusive use of service, delivery and/or courier vehicles; and

AMENDMENT 5 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was on approved leave of absence.)

Debate ensued.

Cr McGrath departed the Chamber at 8.05pm.

Debate ensued.

Cr McGrath returned to the Chamber at 8.08pm.

Debate ensued.

AMENDMENT 6

Moved Cr Maier, Seconded Cr Pintabona

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

3.2 Allocation Surplus of Car Parking in a Mixed Use Development

~~In a development that contains a mix of both residential and commercial uses, the car parking is to be allocated so that the required amount (not more or not less) of residential car parking is compliant with the Residential Design Codes and the remaining bays is to be provided for the commercial component.~~

~~Where there is extra available car parking, after the required amount of car bays has been allocated to the residential and the required amount has been allocated to the commercial, a minimum of half of the extra car parking is to be allocated to the commercial component. The other half can be allocated how the applicant/owner wishes.~~

In a development that contains a mix of both residential and commercial uses, the car parking is to be initially allocated to the commercial component in accordance with requirements identified in Clause 1 of this policy.

Any remaining car parking is then to be allocated to the residential component in accordance with the minimum Deemed-to-Comply provisions of the Residential Design Codes.

Debate ensued.

AMENDMENT 6 PUT AND CARRIED (5-3)

For: Cr Carey, Cr Maier, Cr McGrath, Cr Pintabona and Cr Wilcox

Against: Mayor Hon. MacTiernan Cr Harley and Cr Topelberg

(Cr Buckels was on approved leave of absence.)

Debate ensued.

AMENDMENT 7

Moved Cr Maier, Seconded Cr Carey

“That a new clause 2.4 be added to the Parking and Access Policy to read as follows:

2.4 Car Parking Shortfalls in New Buildings

The City will not support an application for a change of use, which results in a car parking shortfall, within three years of the date of Certificate of Occupancy for the new building. For the purpose of this policy, a new building is a building that has been built on vacant land.”

AMENDMENT 7 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was on approved leave of absence.)

AMENDMENT 8

Moved Cr Maier, Seconded Cr

“That a new Clause 1.22, be inserted as follows:

“1.22 The car parking requirements for a ‘Bed and Breakfast’ be amended to “As per the R Codes for the dwelling type”;

Debate ensued.

PROPOSED AMENDMENT LAPSED FOR WANT OF A SECONDER

AMENDMENT 9

Moved Cr Maier, Seconded Cr Topelberg

“That a new Clause 1.22, be inserted as follows:

“1.22 The car parking requirements for a ‘Bed and Breakfast’ be amended to “1 bay per two guest bedrooms”; and

AMENDMENT 9 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was on approved leave of absence.)

AMENDMENT 10

Moved Cr Maier, Seconded Cr McGrath

“That a new Clause 1.23, be inserted as follows:

1.23 The car parking requirements for a ‘Home Occupation/Business’ be amended to “As per the R Codes for the dwelling type this provision may be waived if the applicant can demonstrate they have no staff or customers attending the premises.”

Debate ensued.

AMENDMENT 10 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was on approved leave of absence.)

AMENDMENT 11

Moved Cr Maier, Seconded Cr Carey

“That a new Clause 1.24, be inserted as follows:

1.24 Adjustment Factor 7A be amended to read “The development proposes a small scale (less than 80 square metres of NLA) ‘and is located on the ground floor of a building in a Town Centre (see Appendix 1).’”;

Debate ensued.

AMENDMENT 11 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was on approved leave of absence.)

AMENDMENT 12

Moved Cr Maier, Seconded Cr Carey

“That Table 1 in the Parking and Access Policy be amended to read as follows:

Table 1: ~~Non-Residential~~ Gross Car Parking Requirements Table

Activity	Car Parking Spaces ⁽¹⁾	Bicycle Parking Spaces ⁽¹⁾
Office, Showroom, Bank, Amusement Centre, Funeral Parlour, Exhibition Centre and Small Bar	1 space per 50m ² NLA	1 space per 50m ² NLA

AMENDMENT 12 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was on approved leave of absence.)

AMENDMENT 13

Moved Cr Topelberg, Seconded Cr Carey

“That Map 3 of the Parking and Access Policy be amended as follows:

1.26 where it refer to the Town Centre the wording should say “that the purpose for this Policy the Mount Lawley Town Centre (Map 3) will include properties that affront Beaufort Street, Between Vincent Street and St Albans Avenue;”

AMENDMENT 13 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was on approved leave of absence.)

AMENDMENT 13

Moved Cr Topelberg, Seconded Cr McGrath

“That Clauses 1 and 3 be amended to read as follows:

- 1. ADOPTS IN PRINCIPLE the new Policy No. 3.7.1 – Parking and Access as shown in Appendix 9.1.4E (Attachment 005) subject to the following amendments:**
- 3. AUTHORISES the Chief Executive Officer to advertise the new Revised Draft Policy No. 3.7.1 and the rescission of existing Policy Nos. 3.7.1, 3.7.2, 3.7.3 and 3.4.4, in accordance with Clause 47(6) of the City's Town Planning Scheme No. 1 and a report to be presented to the Council no later than the second meeting of September 2013.**

AMENDMENT 13 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was on approved leave of absence.)

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

(Cr Buckels was on approved leave of absence.)

COUNCIL DECISION ITEM 9.1.4

That the Council;

1. **ADOPTS IN PRINCIPLE** the new Policy No. 3.7.1 – Parking and Access as shown in Appendix 9.1.4E (Attachment 005) subject to the following amendments:

- 1.1 The land use listed as ‘Public Utilities be deleted from Table 1;
- 1.2 Note 4 of Table 2 be amended to make reference to Adjustment Factor 6;
- 1.3 Paragraph 3 of Clause 1.4 be amended to read and current parking ratios;
- 1.4 Clause 1.6 be amended as follows:

1.6 Example of a Car Parking Calculation

The following commercial car parking calculation provides an example of how car parking would be calculated in the following instances:

- Where more than one land use is proposed;
- Where the ‘End of Trip Facilities’ adjustment factor applies to the shop and office only; and
- Where there is an excess of 50 car bays required.

<i>Car Parking</i>	
Car parking requirement (nearest whole number) • Shop – 1 bay per 20 square metres of net lettable area Gross Floor Area = 500 square metres (requires 25 car bays) • Office – 1 bay per 50 square metres of net lettable area Gross Floor Area = 700 square metres (requires 14 car bays) Total car bays required = 39 car bays	= 39 car bays
Apply the adjustment factors. • 0.80 (within 400 metres of a bus route) • 0.85 (within 400 metres of a public car parking place with in excess of 75 car parking spaces) • 0.90 (within a Town Centre area) • 0.90 (provides end of trip facilities)	(0.5508) x 39 = 21.48 car bays
Car parking requirement (nearest whole number) • Eating House – 1 bay per 5 square metres of public floor area Public Floor Area = 300 square metres (requires 60 car bays) Total car bays required = 60 car bays	
Apply the adjustment factors. • 0.80 (within 400 metres of a bus route) • 0.85 (within 400 metres of a public car parking place with in excess of 75 car parking spaces) • 0.90 (within a Town Centre area)	(0.612) x 60 = 36.72 car bays
Total Number of Car Bays Required (after adjustment factors)	= 58.2 car bays
Number of Car Bays in excess of 50 = 6.92 8.2 car bays (8.2 x 0.5) + 50	54.1 car bays
Minus the car parking provided on-site	49 car bays
Resultant shortfall	5.1 car bays”

- 1.5 Paragraph 1 of Clause 2 be amended to read where a shortfall of car parking has been proposed;
- 1.6 Paragraph 2 of Clause 2 be amended to read may approve a commercial car parking shortfall;
- 1.7 Table 4 be amended to add an additional line labelled "Total Demand";
- 1.8 The wording of Clause 3.2 be deleted and replaced with new wording as follows:

Allocation of Car Parking in a Mixed Use Development

"In a development that contains a mix of both residential and commercial uses, the car parking is to be initially allocated to the commercial component in accordance with requirements identified in Clause 1 of this policy;

Any remaining car parking is then to be allocated to the residential component in accordance with the minimum Deemed-to-Comply provisions of the Residential Design Codes";

- 1.9 Paragraph 1 of clause 5.3 be amended to refer to "clause 5.1" rather than clause 1.2;
- 1.10 Clause 6.3 be amended to refer to the "National Construction Code Series" rather than the "Building Codes of Australia;
- 1.11 A 'close bracket' be added in Part 'K' of clause 7.6.1;
- 1.12 Numbering be added for the 'Notes' under the table in clause 7.6.1;
- 1.13 Clause 7.6.2 be amended to refer to "clause 7.6.1" rather than "clause 3.6.1;
- 1.14 All references to "The Council" throughout the policy be amended to refer to "The City" except for the second reference in clause 8.4;
- 1.15 Adjustment Factor 7C be amended to state; "The site cannot reasonably accommodate onsite parking required for the development due to the presence of an existing building and/or significant trees protected under the City's Town Planning Scheme" ;
- 1.16 Clause 2.2.3 of the policy be amended to state; "The applicant (signatory to Form 1) may enter into an agreement with the City to pay all or part of the amount of cash-in-lieu by instalments over a period not exceeding five (5) years. An interest rate based on the long term bond rate is to be determined at the discretion of the Director Corporate Services";
- 1.17 Clause 2.2.5 of the Policy be amended to state; "For new developments over \$3 million where a shortfall of car parking is proposed on-site, the City will impose double the standard cash-in-lieu contribution rate ,as shown in the annual Fees and Charges;

The \$3 million threshold is equal to the opt-in value for proposals to be assessed by a Development Assessment Panel and is therefore considered a significant development";
- 1.18 A new Clause 2.2.7 be added to state; "Where a proposed development is able to reasonably meet the car parking requirements on site but elects not to provide this parking, this application will be referred to Council for determination";
- 1.19 **6.1 Service Bays**

Clause 6.1 of the Policy be amended to state; "In commercial or mixed-use developments with a total commercial gross floor area of 1000 square metres or more, at least one of the required bays will be permanently set aside and marked for the exclusive use of service, delivery and/or courier vehicles" ;

- 1.20 A new Clause 2.4 be added to the Policy as follows:

“2.4 Car Parking Shortfalls in New Buildings

The City will not support an application for a change of use, which results in a car parking shortfall, within three years of the date of Certificate of Occupancy for the new building. For the purpose of this policy, a new building is a building that has been built on vacant land”;

- 1.21 The car parking requirements for a ‘Bed and Breakfast’ be amended to 1 bay per two guest bedroom;
- 1.22 The car parking requirements for a ‘Home Occupation/Business’ be amended to one (1) space in addition to the R Codes for the dwelling type this provision may be waived if the applicant can demonstrate they have no staff or customers attending the premises;
- 1.23 Adjustment Factor 7 be amended to read “The development proposes a small scale (less than 80 square metres of NLA) “active use” ‘and is located on the ground floor of a building in a Town Centre (see Appendix 1);

1.24 Table 1: Gross Car Parking Requirements

Activity	Car Parking Spaces ⁽¹⁾	Bicycle Parking Spaces ⁽¹⁾
Office, Bank, Amusement Centre, Funeral Parlour, Exhibition Centre and Small Bar	1 space per 50m ² NLA	1 space per 50m ² NLA

- 1.25 where it refer to the Town Centre the wording should say; “that the purpose for this Policy the Mount Lawley Town Centre (Map 3) will include properties that affront Beaufort Street, Between Vincent Street and St Albans Avenue”; and
2. RESCINDS the following Policies as shown in Appendix 9.1.4A, B, C and D (Attachment 001, 002, 003 and 004 respectively):
- 2.1 No. 3.7.1 relating to Parking and Access;
- 2.2 No. 3.7.2 relating to Loading and Unloading;
- 2.3 No. 3.7.3 relating to Car Stacking Systems; and
- 2.4 No. 3.4.4 relating to Vehicle Access to Dwellings via a Right-of-Way; and
3. AUTHORISES the Chief Executive Officer to advertise the new Revised Draft Policy No. 3.7.1 and the rescission of existing Policy Nos. 3.7.1, 3.7.2, 3.7.3 and 3.4.4, in accordance with Clause 47 of the City's Town Planning Scheme No. 1 and a report to be presented to the Council no later than the second meeting of September 2013.

NOTE: The Council indicated that it wishes to carry out further consultation, as there have been a number of amendments to the Policy.

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an overview of the outcomes of the formal advertising period for the City's new consolidated Policy No. 3.7.1 – Parking and Access, and the rescission of:

- Policy No. 3.7.1 relating to Parking and Access;
- Policy No. 3.7.2 relating to Loading and Unloading;
- Policy No. 3.7.3 relating to Car Stacking Systems; and
- Policy No. 3.4.4 relating to Vehicle Access to Dwellings via a Right-of-Way.

BACKGROUND:

The City of Vincent Draft Town Planning Scheme No. 2 (TPS No. 2) and Local Planning Strategy (LPS) were endorsed by the Council at the Ordinary Meeting held on 20 December 2011. These documents, along with the draft Precinct Policies were sent to the Department of Planning on 23 December 2011 in order for them to give the City consent to advertise the TPS No. 2 and LPS. As a part of the scheme review process, the City's Officers are also reviewing the Planning and Building Policy Manual. The proposed rescission of the abovementioned policies and the preparation of a new consolidated policy titled Parking and Access forms part of this review process to streamline the existing Policies.

In addition, a key recommendation of the City's Car Parking Strategy was to modify the existing local planning framework relating to car parking to encourage alternative transport options and align the City's parking policy framework for developments with best practice.

History:Policy No. 3.7.1 relating to Parking and Access

Date	Comment
27 March 2001	The Council at its Ordinary Meeting resolved to adopt the Planning and Building Policy Manual, which included the adoption of Policy No. 3.7.1 relating to Parking and Access.
20 November 2001	The Council at its Ordinary Meeting resolved to adopt Amendment No. 1 to the Planning and Building Policy Manual which included a minor amendment to Policy No. 3.7.1 relating to Parking and Access.
24 September 2002	As a result of the Council adopting the original Car Parking Strategy at its Ordinary Meeting held on 12 February 2002, some amendments to Policy No. 3.7.1 were required. Therefore, the Council at its Ordinary Meeting held on 24 September 2002 resolved to adopt Amendment No. 6 to the Planning and Building Policy Manual.
26 October 2004	The Council at its Ordinary Meeting resolved to adopt Amendment No. 10 to the Planning and Building Policy Manual which included amendments to Policy No. 3.7.1 relating to Parking and Access. These amendments included the amendment of the car parking ratio for Club Premises, Hall, Hotel, Nightclub, Place of Assembly and Tavern and the addition of the definition of 'Public Floor Area'.
23 May 2006	The Council at its Ordinary Meeting resolved to adopt Amendment No. 21 to the Planning and Building Policy Manual which included amendments to Policy No. 3.7.1 relating to Parking and Access. This amendment related to provisions for cash-in-lieu for car parking.
12 August 2008	The Council at its Ordinary Meeting resolved to adopt Amendment No. 52 to the Planning and Building Policy Manual which included minor amendments to Policy No. 3.7.1 relating to Parking and Access. This amendment was for the addition of a Small Bar land use parking ratio.
9 March 2010	The Council at its Ordinary Meeting resolved to adopt an amended Car Parking Strategy and associated Parking Precinct Management Plans.

Date	Comment
11 May 2010	The Council at its Ordinary Meeting resolved to adopt a Car Parking Strategy Implementation Plan which included the requirement to amend the City's Parking & Access Policy No. 3.7.1.

Policy No. 3.7.2 relating to Loading and Unloading

Date	Comment
27 March 2001	The Council at its Ordinary Meeting resolved to adopt the Planning and Building Policy Manual, which included the adoption of Policy No. 3.7.2 relating to Loading and Unloading.

Policy No. 3.7.3 relating to Car Stacking Systems

Date	Comment
14 April 2009	The Council at its Ordinary Meeting resolved to adopt the Policy No. 3.7.1 relating to Car Stacking Systems.

Policy No. 3.4.4 relating to Vehicle Access to Dwellings via a Right-of-way

Date	Comment
27 March 2001	The Council at its Ordinary Meeting resolved to adopt the Planning and Building Policy Manual, which included the adoption of Policy No. 3.7.2 relating to Vehicle Access to Dwellings via a Right-of-way.

Notice of Motion – OMC 4 December 2012 – Car Stackers

At the Ordinary Meeting of Council held on 4 December 2012, a Notice of Motion was raised by the Mayor, Hon. Alannah MacTiernan as follows:

“That the Council REQUESTS:

1. *A review of the City of Vincent Policy 3.7.3 – “Relating to Car Stacking Systems”;*
2. *The report to include, but not limited to the following information;*
 - 2.1 *A comparison of the City of Vincent’s requirements with those of the City’s of Perth, Subiaco and the Town of Victoria Park.*
 - 2.2 *Consider whether the City’s policy should reduce focus on the requirements of four wheel drive vehicles, in favour of standard size vehicles;*
 - 2.3 *A review and justification of each of the standard conditions that are imposed on developments using a car stacker;*
 - 2.4 *Any other relevant information; and*
3. *That a report be submitted to Council no later than February 2013.”*

A response to this Notice of Motion has been included in the form of new draft Parking & Access policy provisions 3.6, 5.1, 5.2, 5.3 and 5.4. Officer comment has been provided in relation to the Notice of Motion outlining the research undertaken to arrive at the proposed policy provisions.

Notice of Motion – OMC 18 December 2012 – Cash-in-Lieu

Furthermore, at the Ordinary Meeting of Council held on 18 December 2012, a Notice of Motion was raised by Councillor Topelberg as follows:

“That the Council SUPPORTS IN PRINCIPLE:

1. *To amend the City’s Parking and Access Policy No. 3.7.1, as follows;*

Clause 11

Cash-in-lieu of parking is to be considered where non-residential developments have a shortfall of parking according to the requirements outlined in the Land Use Parking Requirement Table, as modified according to Clause 10. The City may accept money for this shortfall to provide and/or upgrade parking bays in a nearby existing or proposed public parking facility, including on-street parking where appropriate, or to provide alternative transport/parking options, including the provision of bicycle facilities; and

The policy provision is not to be seen to be replacing the developer’s responsibility to provide on-site parking or bicycle parking facilities, but rather as a mechanism to enable otherwise desirable developments, for which the full amount of parking cannot be provided on site, to proceed. The provision of an adequate supply of parking is the intent of this provision and, as such, the following matters apply:

- (a) *cash-in-lieu provisions are only to be permitted in localities where the City already provides off-street public car parking which has spare capacity, or the City is proposing to provide or is able to provide a public car park (including enhanced or additional on-street car parking where appropriate), alternative transport solutions (including bike racks) in the near future, within 400 metres of the subject development; and*
- (b) *the contribution is to be held in a Trust Fund of the City for the purpose of providing and/or upgrading existing and proposed public parking facilities (including on-street parking and/or acquisition of land where appropriate), the contribution is to be held in a Trust Fund of the City for the purpose of providing and/or upgrading existing and proposed public parking facilities (including on-street parking and/or acquisition of land where appropriate), as well as alternative transport facilities, including bicycle parking in the area. Contributions may consist of cash or land, or a combination of both, and are to be made to the Trust Fund prior to the issue of a Building Licence for the development. Alternative arrangements may be made for payment subject to the City’s agreement; and*

2. *REQUESTS that a report be submitted to a Council Meeting in February 2013, concerning the proposal.”*

A response to this Notice of Motion has been included in the new Parking & Access policy as clause 2.2. Officer comment has been provided in relation to the Notice of Motion outlining the research undertaken to arrive at the proposed policy provisions.

Previous Reports to Council:

This matter was previously reported to the Council on 26 March 2013.

Date	Comment
26 March 2013	The Council at its Ordinary Meeting resolved to advertise Policy Amendment No. 85 relating to the adoption of a new draft Policy No. 3.7.1 – Parking and Access and the rescission of existing Policy No's. 3.7.1 – Parking and Access, 3.7.2 – Loading and Unloading, 3.7.3 – Car Stacking Systems and 3.4.4 – Vehicle Access to Dwellings via a Right-of-Way.

The Minutes of Item 9.1.10 from the Ordinary Meeting of Council held on 26 March 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:

In accordance with the resolution from the Ordinary Meeting of Council held 26 March 2013, the draft new Policy and rescission of Policies were advertised between 16 April 2013 and 14 May 2013.

Proposed Amendments to Draft Policy

The following table outlines the proposed amendments that have been made to the draft policy that was advertised. A majority of these amendments have been made due to concerns and queries raised by the community and Government Authorities, however, a number of amendments are also due to further discussions with the City's Officers and a further review of the provisions.

Definitions

Definition	Proposed Amendment
Adjustment Factor	Slight re-wording for clarification.
Net Lettable Area	Amended to exclude car parking areas as Net Lettable Area
Transport Infrastructure	Amended to delete " <i>public transport lands</i> " and replace with " <i>land designated for public transport</i> "

Policy Statement

A large amount of the Policy Statement has been amended to either reflect submissions or due to further review and investigations. Furthermore, the large parts of the Policy Statement have been re-numbered and realigned to provide a more ordered sequence. The following table is sequenced as per the proposed policy.

Clause	Proposed Amendment
1. Car Parking Requirements	
Clause 1.1 – Residential Development	The title of this clause has been amended from 'Dwellings' to 'Residential Development' as this is consistently used throughout the Policy and other City Policies. The listed types of dwellings have deleted and replaced with 'dwellings'.
Clause 1.2 – Commercial Development	The title of this clause has been amended from 'Non-Residential and Mixed Use Developments' to 'Commercial Development' as this is consistently used throughout the Policy and other City Policies. Reference to the 'component use of a mixed use development' has been deleted and well as reference to temporary accommodation as this is all considered as commercial development.

Clause	Proposed Amendment
<p>Table 1 – Gross Car Parking Requirements Table</p>	<p><u>Land Uses Added to Table:</u></p> <ul style="list-style-type: none"> • Exhibition Centre • Family Day Care • Laundrette • Motor Vehicle/Boat Sales • Betting Agency • Centre Based Child Care • Motor Vehicle/Boat Repairs • Restricted Premises • Function Centre • Auction Mart <p>These uses have been added as they are listed as land uses in the City of Vincent Town Planning Scheme No. 1 and/or Draft Town Planning Scheme No. 2.</p> <p><u>Land Uses Removed from Table:</u></p> <ul style="list-style-type: none"> • Day Nursery • Mixed Use Development <p>A Day Nursery has been removed from the table as the wording has now been changed to Family Day Care. Mixed Use Development was removed as this is not a land use in accordance with the zone table of the Town Planning Scheme.</p> <p><u>Amendments:</u></p> <ul style="list-style-type: none"> • Civic Use – This has been amended to state ‘1 space per 100 square metres of NLA’. • Bed and Breakfast – This has been amended to state 1 space per guest bedroom in addition to the R-Codes requirement for a dwelling. • Home Occupation – This has been amended to state 1 space per guest bedroom in addition to the R-Codes requirement for a dwelling. • Showroom – Parking requirements reduced from 1 space per 50 square metres NLA to 1 space per 100 square metres of NLA • Note 4 – Proposed to be removed as this is states in the clause relating to Reciprocal Parking. • Deleted all bicycle parking requirements and placed in a new table under clause 5.1.
<p>Table 2 – Adjustment Factors</p>	<ul style="list-style-type: none"> • Amended Adjustment Factor 5 to refer to 50% of the total plot ratio of the building, rather than NLA. • Deleted draft Adjustment Factor 7 and proposed a new Adjustment Factor 7 which states that the land use must be an ‘active use’ as indicated as (2) in table 1, as well as three separate criteria, which are: <ol style="list-style-type: none"> 1. The development is located on the ground floor and within a Town Centre area; or 2. The development is located within a building that is listed on the City’s Municipal Heritage Inventory; or 3. The development is located on a site that contains a significant tree protected under the City’s Town Planning Scheme. • Deleted Note 1 as this is not required.
<p>Clause 1.4 – Existing Car Parking Shortfalls</p>	<p>The Officers have proposed to delete the draft clause 2.3 relating to Historical Parking Shortfalls and Surpluses and replace it with proposed clause 1.4 – Existing Car Parking Shortfalls. This clause has been amended so that it essentially suggests where existing car parking shortfalls are applied, this is to be calculated by completing an existing car parking assessment, using the existing land uses, floor areas/number of persons approved and present parking ratios and adjustment factors. This total number becomes the existing car parking shortfall and is then subtracted from the car parking requirements (after adjustment factors).</p>
<p>Clause 1.5 – Commercial Car Bays in Excess of 50</p>	<p>The Officers have proposed to delete the draft clause 1.4 relating to Mode Shift to Sustainable Transport and replace it with proposed clause 1.5 – Commercial Car Bays in Excess of 50. It is considered that the rename of this clause is more appropriate in terms of what the provision is relating to. The wording of the clause has been amended, however the intent or provision has not changed.</p>

Clause	Proposed Amendment
Clause 1.6 – Example of a Car Parking Calculation	<p>The Car Parking Calculation example has been amended to provide an example of how parking would be calculated in the following instances:</p> <ul style="list-style-type: none"> • Where more than one land use is proposed; • Where only one land use is affected by a particular adjustment factor; and • Where the commercial car bays required exceed 50.
2. Car Parking Shortfall	
Clause 2 – Car Parking Shortfall	<p>A new heading has been introduced to place all provisions relating to car parking shortfalls in the same section. The introduction to this clause, which was previously under clause 2.1 – Refusal of Applications, has been amended to re-word the clause. The intent has not changed.</p>
Clause 2.1 – Reciprocal Parking	<p>The Officers have proposed to delete the draft clause 1.6 and replace it with proposed clause 2.1. The following amendments are proposed:</p> <ul style="list-style-type: none"> • The addition of two paragraphs as an introduction to the clause which indicates how Reciprocal Parking will be calculated. • Clause 2.1.1 – the requirement for the applicant to submit a Parking Management Plan; and • Clause 2.1.2 – the inclusion of framework for reciprocal parking arrangements when over separate lots.
Clause 2.2 – Cash-in-Lieu of Car Parking	<ul style="list-style-type: none"> • Proposed to delete paragraph 2 and replace it with an amended paragraph that has been reworded, however, the intent has not changed. • Clause 2.2.5 – Amended to state that in all instances of car parking shortfalls in developments over \$3 million, the cash-in-lieu payment is to be double the standard rate and to delete the reference to the Development Assessment Panel as it is not considered necessary to state the purpose behind the \$3 million threshold in the policy. • Clause 2.2.7 – Deleted as this is not allowed to be stated in a Local Planning Policy, but is required to be listed in a Delegations Register.
Clause 2.3 – Minimum Number of Car Parking Bays	<p>This clause is a replication of clause 22 of the existing policy that is proposed to be rescinded.</p>
3. Car Parking Surplus	
Clause 3.1 – Maximum Number of Car Parking Bays	<p>A new clause 3.1 – Maximum Number of Car Parking Bays has been included to provide a framework on the maximum number of car parking bays. This provision is included in Table 5.</p>
Clause 3.2 – Surplus of Car Parking within a Mixed Use Development	<p>A new clause 3.2 is proposed to provide provisions on how to allocate a surplus of car parking between commercial and residential. Generally in a mixed use development where there is surplus of car parking (the residential component is compliant and the commercial component is compliant), the developer will opt to allocate the surplus of bays to the residential component for financial reasons. However, this clause proposes that at least half of this surplus be allocated to the commercial component. This will allow for ‘room to play’ in the event that applications for change of use are submitted.</p>
4. Scooter/Motorcycle Parking Requirements	
Clause 4 – Scooter/Motorcycle Parking Requirements	<p>This clause provides that same intent as draft clause 1.8, however includes a new Table 5, for greater clarification.</p>

Clause	Proposed Amendment												
5. Bicycle Parking Requirements													
Table 5 – Bicycle Parking Requirements	<p><u>Land Uses Removed from Table:</u></p> <table border="1"> <tr> <td>• Funeral Parlour</td> <td>• Day Nursery</td> <td>• Fuel Depot</td> </tr> <tr> <td>• Transport Depot</td> <td>• Industry</td> <td>• Light Industry</td> </tr> <tr> <td>• Motor Vehicle Wash</td> <td>• Service Station</td> <td>• Open Air Storage Yard</td> </tr> <tr> <td>• Nightclub</td> <td>• Tavern</td> <td>• Small Bar</td> </tr> </table> <p>These land uses have been removed from the bicycle parking requirements table as it is not considered necessary to provide bicycle parking for these land uses.</p> <p><u>Amendments:</u></p> <ul style="list-style-type: none"> • Showroom – Bicycle requirements reduced from 1 space per 100 square metres NLA to 1 space per 200 square metres of NLA. • Motel – Bicycle requirements reduced from 1 space per 2 rooms to 1 space per 4 rooms. • Commercial Hall, Place of Worship, Club Premises – Bicycle requirements reduced from 1 space per 10 persons to 1 space per 20 persons. 	• Funeral Parlour	• Day Nursery	• Fuel Depot	• Transport Depot	• Industry	• Light Industry	• Motor Vehicle Wash	• Service Station	• Open Air Storage Yard	• Nightclub	• Tavern	• Small Bar
• Funeral Parlour	• Day Nursery	• Fuel Depot											
• Transport Depot	• Industry	• Light Industry											
• Motor Vehicle Wash	• Service Station	• Open Air Storage Yard											
• Nightclub	• Tavern	• Small Bar											
Clause 5.2 – Bicycle Parking Allocation	The draft policy does not stipulate whether these required bicycle bays are to be class 1, 2 or 3 spaces. In light of this, a new clause is proposed that requires 35 percent of the required spaces to be allocated to class 1 or 2 facilities and 65 percent to be allocated to class 3 facilities. This approach is proposed on an approximate one third/two thirds basis, which is similar to the existing policy.												
6. Specific Purpose Bays													
Clause 6.1, 6.2 and 6.3	This proposed clause is similar to that of draft clause 1.7, however has now been separated into three separate clauses. These are: <ol style="list-style-type: none"> 1. Service Bays 2. Drop Off/Pick Up Bays 3. ACROD Bays 												
7. Design and Location of Parking Facilities													
Clause 7.1 – Layout and Dimension of Parking Facilities	This clause is separated into two subclauses, 7.1.1 and 7.1.2 and is the same wording as draft clauses 3.1.1 and 3.1.2. Draft clause 3.1.3 has been deleted as intent and wording is unclear.												
Clauses 7.2, 7.3, 7.4, 7.5, 7.6 and 7.7	These clauses all reflect the same wording as draft clauses 3.2, 3.3, 3.4, 3.5, 3.6 and 3.7; however some minor administrative changes are proposed.												
Clause 7.8 – Vehicle Access	The wording of draft clause 4.1.1 has remained however draft clause 4.1.2 is proposed to be deleted as these requirements are already listed in the Residential Design Codes and Residential Design Elements Policy.												
Clauses 7.9, 7.10, 7.11 and 7.12	These clauses all reflect the same wording as draft clauses 4.3, 4.4, 4.5 and 4.6 respectively.												
Clause 7.13 – Strata Plan	An additional clause 7.13 is proposed which indicates that a commercial car parking area is required to be listed as common property on a strata plan. The City currently applies this a planning condition to this effect, so it is important that this is backed up in a local planning policy.												
8. Parking Management Plan													
Clauses 8.1, 8.2, 8.3 and 8.4	These clauses all reflect the same wording as draft clauses 5.1, 5.2, 5.3 and 5.4 respectively.												

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
--------------------------	-----	-------------------------------------	-----

Policy Amendment No. 85 was advertised in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1.

Consultation Period: 28 days, 16 April 2013 – 14 May 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, the City's Business E-News Newsletter, other inner-city Local Councils, the City's Parking Consultants, local developers and planning consultants, the Western Australian Planning Commission, and other appropriate government agencies as determined by the City of Vincent.

Summary of Submissions

A total of nine (13) submissions were received during the four week consultation period as follows:

Government Authority Submissions

Position	Number Received	Percentage
Support	1	11%
Object	-	-
Comment	8	89%
Total	9	100%

Community Submissions

Position	Number Received	Percentage
Support	2	50%
Object	-	-
Comment	2	50%
Total	4	100%

Total Submissions Received

Position	Number Received	Percentage
Support	3	23%
Object	-	-
Not Stated	10	77%
Total	13	100%

Summary of Major Concerns Raised

Further to attachment 005, the following table outlines some of the major concerns which generally have resulted in amendments to the policy:

Clause	Comments Raised	Officer Comment/Recommendation
Objectives		
Objective 1	It is unclear how an oversupply of parking will be avoided in the absence of outlining maximum parking standards.	Supported – Objective one (1) is to be read in conjunction with Clause 3 – Car Parking Surplus. A new clause 3.1 – Maximum Number of Car Parking Bays has been included to provide a framework on the maximum number of car parking bays.
Definitions		
Net Lettable Area	Does Net Lettable Area exclude parking areas?	Yes – The Net Lettable Area excludes parking areas as these areas are required to be common property and therefore not for the exclusive use of a particular tenancy. The definition has been amended to clarify this.

Clause	Comments Raised	Officer Comment/Recommendation
Reciprocal Parking	This definition should include “ <u>on site or on another adjacent site</u> ” at the end of the definition.	Supported – Clause 2.2.2 has been amended to refer to situations where reciprocal parking is located on one lot or located on separate lots.
Transport Infrastructure	Point 1 of this definition could describe ‘public transport lands’ as ‘land designated for public transport.’	Supported – The definition has been amended as suggested.
1. Car Parking Requirements		
Clause 1.2 – Commercial Developments	<p>Serviced Apartments Suggested that this should be the same requirements as Hotel.</p> <p>Civic Use It is unclear what ‘assessed on component use’ means.</p> <p>Bed and Breakfast State 1 space per guest bedroom in addition to the R-Codes requirement for a dwelling.</p> <p>Home Occupation State 1 space in addition to the R-Codes requirement for a dwelling.</p>	<p>Not supported – The City’s Policy No. 3.4.5 relating to Temporary Accommodation states that the development of a serviced apartment should be assessed as per the requirements of a Multiple Dwelling.</p> <p>Supported – This has been amended to state ‘1 space per 100 square metres of NLA’.</p> <p>Supported – This was inadvertently missed out. This was the Officer’s intention.</p> <p>Supported – This has been amended as suggested.</p>
Clause 1.3 – Car Parking Adjustment Factors	Note 1 shown after the Adjustment Factors table is confusing.	Supported – A further review of this indicates that this note is not required. This has been deleted accordingly.
Clause 1.4 – Existing Car Parking Shortfalls	<p>Suggested rewording of draft clause 2.3 (proposed clause 1.4) as follows:</p> <p>“2.3 Historical Parking Shortfalls and Surpluses</p> <p><i>The calculation of proposed surpluses or shortfalls is determined by comparing the adjusted parking demand to the proposed parking provision. Where there is a proposed shortfall, pre-existing parking shortfalls may be carried forward in some circumstances.</i></p>	Supported in part – The Officers understanding of the proposed wording is that it essentially suggests where existing car parking shortfalls are applied, this is to be calculated by completing an existing car parking assessment, using the existing land uses, floor areas/number of persons approved and present parking ratios and adjustment factors. This total number becomes the existing car parking shortfall and is then subtracted from the car parking requirements (after adjustment factors). It is proposed that this suggestion be used in the proposed policy, however re-worded or paraphrased for an ease of understanding.

Clause	Comments Raised	Officer Comment/Recommendation
	<p>2.3.1 <i>Pre-existing shortfalls will <u>not</u> be carried forward where:</i></p> <ul style="list-style-type: none"> • <i>The development is located on a vacant lot or the existing building occupying the site is to be demolished; or</i> • <i>There is a redevelopment of more than 75% of the existing building; or</i> • <i>There is a change of use of more than 75% of the existing building.</i> <p>2.3.2 <i>Pre-existing shortfalls will only be carried forward where 25% or more of the existing development is not modified and retains the existing use. The pre-existing shortfall that may be carried forward will be determined through the calculation of the gross parking demand as described in clause 1.2 and application of adjustment factors as described in clauses 1.3 and 1.4. The current factors that apply at the time of the application will be applied to the pre-existing development and uses rather than using any historical values. Where a pre-existing shortfall is recognised, the new shortfall that may be subject to cash-in-lieu will be determined by reducing the proposed shortfall by the pre-existing shortfall.</i></p>	<p>The Officers do not however support the suggested dot point 3 where if there is a change of use of more than 75 percent of the building, existing car parking shortfalls do not apply.</p> <p>As shown in Attachment 006 there were a number of comments raised in relation to the wording of the clause. In response to this, it is proposed that the entire clause be re-written for further clarification.</p>
	<p><i>Net shortfall = (proposed requirement* - proposed supply) – (pre-existing requirement* - pre-existing supply)</i></p> <p><i>*calculated using the current requirements from Table 1 and Adjustment factors from Table 2 that apply at the time of application.”</i></p>	
<p>Clause 1.6 – Example of a Car Parking Calculation</p>	<p>It would be beneficial for the car parking calculation example to cover all possible situations, and should include where end of trip facilities are only accessible to some of the uses in a proposal, as well as when commercial bays exceed 50 in a mixed use development, to include the 50% reduction for only the commercial bays.</p>	<p>Supported – The Car Parking Calculation example has been amended to show where only one land use in the development is affected by a particular adjustment factor and where the commercial car bays required exceed 50.</p>

Clause	Comments Raised	Officer Comment/Recommendation
2. Car Parking Shortfall		
Clause 2.1 – Reciprocal Parking	Reciprocal Parking proposals should be put forward by Applicants in the form of Parking Management Plans, for ease of monitoring compliance and record-keeping for reciprocal proposals.	Supported – Clause 2.1.1 has been amended to require the submission of a Parking Management Plan, where Reciprocal Parking arrangements are proposed.
Clause 2.2 -Cash-in- Lieu of Car Parking	<p>Suggestion for the first sentence of the second paragraph: <i>“The payment of cash-in-lieu is not to be seen as an alternative to providing sufficient parking on site, but rather as a mechanism to enable otherwise desirable developments to proceed where it can be demonstrated that it is not possible to provide sufficient parking on site.”</i></p> <p>The third paragraph of Clause 2.2 should mention <i>“intent of policy”</i> rather than <i>“intent of provision”</i>, or an alternative could state <i>“The following provisions will apply where cash-in-lieu is considered to be acceptable.”</i></p>	<p>Supported – The suggested wording reads better in relation to intent. Clause 2.2 has been amended accordingly.</p> <p>Agreed the proposed wording reads better in relation to intent, change to policy is proposed.</p>
	In relation to cash-in-lieu, a new clause could be added that precludes reconsideration of cash-in-lieu of parking shortfalls for businesses who have agreed to pay cash-in-lieu as part of a condition of approval and decide to lodge a minor development application, have parking reassessed, and the resultant parking requirement be determined to be less than that previously approved, resulting in a lesser cash-in-lieu requirement.	Not supported – Applicants/owners are allowed to apply for a reconsideration of condition therefore there is no need for this to be stated in the policy.
Clause 2.2.5	For the purpose of transparency and accountability, it is recommended clarification be provided outlining the basis for doubling the cash in lieu payment for new developments.	Not supported – Draft Clause 2.2.5 states that the \$3 million threshold was created as it the minimum cost of a development eligible to be determined by the Development Assessment Panel (DAP). Given this, the development is considered significant and it is more than likely that the developer can provide the car bays (i.e. via car stackers) and is choosing not to. There is no need to explain/justify this further in the policy. Notwithstanding the above, it is proposed to remove this sentence as it is unnecessary to justify clauses of a policy within the actual policy.

Clause	Comments Raised	Officer Comment/Recommendation
	Clause 2.2.5 is likely to be subjective as whether or not adequate car parking is able to be provided onsite will inevitably be subjective.	Supported – The clause has been amended to state that in all instances of car parking shortfalls in developments over \$3 million, the cash-in-lieu payment is to be double the standard rate.
	In relation to Section 2.2.5, noting that \$3 million is the value equal to opt-in for DAP applications is irrelevant if the threshold is not directly based on the DAP opt-in value. As it is currently worded the threshold would remain at \$3 million regardless to whether the DAP opt-in value were to change in the future. This value should be either directly related to a dynamic opt-in value for DAP applications, or there should be no mention of the DAP opt-in value at all, and it should simply be stated that \$3 million is what the City considers to be significant.	Supported – It is not considered necessary to state the purpose behind the \$3 million threshold in the policy.
Clause 2.2.7	In relation to Clause 2.2.7, this should not be listed in a planning policy and instead be in a register of delegation.	Supported – This clause has been deleted.
3. Car Parking Surplus		
Clause 3.1 – Maximum Number of Car Parking Bays	Draft clause 2.1 of the policy could be complemented by providing guidance on what is considered excessive onsite parking.	Supported – A new clause 3.1 – Maximum Number of Car Parking Bays has been included to provide a framework on the maximum number of car parking bays.
5. Commercial Bicycle Parking Requirements		
Clause 5.3 – End of Trip Facilities	Separate shared female and male change rooms is inappropriate for reasons of privacy. Individual secure, private changing facilities should be provided for use by anyone, regardless of gender.	Supported – Clause 5.3.3 has been amended to give the option of one female or one male shower/change room or two unisex showers/change room.
6. Specific Purpose Bays		
Clause 6.3 – ACROD Bays	The requirements for ACROD bays should be stated as separate to other Special Purpose bays as they are a requirement of the National Construction Code.	Supported – Draft clause 1.7 has been modified to be separated into three separate clauses. These are: 1. Service Bays 2. Drop Off/Pick Up Bays 3. ACROD Bays

Clause	Comments Raised	Officer Comment/Recommendation
7. Design and Location of Parking Facilities		
Clause 7.6 – Mechanical Parking Devices	Clause 7.6.1 – Condition “l” is too restrictive. Some stackers have a single entry point but most have a number of at-grade entry points. The at-grade bays can be available if a stacker fails or loses power. It would be more acceptable if “The 20% can include at-grade car bays within a car stacker” was added to the end.	Supported – Condition ‘l’ has been amended accordingly.

LEGAL/POLICY:

The following legal/policy documents are relevant to this report:

- *Planning and Development Act 2005;*
- *City of Vincent Town Planning Scheme No. 1* and associated Policies;
- *Residential Design Codes of Western Australia;*
- *City of Vincent Car Parking Strategy;* and
- *City of Vincent Precinct Parking Management Plans.*

RISK MANAGEMENT IMPLICATIONS:

Low: The development requirements outlined in the new Parking and Access policy are predominantly derived from the City’s four (4) existing policies relating to parking. Given these policies have been in effect for a considerable period of time, the consolidated policy is considered relatively low risk. Further, as the City’s proposed new Parking and Access Policy is to be read in conjunction with Australian Standard 2890.1 and Residential Design Codes, its requirements are not standalone, further lowering risk.

STRATEGIC IMPLICATIONS:

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

“Improve and Maintain the Environment and Infrastructure:

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

SUSTAINABILITY IMPLICATIONS:

It is considered that the proposed amendment and rescission of existing policies support a more sustainable approach to reduce vehicles and promote a mix of other transport modes and shared parking initiatives.

FINANCIAL/BUDGET IMPLICATIONS:

Expenditure for advertising of the Policies 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:

Consolidating the City's existing Policies No's. 3.7.1, 3.7.2, 3.7.3 and 3.4.4 into the proposed draft new Policy No. 3.7.1 relating to Parking and Access will provide an all encompassing Policy that will guide the development of car and bicycle parking facilities to a standard expected by the City and the broader community.

The proposed Policy No. 3.7.1 relating to Parking and Access includes appropriate changes to the existing local planning framework in relation to parking, in order to:

- Accommodate recommendations of the City's Car Parking Strategy;
- Address the Mayor Hon. Alannah MacTiernan's Notice of Motion on 4th December 2012 (relating to car stackers);
- Address Councillor Topelberg's Notice of Motion on 18th December 2012 (relating to cash-in-lieu of parking); and
- Address the Amendments carried at the Ordinary Meeting of Council held on 26 February 2013 in addition to further comments received by Councillors following the meeting.

In light of the above, it is recommended that the Council finalise the adoption of the proposed new Policy No. 3.7.1 relating to Parking and Access and the rescission of existing Policy No's. 3.7.1 relating to Parking and Access; No. 3.7.2 relating to Loading and Unloading Areas; Policy No. 3.7.3 relating to Car Stacking Systems; and No. 3.4.4 relating to Vehicle Access to Dwellings via a Right-of-Way in accordance with the Officer Recommendation.

9.1.5 Amendment No. 108 to Planning and Building Policy Manual – Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones

Ward:	Both	Date:	12 July 2013
Precinct:	All	File Ref:	PLA0247
Attachments:	001 – Planning and Building Policy No. 3.4.8, relating to Development Guidelines for Multiple Dwellings in Residential Zones 002 – Summary of Submissions		
Tabled Items:	Nil		
Reporting Officer:	T Elliott, Planning Officer (Strategic)		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

CORRECTED OFFICER RECOMMENDATION:

“1. **ADOPTS** the final amended version of Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones as shown in Appendix 9.1.5 subject to the policy being amended as follows; and

1.1 Clause 2.3 of the policy be amended as follows:

“2.3 Side/Rear Building Interface

2.3.1 For all Multiple Dwelling Developments which are three storeys and above, and adjoin a property to the side or rear which is zoned below R60, the following provisions apply:

(a) A rear setback of a minimum of ~~4.5~~ 2.4 metres ~~in width~~ shall be provided and the setback shall be landscaped to include trees at a maximum of 3 metre spacing; and

(b) The ~~maximum prescribed~~ height limit for the ~~rear adjoining~~ portion of the ~~building proposed development~~ shall be the same ~~prescribed as the~~ height limit ~~for of~~ the adjoining side or rear residential property within 6 metres of the side or rear boundary, ~~of the adjoining/neighbouring rear property~~. If there is a Right of Way between the two properties the measurement of the 6 metres is to include the width of the Right of Way. ~~If additional storeys, above the allowable height limits indicated for areas zoned R60 or above, are proposed then there maybe requirement for these storeys to be set back further than the minimum 6 metres.~~

(c) Each additional storey above the prescribed height allowed to the side or rear of the proposed development, as described in 2.3.1 (b), shall be setback 12 metres from the boundary so that the view lines into private open space are obscured by lower storeys. If there is a Right of Way between the two properties the measurement of the 12 metres is to include the width of the Right of Way. ...

Note: Clause 2.3 relating to Side/Rear Building Interface is to take precedence over clause 2.2 which prescribe the overall height of the building”

2. **AUTHORISES** the Chief Executive Officer to advertise the final amended version of Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones in accordance with Clause 47(6) of the City's Town Planning Scheme No. 1.

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

Moved Cr Maier, Seconded Cr McGrath

That the recommendation be adopted.

Debate ensued.

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

(Cr Buckels was on approved leave of absence.)

COUNCIL DECISION ITEM 9.1.5

“1. **ADOPTS** the final amended version of Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones as shown in Appendix 9.1.5 subject to the policy being amended as follows; and

1.1 **Clause 2.3** of the policy be amended as follows:

“2.3 Side/Rear Building Interface

2.3.1 For all Multiple Dwelling Developments which are three storeys and above, and adjoin a property to the side or rear which is zoned below R60, the following provisions apply:

- (a) A rear setback of a minimum of 2.4 metres shall be provided and the setback shall be landscaped to include trees at a maximum of 3 metre spacing; and
- (b) The prescribed height for the adjoining portion of the proposed development shall be the same prescribed as height of the adjoining side or rear residential property within 6 metres of the side or rear boundary. If there is a Right of Way between the two properties the measurement of the 6 metres is to include the width of the Right of Way.
- (c) Each additional storey above the prescribed height allowed to the side or rear of the proposed development, as described in 2.3.1 (b), shall be setback 12 metres from the boundary. If there is a Right of Way between the two properties the measurement of the 12 metres is to include the width of the Right of Way. ...

Note: Clause 2.3 relating to Side/Rear Building Interface is to take precedence over clause 2.2 which prescribe the overall height of the building”

2. **AUTHORISES** the Chief Executive Officer to advertise the final amended version of Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones in accordance with Clause 47(6) of the City's Town Planning Scheme No. 1.

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an overview of the outcomes of the formal advertising period, for the amendments to Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones.

BACKGROUND:

Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones was developed and first adopted by the Council on 28 October 2008. The Policy was amended by the Council on 9 August 2011 in response to amendments to the Residential Design Codes of Western Australia (R Codes) in November 2010, which provided greater feasibility for development of Multiple Dwellings on residential properties coded above R30.

Prior to the amendments put forth at the Ordinary Meeting of Council held 26 February 2013, there were no guidelines which control the rear interface of large scale developments proposed on Major Roads, as these were removed in the last amendment to the Policy which was endorsed by the Council at its Ordinary Meeting held on 20 November 2012. The reason being, that the wording in the previous clause was ambiguous and was difficult to apply in the development assessment process. Amendment No. 108 has been initiated to reintroduce a clause addressing the rear interface between multiple dwellings of three storeys and above which are located along Major Roads and/or on sites of 1000 square metres where they adjoin properties that are zoned below Residential R60, that are only permitted a height limit of 2 storeys.

History:

Date	Comment
28 October 2008	The Council at its Ordinary Meeting adopted Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones.
22 November 2010	Amendments to State Planning Policy 3.1: Residential Design Codes (Variation 1) Gazetted.
9 August 2011	The Council at its Ordinary Meeting adopted amended Policy 3.4.8 Multiple Dwellings in Residential Zones.
20 November 2012	The Council at its Ordinary Meeting resolved to adopt amended Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones.
26 February 2013	The Council at its Ordinary Meeting resolved to advertise draft amended Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones.

Previous Reports to Council:

This matter was previously reported to the Council on 26 February 2013.

The Minutes of Item 9.1.8 from the Ordinary Meeting of Council held on 26 February 2013 relating to this report is available on the City's website at the following link:
http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes

DETAILS:

During the formal advertising period comments were attained from the Design Advisory Committee (DAC) in regard to improvements that could be made to Policy No. 3.4.8. Particular reference was made to the inclusion of the 10 guiding principles which the DAC currently utilise to assess new multiple dwelling developments. The amendments arising from the formal advertising period are explained in the following table:

Policy Changes Proposed

Clause Amendments	Comments
<p>OBJECTIVES</p> <p>2. To ensure multiple dwelling developments positively contribute and respond creatively to their existing context within the City of Vincent.</p>	<p>This objective has been removed as it has been consolidated by the inclusion of the 10 design quality principles.</p>

Clause Amendments	Comments
<p><u>7.</u> To ensure applicants respond to the following ten (10) principles when preparing an application for development of multiple dwellings:</p> <p><u>Principle 1: Context</u> <u>Principle 2: Scale</u> <u>Principle 3: Built Form</u> <u>Principle 4: Density</u> <u>Principle 5: Resource, Energy and Water Efficiency</u> <u>Principle 6: Landscape</u> <u>Principle 7: Amenity</u> <u>Principle 8: Safety and Security</u> <u>Principle 9: Social Dimensions</u> <u>Principle 10: Aesthetics</u></p>	<p>The Design Advisory Committee assess all applications for multiple dwellings, as such the Committee has advised that they assess the applications with the use of these design quality principles. In consultation with this Policy applicants will be aware of the principles which the Committee consider most important in the development of quality multiple dwellings, which they are required to respond to prior to meeting with the Committee. The principles have been added as objectives that the Policy aims to achieve.</p>
<p>1. DEFINITIONS <i>Landscape, Landscaping or Landscaped</i> <i>Landscaped areas are to be available for the use and enjoyment of the occupants, can include open area recreational areas and open air porous parking areas but excludes do not include covered portions of driveways, hard paved driveways and parking areas, drying areas or strips of landscaped areas less than 1 metre wide (exclusive of pathways) such as pathways.</i></p> <p><i>Vertically Above</i> — means a minimum of 50 percent of the floor area is above part of any other dwelling, including car parking relating to another dwelling.</p>	<p>This definition has been amended to provide clarity in accordance with a submission received in relation to this definition.</p> <p>The existing definition included, '<i>minimum of 50 percent of the floor area is above part of any other dwelling</i>', is inconsistent with the definition of the 2013 R Codes which reads, '<i>A dwelling in a group of more than one dwelling on a lot where any part of the plot ratio area of a dwelling is vertically above any part of the plot ratio area of any other</i>'. The clause has been removed as the definition section refers to the R Codes for the definition of multiple dwellings.</p>
<p>2.3 Rear Building Interface</p> <p>(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; and</p> <p>(b) The maximum height limit for the rear portion of the building proposed development shall be <u>a maximum of</u> the same as the height limit for <u>of</u> the adjoining rear residential property within 6 metres of the rear boundary of the adjoining/neighbouring rear property. If there is a Right of Way between the two properties the measurement of the 6 metres is to include the width of the Right of Way. If additional storeys, above the allowable height limits indicated for areas zoned R60 or above, are proposed then there maybe</p>	<p>The increase to 2.4 metres is to allow sufficient space for screening trees in the rear interface to ensure a reduction of impact for lower coded residential lots to the rear.</p> <p>The previous wording of this clause was inefficient and has been amended to provide clarity in interpretation.</p>

Clause Amendments	Comments
<p>requirement for these storeys to be set back further than the minimum 6 metres.</p>	
<p><u>(c) Each additional storey above the prescribed height to the rear of the proposed development, as described in 2.3.1 (b), shall be setback 12 metres from the boundary so that the view lines into private open space are obscured by lower storeys. If there is a Right of Way between the two properties the measurement of the 12 metres is to include the width of the Right of Way.</u></p>	<p>The inclusion of this clause is to ensure applicants are aware of the restrictions that may apply if additional storeys are proposed. Further to this, lower storey's prescribed to the rear can be utilised to provide screening of sightlines from the storey's above.</p>
<p><i>Figure 1 – Rear Interface Diagram</i></p>	<p>The rear interface diagram has been reviewed to include the revisions of Clause 2.3 above.</p>
<p>3.3 Building Appearance</p> <p>The following design elements are required to be incorporated into the design of the building to add interest and character and to reduce the overall impact of the bulk and scale of the development:</p> <ul style="list-style-type: none"> • Varying surface colours; • Varying surface textures; • Varying building material (brick, concrete, timber, glass, metal etc); • Varying building shape and form (windows, detailing, verandahs, balconies, wall offsets, angles and/or terracing); • Varying building setbacks; 	<p>As part of the Design Advisory Committee recommendation Clause 3.3 relating to Building Appearance previously did not offer appropriate design solutions alternatively providing design elements which may be detrimental if applied stringently. The revised clause offers design elements which promote quality design.</p>
<ul style="list-style-type: none"> • Utilise site contours to manipulate building variation; • Utilise complementary landscaping (tall trees and screen planting); • Retain significant vegetation, consider significant vegetation on surrounding properties, and avoid hard surfaces; and • Reduce large expanses of opaque or blank walls. <p><u>New developments should provide facades which define and enhance the public domain and the desired streetscape character. Multiple dwelling developments should be composed of facades with an appropriate scale, rhythm and proportion, which respond to the building's use and the desired contextual character. The following design elements should be addressed:</u></p>	
<ul style="list-style-type: none"> <u>• Defining a base, middle and top related to the overall proportion of the building;</u> <u>• Expressing key datum lines in the</u> 	

Clause Amendments	Comments
<p><u>context using cornices, a change in materials or building set back;</u></p>	
<ul style="list-style-type: none"> • <u>Expressing the internal layout of the building, for example, vertical bays or its structure, such as party wall-divisions;</u> • <u>Expressing the variation in floor to floor height, particularly at the lower levels;</u> • <u>Articulating building entries with awnings, porticos, recesses, blade walls and projecting bays;</u> 	
<ul style="list-style-type: none"> • <u>Selecting balcony types which respond to the street context, building orientation and residential amenity: cantilevered, partially recessed, wholly recessed, or Juliet balconies will all create different facade profiles;</u> • <u>Detailing balustrades to reflect the type and location of the balcony and its relationship to the façade detail and materials;</u> • <u>Using a variety of window types to create a rhythm or express the building uses, for example, a living room versus a bathroom;</u> • <u>Incorporating architectural features which give human scale to the design of the building at street level. These can include entrance porches, awnings, colonnades, pergolas and fences;</u> • <u>Using recessed balconies and deep windows to create articulation and define shadows thereby adding visual depth to the façade;</u> 	
<ul style="list-style-type: none"> • <u>Coordinate and integrate building services, such as drainage pipes, with overall facade and balcony design;</u> • <u>Coordinate security grills/screens, ventilation louvres and carpark entry doors with the overall facade design;</u> • <u>Retain significant vegetation consider significant vegetation on surrounding properties, and avoid hard surfaces; and</u> • <u>Reduce large expanses of opaque or blank walls.</u> • <u>Facades should be designed to reflect the orientation of the site using elements such as sun shading, light shelves and bay windows as environmental controls, depending on the facade orientation.</u> 	
<p>4.2 Landscaping</p> <p><i>'...76.3.2 relating to Landscaping, of the Residential Design Codes:'</i></p> <p><u>For areas coded R100 or above dwellings with no landscaping may be considered if the</u></p>	<p>This clause has been amended to reflect the 2013 Residential Design Codes.</p> <p>The Design Advisory Committee has suggested a reduction in landscaping</p>

Clause Amendments	Comments
<u>amenity of landscaping can be provided for in a communal setting.</u>	requirements due to the City's proximity to the central business district and to avoid suburban restrictions.
<p>5.1 Energy Efficient Design 5.1.2 Multiple Dwelling developments are required to be designed so that the <u>all dwellings within the development maximize northern sunlight to living areas and provide natural daylight to all dwellings.</u></p>	The Design Advisory Committee has suggested that all dwellings in multiple dwelling developments should have access to natural light.
<p>5.2 Essential Facilities <i>'...clause 76.4.76 of the R Codes, however...'</i> <i>'No additional Performance Criteria Requirements. Refer to P76 of clause 76.4.76 of the R Codes.'</i></p>	Section 5.2 has been amended to align with the 2013 Residential Design Codes.
<p>7.1 Pre-Lodgement Process Requirements 7.1.1 Design Advisory Committee (DAC) – All applications for Multiple Dwellings are to be considered by the City's DAC prior to lodgement. Scaled plans and a Technical Assessment of the R Codes and relevant policies are to be submitted a minimum of 2 weeks prior to a DAC Meeting for consideration by the City's Officers. <u>When meeting the DAC the designer responsible for the application is required to be present for the purpose of addressing queries which arise from the DAC discussion.</u></p>	The Design Advisory Committee have suggested that applicants are often not prepared to address the Committee, as such the clause suggests that the designer be present to ensure the efficiency of the meetings.
<p>7.2 Lodgement Process Requirements 7.2.1 Neighbourhood Context Report i) Contextual Plan <u>subdivision pattern for the immediate street block, including both sides of the street, to attain the context of the proposed development;</u> <u>'... It is recommended that this response be communicated visually when meeting with the Design Advisory Committee.'</u> 7.2.2 Development Application Report iii) <u>Applicants should consult the City's Policy No. 2.2.11 relating to Waste Management and, if necessary, arrange to meet with the City's Technical Officers regarding a waste disposal strategy.</u> 7.2.3 Landscape Context Plan A Landscape Concept Plan which may be combined with the Proposed</p>	<p>The Committee advised that the presentations received from developers do not sufficiently address the context of the street, therefore this clause has been amended.</p> <p>The Committee advised that proposals presented visually improve the understanding of the objectives of the proposed development.</p> <p>The Committee has advised that applicants do not sufficiently address waste management therefore this clause has been added to section 7.2.2.</p> <p>This clause has been amended to align with the 2013 Residential Design Codes.</p>

Clause Amendments	Comments
Development Site Plan as set out in Clause 3.5.4 3.2.4 of the R Codes shall be provided at a scale not less than 1:200 showing the following as a minimum:	
iv) Clearly identified areas and calculations demonstrating compliance with the requirements of Landscape, Landscaping or Landscaped and requirements of soft land scaping;	This clause has been amended to improve readability and to consolidate clause iv). Artificial grass is of equal grade to paved areas and therefore has been included in this clause.
iv) Clearly identified areas and calculations demonstrating compliance with the requirements of Soft Landscaping;	
v) Location and Levels of all paved areas, <u>this includes areas of artificial grass</u>	

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
--------------------------	----	-------------------------------------	-----

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

Consultation Period: 28 days

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 ten (10) submissions were received during the four week consultation period as follows:

Government Authority Submissions

Position	Number Received	Percentage
Support	-	-
Object	-	-
Not Stated	5	100%
Total	5	100%

Community Submissions

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

Total Submissions Received

Position	Number Received	Percentage
Support	1	10%
Object	-	-
Not Stated	9	90%
Total	10	100%

Comments with Position: 'Not Stated'

Issue	Comment
Rear Building Interface	

Issue	Comment
<p>In relation to clause 2.3 - Rear Building Interface, 1.5m is insufficient for a tree to have a sufficient root structure. To allow screening trees to have a sufficient root structure an area of 2.4m is suggested. The species and maintenance of these trees should be specified in a landscape plan to the satisfaction of the City of Vincent.</p> <p>The wording of section 2.3 is unclear and potentially constrains development.</p> <p>Clause 2.3 should outline circumstances where height may be varied.</p>	<p>The clause has been amended to provide a sufficient area for appropriate screening trees with sufficient space for root structure. A landscape plan is required from an applicant as per clause 7.2.3 <i>Landscape Context Plan</i> and therefore has not been included as part of clause 2.3.1.</p> <p>Section 2.3 Rear Building Interface has been amended to address this as follows:</p> <p>(c) <i>Each additional storey above the prescribed height to the rear of the proposed development, as described in 2.3.1 (b), shall be setback 12 metres from the boundary so that the view lines into private open space are obscured by lower storeys. If there is a Right of Way between the two properties the measurement of the 12 metres is to include the width of the Right of Way.</i></p> <p>Circumstances affecting the variance of height exist in Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations, which has been referred to in clause 2.3.1 (d).</p>
<p>Landscaping Definition</p> <p>The landscaping definition in Policy No. 3.4.8 should be reviewed.</p>	<p>An amendment has been prepared in accordance with the submission received.</p>
<p>Neighbourhood Context Report</p> <p>Why should the context report include the location of shops and community facilities within 400 metres?</p>	<p>The purpose of the neighbourhood context report is to ensure applicants have given due regard to the surrounding environment. The neighbourhood context report requires the inclusion of the location of nearby amenities as it is a context report of the area, omission of this information would defeat the purpose of this report entirely.</p>
<p>10 Design Quality Principles</p> <p>The Policy should include the 10 principles which the Design Advisory Committee refer to when assessing applications for Multiple Dwellings.</p>	<p>These have been included in the objectives section of the Policy.</p>
<p>Building Appearance</p> <p>Section 3.3 <i>Building Appearance</i> should be reviewed to provide more appropriate and effective design solutions.</p>	<p>Section 3.3 has been amended accordingly.</p>

LEGAL/POLICY:

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

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.'

SUSTAINABILITY IMPLICATIONS:

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

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

ECONOMIC
The policy encourages multiple dwelling developments of a quality which should have an economic benefit to the greater community and future owners.

FINANCIAL/BUDGET IMPLICATIONS:

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

- Town Planning Scheme Amendments and Policies

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

COMMENTS & CONCLUSION:

Policy No. 3.4.8 relating to Design Guidelines for Multiple Dwellings in Residential Zones, provides direction for applicants proposing the development of Multiple Dwellings. The City's Design Advisory Committee also utilise Policy No. 3.4.8 when evaluating development applications involving multiple dwellings, as such the Committee's input has been sought and their proposals incorporated into Policy Amendment No. 108. Further to this, Policy No. 3.4.8 has been amended to align with the 2013 Residential Design Codes to be gazetted on 2 August 2013.

In light of the above, it is recommended that the Council adopts the final draft amended Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones in accordance with the Officer Recommendation and advertise the final Policy in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City's Policy No. 4.1.5 relating to Community Consultation.

9.1.6 Amendment No. 117 to Planning and Building Policy Manual – Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage

Ward:	Both	Date:	12 July 2013
Precinct:	All	File Ref:	PLA0261
Attachments:	001 – Draft amended Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage and Adjacent Properties		
Tabled Items:	Nil		
Reporting Officer:	A Fox, Planning Officer (Strategic)		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **AUTHORISES** the Chief Executive Officer to advertise the proposed amendments to Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage and Adjacent Properties, for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City’s Policy No. 4.1.5 relating to Community Consultation; and
2. **After the expiry period for submissions:**
 - 2.1 **REVIEWS** the Draft Policy No. 3.6.1 – Heritage Management – Development Guidelines for Heritage and Adjacent Properties having regard to any submissions received; and
 - 2.2 **DETERMINES** the Draft Policy No. 3.6.1 – Heritage Management – Development Guidelines for Heritage and Adjacent Properties having regard to any submissions with or without amendments, to or not to proceed with the draft Policy.

Moved Cr Maier, Seconded Cr McGrath

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

- “1. **AUTHORISES** the Chief Executive Officer to advertise the proposed amendments to Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage and Adjacent Properties, for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City’s Policy No. 4.1.5 relating to Community Consultation; subject to the following amendments; and
- 1.1 Page 5 being amended as follows:
 - “a) fully complies with the deemed to comply provisions of the Residential Design Codes and City of vVincent Policies”; and
 - 1.2 Page 6 being amended as follows:

“A planning approval is required in accordance with Town Planning Scheme No. 1, except and where the development is visible from the street.” ”

Debate ensued.

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

(Cr Buckels was on approved leave of absence.)

COUNCIL DECISION ITEM 9.1.6

That the Council;

1. **AUTHORISES** the Chief Executive Officer to advertise the proposed amendments to Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage and Adjacent Properties, for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City’s Policy No. 4.1.5 relating to Community Consultation subject to the following amendments;
 - 1.1 **Page 5** being amended as follows:
 - a) **fully complies with the deemed to comply provisions of the Residential Design Codes and City of Vincent Policies; and**
 - 1.2 **Page 6** being amended as follows:

A planning approval is required in accordance with Town Planning Scheme, and where the development is visible from the street; and
2. **After the expiry period for submissions:**
 - 2.1 **REVIEWS** the Draft Policy No. 3.6.1 – Heritage Management – Development Guidelines for Heritage and Adjacent Properties having regard to any submissions received; and
 - 2.2 **DETERMINES** the Draft Policy No. 3.6.1 – Heritage Management – Development Guidelines for Heritage and Adjacent Properties having regard to any submissions with or without amendments, to or not to proceed with the draft Policy.

PURPOSE OF REPORT:

The purpose of this report is to present to the Council an amended version of the City’s Policy No. 3.6.1 – Heritage Management - Development Guidelines for Heritage and Adjacent Properties and request authorisation for draft amended Policy 3.6.1 to be advertised for public comment.

BACKGROUND:

History:

Date	Comment
27 June 2006	The Council at its Ordinary Meeting adopted Policy No. 3.6.1 – Heritage Management – Development Guidelines for Heritage and Adjacent Properties.
13 July 2010	The Council at its Ordinary Meeting adopted an amended version of Policy No. 3.6.1 – Heritage Management – Development Guidelines for Heritage and Adjacent Properties.
12 July 2012	The Council at its Ordinary Meeting adopted an amended version of Policy No. 3.6.1 – Heritage Management – Development Guidelines for Heritage and Adjacent Properties.

Previous Reports to Council:

This matter has not previously been reported to the Council.

DETAILS:

Pursuant to Clause 33 (d) of the City's Town Planning Scheme No. 1, development of a minor nature may be listed in a planning policy as exempt from the requirement to obtain planning approval. In this regard, the City's Policy No. 3.5.1 relating to Minor Nature Development defines and addresses development of a minor nature within the City.

Notwithstanding the above, Clause 1.5.3 of Policy No. 3.5.1 relating to Minor Nature Development does not include a place that is listed in the City's Municipal Heritage Inventory (MHI). As such, at present all development including development that is considered of a minor nature, involving a place listed on the City's MHI, is required to obtain a planning approval from the City.

In most instances it is considered essential that planning approval be required for development involving places listed on the City's MHI, however in some circumstances involving minor development, it is considered there is little potential for adverse amenity or heritage impacts to arise, as such a Development Application should not be required. These minor forms of development are the subject of this amendment.

Amendment No. 117 provides for consideration, an amended version of the City's Policy No. 3.6.1 relating to Heritage Management – Design Guidelines for Heritage and Adjacent Properties. The proposed amendments to Policy 3.6.1 aim to provide clarification in relation to minor forms of development that are exempt from the need for planning approval for some heritage listed properties.

The details of Amendment No. 117 are as follows:

What will be exempt from Planning Approval

The proposed amendments to Policy 3.6.1 will only apply to minor nature development, defined as Category 4 development in the City's Delegated Authority Register and addressed in Policy No. 3.5.1 relating to Minor Nature Development. Minor nature development includes, but is not limited to such developments as patios, carports, garages, fences, gates, outbuildings, retaining walls and swimming pools.

Note that the proposed policy amendments will only apply to those places listed as Category B on the City's Municipal Heritage Inventory. The following planning criteria are also required to be satisfied in order for development to be exempt from planning approval. The Category 4 development:

- a) fully complies with the deemed to comply provisions of the Residential Design Codes and City of Vincent Policies;
- b) does not alter or obscure the fabric that contributes to the significance of the place;
- c) is positioned and sized so that it is not visible from the street; and
- d) does not alter the existing vista or view lines to the principal façade(s) of a heritage place.

Why exempt minor development from Planning Approval

The need to obtain the planning approval of the City for many minor forms of development is often a time consuming and comparatively costly exercise both on behalf of the property owner or applicant and also administratively for the City.

It is considered that there is little potential for adverse amenity or heritage impacts to arise from the forms of development which have been incorporated into Policy 3.6.1; however there are cost/time saving benefits to be achieved from exempting the need for approval for such minor forms of development.

CONSULTATION/ADVERTISING:

The amendment to the Policy No. 3.6.1 relating to Heritage Management – Design Guidelines for Heritage and Adjacent Properties requires the following advertising:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
---------------------------------	-----	--	-----

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

After the expiry of the period for submissions, the City's Officers will review all the submissions received in relation to amended Policy No. 3.6.1 and report back to Council with a determination to proceed or not to proceed with the amendments/rescission.

LEGAL/POLICY:

City of Vincent Town Planning Scheme No. 1.

RISK MANAGEMENT IMPLICATIONS:

Medium: The City's Officers have recognised that some forms of development have little potential for adverse amenity or heritage impacts to arise. Amendments to Policy 3.6.1 will provide cost/time saving benefits by exempting the need for approval for such minor forms of development.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

1.1 *Improve and Maintain the Environment and Infrastructure.*

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

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

'Town Planning Scheme Amendment and Policies'

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

COMMENTS & CONCLUSION:

It is considered that the proposed amendments to Policy 3.6.1 relating to Heritage Management – Development Guidelines to Heritage and Adjacent Properties will provide the following outcomes:

- A reduction in the regulatory and cost burden on residents within the City, while ensuring that acceptable development outcomes are maintained in relation to heritage places; and
- Clarification in relation to common forms of minor development which have not previously been exempted from the need for formal planning approval for heritage listed properties.

In light of the above, it is recommended the Council authorise the Chief Executive Officer to advertise the proposed amendments to Policy No. 3.6.1 – Heritage Management – Development Guidelines for Heritage and Adjacent Properties, for public comment.

9.2.3 Vincent Greening Plan - Proposed Streetscape Enhancements – Progress Report No. 2.

Ward:	Both	Date:	10 July 2013
Precinct:	All	File Ref:	TES0234
Attachments:	001 – Proposed Charles Street Streetscape 002 – Proposed Brady Street Streetscape 003 – Proposed Claisebrook North Streetscape		
Tabled Items:	Nil		
Reporting Officers:	K Godfrey, Parks Technical Officer; J van den Bok, Manager Parks and Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- CONSIDERS** the submissions received in relation to the proposed Streetscape Enhancements in Charles Street, North Perth, Brady Street, Mount Hawthorn and Claisebrook Road, East Perth; and
- NOTES** that, (at the time of writing this report), the Charles Street planting had commenced;
- APPROVES** the implementation of the following works;

No	Project	Plan No	Cost
2.1	Brady Street, Streetscape Enhancement	Plan No. 3028-CP-01	\$ 93,000
2.2	the Charles Street, Streetscape Enhancement (in progress)	Plan No. 3031-CP-01/02	\$ 57,000
2.3	the Claisebrook Road Streetscape Enhancement	Plan No. 2756 -CP01	\$ 115,000
Total Estimated Cost			\$265,000

- ADVISES** the respondents of its decision.

COUNCIL DECISION ITEM 9.2.3

Moved Cr McGrath, Seconded Cr Carey

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the results of the recent community consultation regarding Greening Plans and to seek approval to progress with the proposed streetscape works as outlined in the report.

BACKGROUND:

At the Ordinary Meeting of Council Held on 26 February 2013 it was resolved (in part) as follows:-

"That the Council;

1. *APPROVES IN PRINCIPLE the three (3) proposed streetscape enhancement plans (as attached) for Charles Street, Brady Street and Claisebrook Road;*
2. *CONSULTS with adjoining residents and business in relation to the proposals;"*

DETAILS:

Brady Street, Mount Hawthorn

On 14 March 2013, one hundred and sixty (160) letters were distributed to residents in the general area in accordance with the consultation policy.

At the close of the consultation period on 2 April 2013 only nine (9) responses were received.

Related Comments in Favour of the Proposal: (7)

- One in favour with no further comment.
- Excellent idea.
- Thank you for planting trees along Brady Street; it will certainly give the streetscape a face lift.
- Well done, please plant more trees on verges.
- Hope that these trees are visible for cyclists and motorists turning/crossing from either side of the road.
- A good idea, if the City plants trees in the median it will make Brady Street better.

Related Comments Against the Proposal: (2)

- Have arborists been consulted? Has pollen count been considered? Trees will drop branches in storms.
- Lay out of trees are potentially unsafe as their line of sight to oncoming traffic will be blocked when turning into Milton, Purslowe and Brady Streets.

Officer's comments:

Brady Street is a harsh and barren environment that will benefit greatly with the greening of this section of roadway. The proposed tree planting will enhance and soften the streetscape and greatly improve the visual appearance of the area. The support for tree planting program is reflected in positive comments received regarding the proposal to plant these trees within the central median of Brady Street. The Apple Gum has been a successful species of tree that has been utilised along both sides of Newcastle Street in Perth. These trees are now beginning to mature and have formed a green avenue effect thus providing shade for pedestrian traffic along with other environmental benefits. Officers consider that Brady Street would benefit greatly from this tree planting/greening program.

Engineering Technical Officers have assessed the planting locations and do not believe sightline issues are a problem and one (1) tree has been relocated to provide safe access to a vehicle crossover.

Charles Street, North Perth

On 14 March 2013, three hundred and ten (310) letters were distributed to residents in the general area in accordance with the consultation policy.

At the close of the consultation period on 2 April 2013 only nineteen (19) responses were received (four (4) of which were received after the closing date).

Related Comments in *Favour* of the Proposal: (9)

- I disagree that people have a choice not to have a tree and can be allowed to park unsightly trailers on property not owned by them; this makes it difficult to see when backing out of your driveway.
- I think trees along Charles Street will be very nice.
- I would like to see this happen down my end of the street.
- What about planting up the verges between Ellesmere/Green and Walcott Streets?
- The species appears to be native which seems appropriate.
- Our tree was damaged by vandals and we are glad to see a new tree planted, however what will happen to the trees if Main Roads decide to widen the road?
- I would like a tree on the front verge.
- One in favour with no further comment.

Related Comments *Against* the Proposal: (8)

- I would not want a tree as I am 86 years old and cannot clean up the leaves outside my property.
- I prefer to see the money and resources spent on existing parks within the precinct.
- Against the proposal to plant a tree adjacent to my property.
- Do not want a tree adjacent to my property.
- We would like the verge fixed with what you think is appropriate, it looks really poor.
- The tree will be an obstruction when reversing out of the driveway and this is a very busy road. We do not want a tree.

Other Comments (2)

- Trees will require maintaining ultimately costing ratepayers further increases in Council rates.
- It is hard to determine from the map where the tree will be located outside of our property. I do hope that a tree can be accommodated though.

Officer's comments

Over recent years the verges along both sides of Charles Street have been progressively planted up with street verge trees. Prior to the undertaking of this tree planting program Charles Street was devoid of any form of tree. Today these trees have begun to grow and contribute greatly by improving the visual amenity of such a busy arterial road.

The vast majority of negative responses indicated that they did not want a tree adjacent to their own property which is typical of the response we receive with any project where verge planting has been proposed.

Therefore in view of the vast number of planting projects being undertaken by Parks Services this winter season the planting has already commenced in areas where there is a grassed verge and owner/occupiers want a tree. The last part of the works will include cutting out sections of the footpath and planting trees along the western side of Charles Street.

Claisebrook Road:

On 14 March 2013, three hundred and ten (310) letters were distributed to residents in the general area in accordance with the consultation policy.

At the close of the consultation period on 2 April 2013 only five (5) responses were received (two (2) of which were received after the closing date).

Related Comments in Favour of the Proposal: (2)

- One (1) in favour with no further comment.
- I would also like the footpaths on these streets to be part of the streetscape. This would make a larger impact.

Related Comments Against the Proposal: (1)

- Claisebrook Road has beautiful mature trees at the northern end which should stay, the Jacarandas on the street need to go. Speed humps are as mindless as speeding, there needs to be thought put into this upgrade. Speed humps should all be removed and replaced with electronic speed illumination indicating speed of vehicle, drivers need education. If you need speed humps put them in your own street.

Other Comments (2)

- I understand Council may have not received the community support pledged, upgrading of the verges with more native plants (like Loftus Street) should be part of this project. A process to support individual property owners to upgrade their verges with native plants should be put in place.
- I am unhappy with the removal of the trees in the roadway in order to replant with new younger trees. Many of the Jacaranda trees planted on the roadway have really taken off and are in excellent condition and we do not want them removed. Conversely, many of the QLD Box trees are in dreadful condition and the City proposes to retain them. It doesn't feel like an enhancement. We are also hoping that the enhancement addresses the barren verges and they are planted up with native plants.

Officer's comments:

As indicated in the previous report to the Council regarding this proposal, a number of improvements to Claisebrook Road were proposed to create a 'Boulevard' feel. The proposed scope of works includes red asphalt embayed parking bays with brick paved and landscaped nibs, the intention being effectively to reduce the carriageway width whereby changing drivers perception of their road environment.

In order to achieve the above there are also some drainage modifications and remedial road works required. The plan also includes the previously approved modifications to the intersection of Claisebrook Road and Summers Street. The nib on the eastern site (of Claisebrook Road) will extend into Summers Street to embay the parking on the southern side of Summers Street. The low profile speed hump, while controlling speed, will also act as an entry statement to the residential portion of Summers Street.

A total of fifteen (15) additional trees are proposed to be planted along Claisebrook Road with intentions to improve the streetscape and increase tree canopy density. Currently the predominant street tree species is *Lophostemon conferta* (Queensland Box Tree) however, due to the success and positive comments from local business and residents of some established Jacaranda's, the new streetscape theme is proposed to be the Jacaranda (*Jacaranda mimosaeifolia*). It should be noted that the Jacarandas already planted within the road reserve are being removed and could possibly be transplanted into the verge area as part of the proposed works.

Whilst there has been a poor response to the community consultation regarding the proposed Streetscape Enhancements for Claisebrook Road, officers consider that this project will be worthwhile and will significantly enhance the area.

CONSULTATION/ADVERTISING:

Consultation was undertaken with the local community and business owners in accordance with the City's Community Consultation Policy No 4.1.5.

LEGAL /POLICY:

The Vincent Greening Plan project is being undertaken in accordance with the City's relevant policies and procedures.

RISK MANAGEMENT IMPLICATIONS:

LOW: The Vincent Greening Plan will enhance the design and cohesion of future greening projects within the City of Vincent. The Plan will assist the City in taking steps towards environmentally sustainable practices and landscape installations. The formulation of the Plan presents a low risk to the City.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment"

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

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

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

SUSTAINABILITY IMPLICATIONS:

With the creation of a Vincent Greening Plan, the City is upholding the very principles of sustainability. The Vincent Greening Plan document will guide the City in its future endeavours to build upon and enhance the environmental value of the City. The document will strictly adhere to the sustainability principals as outlined in the City's Sustainable Environment Strategy 2011-2016. The Vincent Greening Plan will assist the City in its capacity to support and maintain the sophisticated integration of economic, social and environmental dimensions.

FINANCIAL/BUDGET IMPLICATIONS:

As previously advised, an amount of \$100,000 was allocated on the 2012/2013 budget for Vincent Greening Plan projects, an annual amount of \$70,000 allocated for the Street Tree Enhancement Program.

Charles Street:

The estimated cost including the supply/planting of trees, footpath cut outs, excavator hire, service locator and traffic management is \$57,000. These works will be charged against the Street Tree Enhancement Program budget (\$70,000).

Brady Street:

The estimated cost including the supply/planting of trees/shrubs, road cut outs/kerbing, median paving removal/disposal excavator hire, service locator and traffic management is \$93,000. These works will be charged against the Vincent Greening Plan budget (\$100,000).

Claisebrook Road:

The 2013/2014 budget includes \$150,000 for this project:

Soft landscaping:

The estimated cost including the supply/planting of trees, road cut outs/kerbing, remove dead/declining trees removal/disposal excavator hire, service locator and traffic management is approximately \$30,000.

Civil Works:

The civil works have been estimated to cost in the order of \$85,000. This comprises removing the existing on road trees and making good the pavement, red asphalt embayed parking bays/lanes, brick paved and landscaped nibs, drainage modifications, some remedial road works, low profile speed hump, line-marking, new signage and traffic management. The remedial works* may increase in costs once a detailed assessment of the road pavement condition has been completed. The tree planting and civil works (estimated to cost \$115,000) will be charged against the existing Claisebrook Road Enhancement budget (\$150,000).

Officer's comments:

The total cost of the three (3) projects is \$265,000 i.e. Charles = \$57,000, Brady = \$93,000 and Claisebrook Road = \$115,000

COMMENTS:

It is therefore recommended that the Council approve the streetscape enhancement plans for Claisebrook Road, East Perth, Brady Street, Mount Hawthorn and Charles Street, North Perth so the engineering works can commence as soon as practicable and the trees are planted prior to the end of August 2013.

9.2.4 Proposed Black Spot Treatment at the Intersection of Walcott and York Streets, North Perth – Approval to Proceed

Ward:	South	Date:	12 July 2013
Precinct:	Norfolk Precinct (10)	File Ref:	TES0173
Attachments:	001 – Black Spot Treatment, Drawing No. 2984-DC-01		
Tabled Items:	Nil		
Reporting Officer:	C Wilson, Manager Asset and Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- 1. ACCEPTS** the recommendation of its Integrated Transport Advisory Group (ITAG) which was supported by the ITAG at its meeting of 10 June 2013 concerning, the proposed half (½) seagull island Black Spot treatment at the intersection of Walcott and York Streets, North Perth;
- 2. APPROVES** the installation of a half (½) seagull island Black Spot treatment at the intersection of Walcott and York Streets as shown on attached Plan No. 2984-DC-01, in the interest of improving road safety; and
- 3. ADVISES** the respondents of its decision.

COUNCIL DECISION ITEM 9.2.4

Moved Cr Topelberg, **Seconded** Cr Maier

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the results of the community consultation and ITAG's recommendation to proceed with the installation of the '½ seagull island' Black Spot treatment at the intersection of Walcott and York Streets, North Perth and approve of the works.

BACKGROUND:

A 'Black Spot' is a location whereby there have been five (5) or more accidents over a five (5) year period. The accidents are analysed and a treatment to address the predominant accident type is designed, costed, a cost benefit ratio (CBR) determined (in accordance with the funding guidelines) and if the CBR is above a certain threshold, the project is submitted for funding.

At its Ordinary Meeting 25 September 2012 the Council received a report upon the City's successful 2011 submissions made the following decision was, in part, made;

"That the Council;

1. APPROVES;
 - 1.1 *The following Proposed 2012-2013 Black Spot Improvement Projects Program, subject to undertaking the Public Information Process specific to Black Spot Projects, as adopted by Council at its Ordinary Meeting of 9 August 2012:*
 - 1.1.2 *Intersection of Walcott and York Street, Mt Lawley, as shown in diagram 2;*
2. *AUTHORISES the Director Technical Services to refer any of the projects outlined in clause 1 above, that attract reasoned objections, to the City's Integrated Transport Advisory Group (ITAG) for further consideration prior to considering their implementation."*

DETAILS:

York and Walcott Street Blackspot Submission:

Each year Local Governments receive a list of accident 'Black Spots' (for the preceding five (5) year period) from Main Roads WA (MRWA) from which annual funding submissions are prepared. As this process can take up to two (2) years (from submission to approval) the City applied for funding for the above intersection in July 2011.

The five (5) year accident history, upon which the submission was based, was for the period 1 January 2006 to 31 December 2010. There were five (5) recorded accidents of which two (2) involved casualties.

The intersection of York and Walcott Streets was submitted in July of 2011 on the basis of five (5) accidents, two of which involved casualties, for the period 1 January 2006 to 31 December 2010, at the time the most up to date data.

In 2011 there was a further three (3) reported accidents, one (1) of which required ambulance attendance, while in 2012 there was one (1) reported accident. Therefore, for the five (5) year period January 2008 to December 2012 there were eight (8) accidents in total, further validating its status as a Black Spot.

The proposed scope of works is shown on Plan No. 2984-DC-01, as attached.

Community Consultation:

The City subsequently consulted with the residents of York Street and the streets immediately abutting. From a total of one hundred and eighty nine (189) letters delivered, the City received eight (8) responses (a 4.2% response rate).

In Favour: 4
Opposed: 3
Other: 1

Related Comments *In Favour* of the Proposal:

- 3 x in favour with no further comment.
- I support the trial of a ½ seagull island on the corner of York Street and Walcott Street. However, I would like to question whether this is the best approach to address the issue of York Street being a rat run during both morning and afternoon peak periods.
Issues: I have highlighted three main issues I see with York Street intersections that I would like to be considered in future road works programs (refer to figure 1).
Solutions: I wondered if the proposed island should be extended to prevent left turns from Walcott Street to York Street thereby preventing speeding motorists coming down York Street or whether speed humps would solve the problem? (Figure 2). I understand that work was done on York Street some time ago but it has had little effect on reducing speed as evidenced by the stop sign and give way sign often being bent over.

Related Comments *Against* the Proposal:

- I am concerned that lack of right hand turn at the intersection will divert traffic down Monmouth St to find an alternative access point to Walcott Street.
- I do not think limiting right hand turns will solve the problem. The issue is that of visibility. This would better be tackled by banning street parking on the south side of Walcott Street near the intersection of York St. This will allow drivers turning right and left better view of oncoming traffic.
- 5 accidents in 5 years – no fatalities and this is considered a black spot. SERIOUSLY. Is there a U-turn option anywhere between York St and Fitzgerald St to allow the traffic coming out of York and wanting to turn right an option to come back? York St residents will be forced back to Fitzgerald St and turning right at that intersection is 10x worse during peak periods because you have Namur St to consider as well. And the list could go on. Fix some real problems.

Related *Other* Comments:

- Concerned that traffic will then flow to Venn St, to turn right onto Walcott at Venn St. This intersection has less visibility and an intersecting road on the opposite side of Walcott. At present the statistics probably don't show this as a Blackspot because traffic is flowing freely from York St. However, after change to York St, traffic will be more concentrated along Venn St and the statistics will change. To avoid the same 'Blackspot' occurring at Venn Street it would be wise to make this a 'no right turn' intersection too, so that drivers are forced to go to William St lights. To avoid confused drivers on York St, there should be a sign at the beginning of York St (at Fitzgerald St) that indicates 'no right turn at Walcott St'. This may result in fewer accidents at intersection of York and Walcott however it may in turn create more serious accidents at corner of Venn & Walcott (there was a fatality at this intersection just recently).

Officer's comments:

In respect to the above comment about the recent fatality it was a pedestrian hit by a car when crossing Walcott Street, not a car v car and therefore a similar treatment at Venn Street would not have altered the outcome. Further, there were only two (2) accidents attributed to the Walcott and Venn Streets intersection over the five (5) period 2008-2012. However there were seven (7) accidents attributed to the movements into/out of Learoyd Street (on the City of Stirling's side).

ITAG Meeting 10 June 2013:

In accordance with the Council's decision the outcome of the public consultation and likely impact of the ½ seagull treatment was discussed at the above ITAG meeting.

The ITAG acknowledged that while the proposed Black Spot treatment may cause some inconvenience for the residents of York Street wishing to access Walcott Street south east bound (i.e. toward Mt Lawley) there are alternative routes available and therefore in the interests of road safety the project should proceed.

The ITAG subsequently directed that the officers report to the Council on the outcomes of the consultation and the ITAG's recommendation to proceed with the proposed Black Spot improvement.

CONSULTATION/ADVERTISING:

The residents of York Street and the streets immediately abutting were consulted the results of which are contained within the main body of the report. Further, the respondents will be advised of Council's decision.

LEGAL/POLICY:

York Street is classified as an Access Road and Walcott Street is a District Distributor A Road in accordance with the Functional Road Hierarchy. York Street is under the care, control and management of the City while Walcott Street is boundary road with the City of Stirling.

RISK MANAGEMENT IMPLICATIONS:

Medium/High: Black Spots are based upon a five (5) year accident history. For the period 1 January 2006 to 31 December 2010, upon which the original Black Spot submission was based, the intersection recorded five (5) accidents, with a further four (4) to 31 December 2012. The proposed treatment (½ seagull) would have potentially eliminated four (4) of the eight (8) accidents recorded between 2008 and 2012.

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:

Improve safety for residents and road users.

FINANCIAL/BUDGET IMPLICATIONS:

The project has approved State Black Spot funding of \$23,333, while the City's contribution is \$16,667 (total project budget \$35,000), carried forwarded from the 2012/13 Budget, to undertake traffic safety improvements at the intersection of York and Walcott Streets.

COMMENTS:

It is requested that, in the interest of safety, the officer recommendation be supported.

9.2.7 Wade Street Reserve – Proposed Upgrade Associated with the Vietnamese Monument of Gratitude – Progress Report No. 4

Ward:	South	Date:	15 July 2103
Precinct:	Hyde Park (12)	File Ref:	RES0124
Attachments:	001 - Proposed Plan No. 2954-CP-02		
Tabled Items:	Nil		
Reporting Officer:	J van den Bok, Manager Parks and Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

CORRECTED OFFICER RECOMMENDATION:

That the Council;

1. NOTES that at the Ordinary Meeting of Council held on 26 February 2013 (Item 9.4.3) in Clause 2 it resolved (in part);

"That the Council;

2. *APPROVES the design of the Vietnamese Monument of Gratitude and its location as shown in Option No. 1, in Plan No.2954-~~DP-01B~~, on Wade Street Reserve"*
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 being one third of the number of offices of members of the Council, SUPPORT this motion to change the Council decision;
3. MOVES a motion to CHANGE the decision by amending clause 2 (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 be changed to read as follows;
 - 4.1. "APPROVES the redevelopment of Wade Street Reserve at an estimated cost of \$82,000 as shown on the attached Plan No. 2954-~~CP-02~~;"
- 2 5. NOTES that the Vietnamese community have requested works commence as soon as possible to enable the works to be completed prior to the monument launch date scheduled for mid October 2013; and
- 3 6. ADVISES the local community of its decision.

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

Moved Cr Carey, Seconded Cr Pintabona

That the recommendation be adopted.

Debate ensued.

The Presiding Member Mayor Hon. Alannah MacTiernan called for Nominations. Nominations were received as follows:

2. in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(1)(e) of the Local Government Act 1995, three Elected Members, namely Mayor Hon. Alannah MacTiernan, Cr Carey and Cr Pintabona being one third of the number of offices of members of the Council, SUPPORT this motion to change the Council decision;
3. Cr Carey MOVES a motion to CHANGE the decision by amending clause 2 (as above); and

Debate ensued.

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

(Cr Buckels was on approved leave of absence.)

COUNCIL DECISION ITEM 9.2.7

That the Council;

1. NOTES that at the Ordinary Meeting of Council held on 26 February 2013 (Item 9.4.3) in Clause 2 it resolved (in part);
"That the Council;
 2. **APPROVES the design of the Vietnamese Monument of Gratitude and its location as shown in Option No. 1, in Plan No.2954-DP-01B, on Wade Street Reserve"**
2. in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(1)(e) of the Local Government Act 1995, three Elected Members, namely Mayor Hon. Alannah MacTiernan, Cr Carey and Cr Pintabona being one third of the number of offices of members of the Council, SUPPORT this motion to change the Council decision;
3. Mayor Hon. Alannah MacTiernan, Cr Carey and Cr Pintabona MOVES a motion to CHANGE the decision by amending clause 2 (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 be changed to read as follows;
"4.1. APPROVES the redevelopment of Wade Street Reserve at an estimated cost of \$82,000 as shown on the attached Plan No. 2954-CP-02;"
5. NOTES that the Vietnamese community have requested works commence as soon as possible to enable the works to be completed prior to the monument launch date scheduled for mid October 2013; and
6. ADVISES the local community of its decision.

ADDITIONAL INFORMATION:

A Rescission Motion is required to change part of a previous Council decision, as the recommended location of the Monument is now the middle of the park – refer Plan No 2594-CP-02 (and not on the Ruth Street end of the park – Plan No 2954-DP-01B).

The Vietnamese Community have prepared plans based on the new location of the Monument.

The City's Administration does not have any objection to the proposed new location in the middle of the park. The existing bus shelter will be relocated, at no cost to the City, to provide a better view of the Monument.

PURPOSE OF REPORT:

The purpose of the report is to seek approval for upgrade works to Wade Street Reserve as part of the redevelopment of the park in association with the recent approved installation of the Vietnamese Boat Peoples Monument of Gratitude.

BACKGROUND:

Previous progress reports have been presented to the Council over the past years in relation to the proposal to install a Vietnamese Monument of Gratitude on a site within the City of Vincent.

Ordinary Meeting of Council	Outcome
14 July 2009	The Council approved 'in principle' installation of the Vietnamese monument at Weld Square and NOTED that the location of Hyde Park is not supported by the Heritage Council of WA.
27 July 2010	The Council approved further investigation in relation to the location of the Vietnamese Monument in either Robertson Park or Wade Street Reserve.
9 November 2010	The Council approved 'in principle' to locate the Vietnamese Boat People Monument of Gratitude in the north east corner of Robertson Park and to CONSULT with the local community surrounding Robertson Park for a period of twenty-one (21) days seeking their views in relation to the proposals and obtain comments from the Heritage Council of Western Australia with respect to the proposal.
22 March 2011	After considering the comments received from the community, the Council approved the installation of the Vietnamese Boat People Monument of Gratitude, 'Option 2' within Robertson Park.
26 June 2012	The Council approved in principle the installation of the Vietnamese Boat People Monument of Gratitude, within the Wade Street Reserve, subject to undertaking consultation with the Vietnamese Community and the adjoining residents.
4 December 2012	The Council resolved as follows: <i>"That the Council;</i> 1. <i>APPROVES IN PRINCIPLE the initial design concept for the Vietnamese Monument of Gratitude to be located on Wade Street Reserve as shown in Appendix 9.4.2; and</i> 2. <i>NOTES that upon receipt of a more detailed Concept Plan of the Monument, the matter will be further reported to the Council."</i>
18 December 2012	The Council approved 'in principle' the final design of the Vietnamese monument to be located on Weld Square Reserve and authorised to advertise the design for public comment for twenty-one (21) days from 8 – 29 January 2013.
26 February 2013	<i>The Council resolved as follows (in part)</i> 2. <i>APPROVES the design of the Vietnamese Monument of Gratitude and its location as shown in Option No. 1, in Plan No.2954-DP-01B, on Wade Street Reserve;</i> 3. <i>AUTHORISES:</i> 3.1 <i>the work to begin on the monument to be installed and launched during Refugee Week from Sunday 16 June 2013 to Saturday 22 June 2013; and</i> 3.2 <i>the Mayor and Chief Executive Officer to approve all additional text, after consultation with the stakeholders."</i>

DETAILS:

The City's officers have been liaising with the Vietnamese community over the past few months in relation to the redevelopment of Wade Street Reserve including potential plant species, path alignments and relocation of existing infrastructure currently located within the park.

A landscape concept plan was recently submitted by the Vietnamese community which has been modified by officers and discussed with representatives of the Vietnamese community at a meeting held on Friday 12 July 2012.

At the above meeting discussions ensued in relation to monument installation and the proposed improvements to the reserve. The plan was well received with a few minor modifications in relation to plant species availability and a request to remove large existing cotton palm that will otherwise block the view of the monument from the William Street frontage.

Pathways

The path alignment has been requested by the Vietnamese community (see attached plan) and is practicable. The paving surfaces were discussed and will predominantly consist of a liquid limestone (yellow) textured finish similar to the paths located throughout Kings Park. An exposed aggregate around the central monument has been selected which is similar to the treatment recently completed outside the entrance to the Beatty Park Leisure Centre.

Limestone walling/capping is being proposed along one side of the pathway, which will also provide additional seating areas.

Plantings

Whilst the Vietnamese community requested that Cherry blossom trees be planted around the back of the memorial, these are difficult to source and are unlikely to grow well in this very hot location. A substitute tree (*Lagerstroemia indica* - Crepe Myrtle) was selected and will be complimented by understorey plantings of typical Vietnamese species such as Liriope, lemon grass, ginger or ochra. (Vietnamese Mickey Mouse plant).

The existing rose garden at Wade Street Reserve was identified at the public meeting as having some significance and therefore the original hybrid tea roses will be removed and relocated to an area on either side of the monument.

Fencing

A small 400mm high pool type fence similar to what has been installed at Jack Marks Reserve is proposed for installation along the William Street frontage only.

Tree Removals

The Vietnamese community has requested that consideration be given to removing two (2) existing palms. The first is a suckering Senegal date palm that is not in particularly good health and condition. It is out of place and its removal is endorsed by the City's officers.

The second palm is a mature Cotton palm located adjacent to the Adshel bus shelter. The park is framed by these large cotton palms; however this particular specimen is located directly in front of the monument when viewed from William Street. The Vietnamese community representatives have requested its removal so that the view of the monument is not visually obstructed.. Whilst the palm is mature it has little heritage significance, this species is very common throughout Perth and its removal will not have a mahoe affect on the landscape.

Lighting & Park furniture

Lights along the pathway and highlighting the monument is proposed and new items of park furniture including park benches and rubbish bins will be included in the redevelopment of the park.

CONSULTATION/ADVERTISING:

Consultation in relation to the installation of the monument and proposed redevelopment of the park to include new paths, park furniture, gardens and lighting has been undertaken. A public meeting was held on site on Sunday 26 August 2012.

Only 3 persons attended from the public, however all were happy with the proposal for a Vietnamese monument as long as the structure was in keeping with the parks scale and also any likely associated park improvements which were outlined by the Manager Parks & Property Services.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

1.1.4(b) Continue to implement both minor and major improvements in public open spaces and progressively extend the wetlands heritage trail/greenway and develop a City "Greening Plan" including the continual beautification and landscaping of public open space, roads and car parks, and other City owned land."

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$85,000 is included in the 2103/2014 budget for the Redevelopment of Wade Street Reserve.

Estimated costs are as follows:-

Wade Street Reserve Redevelopment	
Item Description	Estimated Cost
Monument surrounds (exposed aggregate)	\$6,600
Pathways (liquid limestone)	\$15,000
Earthworks	\$5,000
Limestone walls	\$5,000
Fencing	\$10,400
Removal of palms/bollards	\$4,500
Trees	\$6,000
Shrubberies	\$3,000
Reticulation (amend existing)	\$7,000
Turfing (reinstatement)	\$2,000
Lighting	\$7,500
Park furniture (bins & benches)	\$10,000
TOTAL	\$82,000

Future Works Relocation of Western Power Stay Poles	\$10,000
Relocation of Bus Stop	Adshel

COMMENTS:

It is therefore recommended that the Council approve the redevelopment of Wade Street Reserve as shown on the attached plan and the works commence on site as soon as practicable.

9.3.1 Investment Report as at 30 June 2013

Ward:	Both	Date:	12 July 2013
Precinct:	All	File Ref:	FIN0033
Attachments:	001 – Investment Report		
Tabled Items:	Nil		
Reporting Officers:	B C Tan Manager Financial Services; N Makwana, Accounting Officer		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **NOTES** the Investment Report for the month ended 30 June 2013 as detailed in Appendix 9.3.1.

Moved Cr Maier, Seconded Cr Harley

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

“That the Council NOTES the Investment Report for the month ended 30 June 2013 as detailed in Appendix 9.3.1 and that the investments in the Bendigo, Adelaide Bank and Suncorp Bank were temporarily over the limits set by the City’s Investment Policy.”

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

(Cr Buckels was on approved leave of absence.)

COUNCIL DECISION ITEM 9.3.1

That the Council **NOTES** the Investment Report for the month ended 30 June 2013 as detailed in Appendix 9.3.1 and that the investments in the Bendigo, Adelaide Bank and Suncorp Bank were temporarily over the limits set by the City’s Investment Policy.

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

DETAILS:

Total Investments for the period ended 30 June 2013 were \$8,511,000 compared with \$11,021,305 at 31 May 2013.

At 30 June 2012, \$19,211,000 was invested.

Investment comparison table:

	2011-2012	2012-2013
July	\$13,511,000	\$18,211,000
August	\$24,011,000	\$30,511,000
September	\$22,011,000	\$28,511,000
October	\$21,511,000	\$26,711,000
November	\$21,011,000	\$24,711,000
December	\$18,011,000	\$20,711,000
January	\$25,011,000	\$20,711,000
February	\$23,811,000	\$18,711,000
March	\$27,111,000	\$17,111,000
April	\$24,511,000	\$13,011,000
May	\$22,711,000	\$11,021,305
June	\$19,211,000	\$8,511,000

Total accrued interest earned on Investments as at 30 June 2013:

	Annual Budget	Budget Year to Date	Actual Year to Date	%
Municipal	\$584,000	\$584,000	\$370,715	63.48
Reserve	\$535,000	\$535,000	\$619,293	115.76

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

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

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

COMMENT:

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

The funds invested have decreased from previous period due to payment of creditors and payroll. It should be noted that cash back from Municipal bank account are part of Reserve funds. Investments have reduced from previous year due to loan and contributions received for Beatty Park Redevelopment have been utilized.

The report comprises of:

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

9.3.5 Hyde Park & Banks Reserve and extension of Temporary /Portable Mobile Service at Hyde Park – Expression of Interest Café/Kiosk

Ward:	South Ward	Date:	12 July 2013
Precinct:	Hyde Park (12) Banks (15)	File Ref:	RES0042 & RES0008
Attachments:	001 – Map of Proposed Locations		
Tabled Items:			
Reporting Officer:	M, Rootsey, Director Corporate Services		
Responsible Officer:	M, Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council;

1. **AUTHORISES** the Chief Executive Officer to call for Expressions of Interest for the fit out and operation of a Café/Kiosk at Hyde Park and Banks Reserve;
2. **RECEIVES** the report on the temporary mobile food facility for the period ending the 30 April 2013; and
3. **APPROVES** the provision of a mobile food facility for Hyde Park (adjacent to the water playground) for a further year (that is for the period 1 November 2013 to 30 April 2014).

Moved Cr Maier, Seconded Cr Carey

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

“That the Council;

4. NOTES that:

4.1 Approval may be required from the Heritage Council’s Development Committee for a café/kiosk in Hyde Park; and

4.2 Approval will be required from the Western Australian Planning Commission for a café/kiosk in Hyde Park; and

5. REQUESTS the Chief Executive Officer to consult with the communities surrounding Hyde Park, Banks Reserve and the broader community with regards to the proposals.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Pintabona

“That Clause 3 be amended to read as follows:

3. **APPROVES** the provision of a mobile food facility for Hyde Park (adjacent to the water playground) for a further year three month period (that is for the period ~~4 November 2013 to 30 April 2014~~ 1 October 2013 to 31 December 2013).

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was on approved leave of absence.)

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

(Cr Buckels was on approved leave of absence.)

COUNCIL DECISION ITEM 9.3.5

That the Council;

1. **AUTHORISES** the Chief Executive Officer to call for Expressions of Interest for the fit out and operation of a Café/Kiosk at Hyde Park and Banks Reserve;
2. **RECEIVES** the report on the temporary mobile food facility for the period ending the 30 April 2013;
3. **APPROVES** the provision of a mobile food facility for Hyde Park (adjacent to the water playground) for a further three month period (that is for the period 1 October 2013 to 31 December 2013);
4. **NOTES** that:
 - 4.1 Approval may be required from the Heritage Council's Development Committee for a café/kiosk in Hyde Park; and
 - 4.2 Approval will be required from the Western Australian Planning Commission for a café/kiosk in Hyde Park; and
5. **REQUESTS** the Chief Executive Officer to consult with the communities surrounding Hyde Park, Banks Reserve and the broader community with regards to the proposals.

PURPOSE OF REPORT:

To provide a report to progress the provision of a Café/Kiosk at both Hyde Park and Banks Reserve, and also confirm approval for a mobile food facility for next summer period.

BACKGROUND:

Hyde Park

Previous reports have been submitted to the Council on 22 September 2009, 1 December 2009, 23 March 2010, 27 March 2012 and 23 October 2012.

Banks Reserve

A report was submitted to the Ordinary Meeting of Council held 26 February 2013 regarding the proposed upgrade of the building and courtyard.

Temporary Mobile Food Facility

At the Ordinary Meeting of Council held 23 October 2012 the Council resolved in part for quotations to be obtained for a temporary portable/mobile food facility at Hyde Park, on a trial basis for the period, up to 30 April 2013.

A Request for Quote was advertised on 3 November 2012 for the service and at the end of the period only one (1) submission was received from Delish Ice.

DETAILS:

To provide the Council with the latest information on the Hyde Park and Banks Reserve projects and the extension of the mobile food facility at Hyde Park.

Hyde Park

The Council resolved to make a decision on this matter after the completion of the Hyde Park Restoration Project.

Three (3) potential locations were identified as a possible site for such a facility. These were as follows:

- Throssel Street (Western end of Hyde Park);
- William Street (Eastern end of Hyde Park); and
- Causeway (between the Eastern and Western Lakes).

However, the location at Throssel Street has been determined as the most appropriate for the activity proposed and should be the most cost effective as all the services are already on site.

Throssel Street (Western end of Hyde Park)

An existing building is located adjacent to the Throssel Street playground and consists of male/female toilets and storage shed. Large shady trees and views of the lake provide the most suitable and practicable location for a small café/tearoom. (As shown in Appendix A)

Officers Comments:

The existing toilet is currently being upgraded to accommodate universal access facilities and this location continues to be the preferred location for a café/tearoom. Waste, water and electrical services are ready on site and it is considered by staff that the tearoom/seating area could be included in this location without being too intrusive.

In addition, this area of the park with the universal playground, the upgraded water playground, BBQ's, picnic tables and toilet facilities is where the majority of patrons of the park tend to congregate, particularly during the busy summer months.

Throssel Street continues to remain as the Officers preferred location for the reasons outlined in this report.

The Council has been approached by a business that wishes to develop a café in the storage area adjoining the toilet block.

This would allow a tea room type facility without altering the park with more buildings. It would also improve the safety of the toilet facility.

Planning and Heritage requirements

Hyde Park is included on the Heritage Council of Western Australia's Register of Heritage Places. The place has significant scientific and historic importance as a remnant of the former chain of wetlands that extended north of Perth and is valued as an important source of aesthetic and recreational enjoyment for the community. In accordance with the Heritage of Western Australia Act 1990, any proposed alteration or development, including the provision of a tea room to Hyde Park would require to be referred to and approved by the Heritage Council of Western Australia.

In the consideration of the proposed tea rooms the requirements and recommendations of the Hyde Park Conservation Plan, which was prepared by Kelsall Binet Architects in 2003, should be acknowledge and addressed. The Policy 74 of the Conservation Plan states that the *'preferred uses for Hyde Park are those that maintain its traditional uses as a place for passive public recreation and relaxation'* and that for this reason *'it will not be possible for a building to be erected in the park for a café, sporting club or any other private business'*.

In light of this provision of the Conservation Plan, preliminary advice was sought from the Heritage Council on the concept of a tea room at Hyde Park. In an email received on 19 October 2009, the Heritage Council's Officers advised that they *'are generally supportive of a tea room if it is done in such a manner with refined detailing and low visual impact. Location would be an important matter obviously.'* It was further advised in light of the deviation from the Conservation Plan the matter would need to be considered and approved by the Heritage Council's Development Committee.

The following policies of the Conservation Plan should inform the design of the proposed tea room facility:

- Policy 18 New work, such as the construction of new buildings or structures within the park, may be acceptable where they do not distort or obscure the cultural significance of the place, or detract from its interpretation and appreciation. New work should be readily identifiable.
- Policy 28 There should be no new works in open space areas which will adversely affect the nature of the landscape or obscure important views to and from the site.
- Policy 44 The proportion of hard to soft landscaping is not to be increased beyond current levels. No new paths or paved areas without historical precedent are to be established.
- Policy 45 Where essential new structures or buildings need to be constructed in the park they should be limited in size and scale and when possible they should be of a lightweight construction that could easily be removed when required with the least damage to significant fabric.

In addition to the above, Hyde Park is a Parks and Recreation Reserve under the Metropolitan Region Scheme. Therefore any development would require to be submitted as a planning application that would be determined by the Western Australian Planning Commission.

Mobile Food Facility at Hyde Park

As result of the Council decision at the Ordinary Meeting of Council held 23 October 2012.

Quotes were sought for the provision of a temporary mobile service on a trial basis for the period from 1 December 2012 to 30 April 2013.

However the City received only one (1) submission. Delishice who met the selection criteria was selected to provide this service for the trial period.

The trial period has now ended. The contractor was contacted to obtain feedback on the trial and the opinion was that it had been a success. They have subsequently advised that they would be keen to continue if the service was approved for further period.

However, It was advised that because people were not aware of any service being provided people attending the park for picnics etc brought their own food and drink, it was also acknowledged that the service provided by Delishice was unique.

Banks Reserve

Representation has been received from parties interested in fitting out and operating a Café/ Kiosk at Banks Reserve and therefore is keen to pursue these options.

The proposed development of the Banks Reserve pavilion presented at the Ordinary Meeting of Council held on 26 February 2013 was not included on the Annual Budget an amount of \$50,000 was included to improve the current facilities.

It is proposed that any operator would be responsible for fit out and operating costs.

The location as attached in Appendix B presents passing trade for recreational users in the area and is especially popular at the weekends.

It would be proposed that the operation at this location may open at the weekends only.

CONSULTATION/ADVERTISING:

Not Applicable.

LEGAL/POLICY:

- Food Act 2008 and Food Regulations 2009;
- Environmental Protection (Noise) Regulations 1997; and
- Local Government Act (1995) Tender Regulations.

RISK MANAGEMENT IMPLICATIONS:

Medium: there is a risk that the operation of the proposed Café/Kiosk at the site is not successful and ceases operation.

STRATEGIC IMPLICATIONS:

Plan for the Future Strategic Plan 2011–2016:

Key Result Area One – Natural and Built Environment:

“1.1.1 Improve and Maintain the Environment and Infrastructure.”

Key Result Area Two–Eco Economic Development:

“2.1.1 Promote the City of Vincent as a place for investment appropriate to the vision for the City.”

SUSTAINABILITY IMPLICATIONS:

The building will take cognisance of its environmental surrounds and will be low impact.

The project will have to be economically sustainable to be retained as the Tea Rooms.

FINANCIAL/BUDGET IMPLICATIONS:

It is planned there will be no capital outlay as the fit out for the venues will be the responsibility of the successful operator.

The City would receive rental revenue from the operator, however there could be some rental incentive to encourage any operator during the infancy of the business at the locations.

COMMENTS:

The provision of a Café/Kiosk has been a project that has had a long history and a decision on which way to go has been delayed until to the work on the Hyde Park Lakes Project had been completed.

The Banks Reserve pavilion has also been a facility that has been subject to much discussion from the surrounding community.

It is recommended that expression of interests for both venues supported, it is a way of assessing the interest in operating such a business at these two venues.

The Mobile Food Facility has proven to meet a need during the trial period and it is recommended that it be continued for next summer for the period 1 November 2013 to 30 April 2014.

9.5.1 FURTHER REPORT: Draft Policy No. 4.1.34 – Active Citizens Award

Ward:	Both	Date:	12 July 2013
Precinct:	All	File Ref:	FIN0202
Attachments:	001 -- Draft Policy No. 4.1.34 – Active Citizens Award and Guidelines		
Tabled Items:	Nil		
Reporting Officers:	E Everitt, Community Development Officer J Anthony, Manager Community Development		
Responsible Officers:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the further report relating to the Draft '*Active Citizens Award*' Policy;
2. **APPROVES BY AN ABSOLUTE MAJORITY** the Draft Policy No. 4.1.34 – '*Active Citizens Award*', as shown in Appendix 9.5.1; and
3. **AUTHORISES** the Chief Executive Officer to:
 - 3.1 **Advertise** the Draft Policy No. 4.1.34 – '*Active Citizens Award*', for a period of twenty-one (21) days, seeking public comment;
 - 3.2 **Report back to the Council** with any public submissions received; and
 - 3.3 **Include the Policy in the City's Policy Manual** if no public submissions are received.

Moved Cr Harley, Seconded Cr Carey

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Harley, Seconded Cr Carey

"That Clauses 2 and 3 be deleted and a new Clause 2 be added as follows:

That the Council;

1. **RECEIVES** the further report relating to the Draft '*Active Citizens Award*' Policy; and
2. ~~**APPROVES BY AN ABSOLUTE MAJORITY** the Draft Policy No. 4.1.34 – '*Active Citizens Award*', as shown in Appendix 9.5.1; and~~
3. ~~**AUTHORISES** the Chief Executive Officer to:~~
 - 3.1 ~~**Advertise** the Draft Policy No. 4.1.34 – '*Active Citizens Award*', for a period of twenty-one (21) days, seeking public comment;~~
 - 3.2 ~~**Report back to the Council** with any public submissions received; and~~
 - 3.3 ~~**Include the Policy in the City's Policy Manual** if no public submissions are received.~~

2. AUTHORISES the Chief Executive Officer to:

2.1 Align the Draft Policy No. 4.1.34 – ‘Active Citizens Award’ with the Australia Day Premier’s Award; and

2.2 Report back to the Council with an amended Draft Policy to include the discretion to include a committee of community representatives to assist with nominations.”

Debate ensued.

The Presiding Member Mayor Hon. Alannah MacTiernan recommended deleting “community representatives” and inserting “Council Members”- The Mover and Seconder agreed.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was on approved leave of absence.)

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

(Cr Buckels was on approved leave of absence.)

COUNCIL DECISION ITEM 9.5.1

That the Council;

1. **RECEIVES** the further report relating to the Draft ‘Active Citizens Award’ Policy; and
2. **AUTHORISES** the Chief Executive Officer to:
 - 2.1 **Align** the Draft Policy No. 4.1.34 – ‘Active Citizens Award’ with the Australia Day Premier’s Award; and
 - 2.2 **Report back to the Council with an amended Draft Policy to include the discretion to include a committee of Council Member to assist with nominations.**

PURPOSE OF REPORT:

The purpose of this report is to seek the Council’s approval for the implementation of an Active Citizens Award in relation to the Premier’s Australia Day Awards.

BACKGROUND:

At the Ordinary Meeting of Council held on 28 May 2013 at Item 9.5.1 Draft Policy No. 4.1.34 – ‘Active Citizens Award’ was deferred pending investigations into combining the recommended Active Citizens Award with the Australia Day Premier’s Award Ceremony that the City of Vincent currently holds.

DETAILS:

The City’s Officers recommend implementing an Active Citizen Award by which local residents could be nominated by other residents, businesses and organisations within the City on an ad hoc basis for their contribution to the Community.

The purpose of implementing an Active Citizens Award would be to give the Council and the community an opportunity to recognise and thank citizens that often contribute to community in small ways that may otherwise go unnoticed. Although these contributions may be small they are often the things that contribute to the sense of community; such as assisting an elderly neighbour with taking out their bins or assisting a business in keeping their alfresco area tidy.

The Australia Day Premier's Award Ceremony is also an important part of community recognition, however on a larger scale. This Award Ceremony is prestigious and only three (3) candidates' across three (3) Categories State wide are awarded in this ceremony. This award aims to recognise citizens' State wide for outstanding achievements.

The Australia Day Premier's Awards objectives are to recognise outstanding achievement State wide, whereas the recommended Active Citizens Award aims to pay tribute to local level community contributions. Given the objectives of the two (2) awards are distinct from each other and due to the different objectives of each award, the City's Officers do not recommend combining the two (2) awards. The City's Officers recommend implementing the Active Citizens Award as outlined in Draft Policy No. 4.1.34, in order to recognise community contributions at a grassroots level.

CONSULTATION/ADVERTISING:

The Active Citizens Award would be advertised on the City of Vincent Website, social media sites and in printed and electronic newsletters.

The Award would also be advertised to local business and organisations within the City to make community members aware of the programme, so they would be inclined to nominate residents for it.

LEGAL/POLICY:

Nil.

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:

The approval of the proposed Active Citizens Award is in keeping with the *City's Strategic Plan 2011-2016*, where the following Objectives state:

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

SUSTAINABILITY IMPLICATIONS:

Implementation of Active Citizens Award within the City of Vincent is a socially sustainable way to promote and support diversity and mutuality within the community.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The objective of the proposed Active Citizens Award differs from the objectives of the Australia Day Premier's Award Ceremony. The City's Officers do not recommend combining the two (2) awards.

The City's Officers recommend implementing the Active Citizens Award as outlined in Draft Policy No. 4.1.34, to recognise the individuals who go above their civic duty on their own accord and create the sense of community that we are proud of in Vincent, and who deserve to be recognised for their contribution and effort.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.5 NOTICE OF MOTION: Cr Warren McGrath Requests the recording of the proceedings for Hanson Construction Materials Pty Ltd and City Of Vincent [2013] Wasat 11 - 21 January 2013

That the Council **AUTHORISES** the Chief Executive Officer to write to the State Administrative Tribunal (SAT) requesting that;

1. the record of proceedings of **HANSON CONSTRUCTION MATERIALS PTY LTD AND CITY OF VINCENT [2013] WASAT 11 21 JANUARY 2013** on page 4 of **SAT DEVELOPMENT AND RESOURCES DECISIONS BULLETIN** for the period 1 December 2012 - 28 February 2013 be amended to reflect that the City of Vincent did oppose the continued operation of the Hanson and Holcim Batching Plants in East Perth and had resolved to refuse the development application; and
2. notwithstanding, if any approval was to be granted, that it be under certain conditions and for a term not exceeding expiring five (5) years from the date of the Minister's approval.

Moved Cr McGrath, Seconded Cr Carey

That the motion be adopted.

Debate ensued.

AMENDMENT

Moved Cr McGrath, Seconded Cr Topelberg

"That Clauses 1 and 2 be deleted and a new Clause be added as follows:

REQUESTS the Chief Executive Officer provide a report to the Council concerning the Hanson and Holcim appeal matters, advising of how the City's position was represented in the State Administrative Tribunal by the City's Solicitor.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was on approved leave of absence.)

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

(Cr Buckels was on approved leave of absence.)

COUNCIL DECISION ITEM 10.5

That the Council **REQUESTS** the Chief Executive Officer provide a report to the Council concerning the Hanson and Holcim appeal matters, advising of how the City's position was represented in the State Administrative Tribunal by the City's Solicitor.

NOTE:

The Council considered it appropriate to receive a report advising of how the City's position was represented in the SAT by the City's Solicitor, prior to writing to the State Administrative Tribunal.

10.3 NOTICE OF MOTION: Cr John Carey Request to Review The Current 'Speed Cushion' Trial on Fitzgerald Street Between Angove Street and Raglan Road

That the Council;

1. **AUTHORISES** the Chief Executive Officer to;
 - 1.1 request that Main Roads WA review the current 'speed cushion' trial on Fitzgerald Street between Angove Street and Raglan Road with reference to:
 - 1.1.1 their effectiveness in reducing traffic speeds;
 - 1.1.2 community safety, given observed motorist behaviour to avoid current speed cushions; and
 - 1.1.3 undertaking a review of the current speed cushions and consider the introduction of alternative measures to slow traffic, including but not limited to variable speed signs and other potential street treatments which may be more effective; and
 - 1.1.4 permanently lowering the posted speed in this section of Fitzgerald Street to 40kph; and
2. **CONSULTS** with local businesses and residents in the direct vicinity of the speed cushions regarding any associated issues and potential alternatives; and
3. **RECEIVES** a further report once the matters outlined above have been investigated/completed.

Moved Cr Carey, Seconded Cr Topelberg

That the motion be adopted.

Debate ensued.

The Presiding Member suggested that the Notice of Motion should be changed to read as follows:

That the Council;

1. **AUTHORISES** the Chief Executive Officer to;
 - 1.1 request that Main Roads WA complete their current review as a matter of priority on the 'speed cushion' trial on Fitzgerald Street between Angove Street and Raglan Road with reference to:
 - 1.1.1 their effectiveness in reducing traffic speeds;
 - 1.1.2 community safety, given observed motorist behaviour to avoid current speed cushions; and
 - ~~1.1.3 undertaking a review of the current speed cushions and consider the introduction of alternative measures to slow traffic, including but not limited to variable speed signs and other potential street treatments which may be more effective; and~~

- 1.1.4 permanently lowering the posted speed in this section of Fitzgerald Street to 40kph; and
2. CONSULTS with local businesses and residents in the direct vicinity of the speed cushions regarding any associated issues and potential alternatives; and
3. RECEIVES a further report once the matters outlined above have been investigated/completed.

The Mover Cr Carey and the Seconder Cr Topelberg agreed to the revised wording.

AMENDMENT

Moved Cr Carey, Seconded Cr McGrath

“That a new Clause 2 be inserted and the remaining Clauses be renumbered as follows:

2. REQUESTS the City’s Officers to provide a report on the comparative performance of the low profile speed humps on Scarborough Beach Road.
2. ~~3.~~ CONSULTS with local businesses and residents in the direct vicinity of the speed cushions regarding any associated issues and potential alternatives; and
3. ~~4.~~ RECEIVES a further report once the matters outlined above have been investigated/completed.”

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was on approved leave of absence.)

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

(Cr Buckels was on approved leave of absence.)

COUNCIL DECISION ITEM 10.3

That the Council;

1. AUTHORISES the Chief Executive Officer to;
 - 1.1 Requests that Main Roads WA complete their current review as a matter of priority on the ‘speed cushion’ trial on Fitzgerald Street between Angove Street and Raglan Road with reference to:
 - 1.1.1 Their effectiveness in reducing traffic speeds;
 - 1.1.2 Community safety, given observed motorist behaviour to avoid current speed cushions; and
 - 1.1.3 Permanently lowering the posted speed in this section of Fitzgerald Street to 40kph; and
 2. REQUESTS the City’s Officers to provide a report on the comparative performance of the low profile speed humps on Scarborough Beach Road;
 3. CONSULTS with local businesses and residents in the direct vicinity of the speed cushions regarding any associated issues and potential alternatives; and
 4. RECEIVES a further report once the matters outlined above have been investigated/completed.

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

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

PROCEDURAL MOTION

At 9.52pm **Moved Cr McGrath, Seconded Cr Wilcox**

That the Council proceed "behind closed doors" to consider Confidential Item 10.3, as this matter contains information relating to an employee and which relates to a matter to be discussed at the meeting.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Buckels was on approved leave of absence.)

There were no members of the public present.

Directors – Rick Lotznicker, Rob Boardman, Mike Rootsey and Acting Director Petar Mrdja departed the meeting.

Executive Assistant (Minutes Secretary) – Jerilee Highfield and Media – Journalist David Bell and Sarah Waters departed the meeting.

PRESENT:

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Warren McGrath (<i>Deputy Mayor</i>)	South Ward
Cr John Carey	South Ward
Cr Roslyn Harley	North Ward
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
John Giorgi, JP	Chief Executive Officer

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

10.4 NOTICE OF MOTION: Mayor Hon. Alannah MacTiernan and Cr Warren McGrath Request to Appoint a Director - Special Projects

That the Council:

1. REQUESTS the Chief Executive Officer to inform the Council of a proposal to employ a Director - Special Projects, as provided for in the 2013-2014 Budget, and provide a full briefing including a timetable for the appointment; and
2. AUTHORISES the Chief Executive Officer to engage a private sector Recruitment Agency to assist in the task.

Moved Cr McGrath, Seconded Cr Carey

That the motion be adopted.

Debate ensued.

Cr Carey departed the Chamber at 9.52pm.

Debate ensued.

Cr Carey returned to the Chamber at 9.53pm.

Cr Harley departed the Chamber at 9.53pm.

Debate ensued.

Cr Harley returned to the Chamber at 9.54pm.

Debate ensued.

The Chief Executive Officer provided a verbal update on action taken to date and responded to questions asked.

Cr McGrath departed the Meeting at 10.19pm.

MOTION PUT AND CARRIED (6-1)

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

Against: Cr Pintabona

(Cr Buckels was on approved leave of absence.)
(Cr McGrath had departed the meeting at 10.19pm.)

COUNCIL DECISION ITEM 10.4

That the Council:

1. REQUESTS the Chief Executive Officer to inform the Council of a proposal to employ a Director - Special Projects, as provided for in the 2013-2014 Budget, and provide a full briefing including a timetable for the appointment; and
2. AUTHORISES the Chief Executive Officer to engage a private sector Recruitment Agency to assist in the task.

The Chief Executive Officer has made Public this Notice of Motion.

PROCEDURAL MOTION

At 10.20pm Moved Cr Carey, Seconded Cr Pintabona

That the Council resume an "open meeting".

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Buckels was on approved leave of absence.)
(Cr McGrath had departed the meeting at 10.19pm.)

15. CLOSURE

There being no further business, the Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting closed at 10.20pm with the following persons present:

Mayor Hon. Alannah MacTiernan	Presiding Member
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

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 23 July 2013.

Signed:Presiding Member
Mayor Hon. Alannah MacTiernan

Dated this day of 2013