



## CITY OF VINCENT

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*"Enhancing and celebrating our diverse community"*

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# MINUTES

**17 DECEMBER 2013**

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Minutes of the Ordinary Meeting of Council of the City of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 27 August 2013, commencing at 6.00pm.

**1. (a) DECLARATION OF OPENING**

The Presiding Member, Mayor John Carey, declared the meeting open at 6.04pm and read the following Acknowledgement of Country Statement:

**(b) ACKNOWLEDGEMENT OF COUNTRY STATEMENT**

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

**2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE**

**(a) Apologies:**

Nil.

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

Nil.

**(c) Present:**

Mayor John Carey	Presiding Member
Cr Roslyn Harley ( <i>Deputy Mayor</i> )	North Ward
Cr Matt Buckels	North Ward
Cr Emma Cole	North Ward
Cr Laine McDonald	South Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
John Giorgi, JP	Chief Executive Officer (Until 10.45pm)
Rob Boardman	Director Community Services (Until 10.45pm)
Rick Lotznicker	Director Technical Services (Until 10.45pm)
Mike Rootsey	Director Corporate Services (Until 10.45pm)
Petar Mrdja	Acting Director Planning Services (Until 10.45pm)
Jerilee Highfield	Executive Assistant (Minutes Secretary until 10.05pm)

Employee of the Month Recipient

Nil.

Media

Sara Fitzpatrick	Journalist – <i>"The Guardian Express"</i> (until approximately 9.15pm)
David Bell	Journalist – <i>"The Perth Voice"</i> (from 6.06pm until approximately 9.40pm)

Approximately 45 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. Carmela Udlo of 13 Kinnibila way, Morley – Item 9.3.4 Stated the following:
  - She spoke on behalf of Leederville Early Childhood Centre, she is the Director at the centre.
  - She formally thanked the City of Vincent for all their support over the last twenty years.
  - They currently have 120 families using this facility and of these families 70% live within the City of Vincent and 30% of those who do not live within the City of Vincent work within the City of Vincent.
2. Tony Reed of 44 Shakespeare Street, Mount Hawthorn – Item 9.1.3 Stated the following:
  - There is little to no attempt to moderate the impact of these buildings over his backyard, there are no upper floor setbacks as required by the Design Codes and apart from the staircase there is no real articulation of the combined buildings.
  - The plans show eight (8) upper storey windows directly overlooking his house and yard. The north side elevations show trees which are not there in front of the windows.
  - Requested the Council not to approve the matter.
3. Ben Doyle of Planning Solutions, 296 Fitzgerald St, Perth – Item 14.1 Stated the following:
  - Mr Doyle advised that Planning Solutions are acting on behalf of the applicant in this matter. At meditation through SAT they had discussed a proposal with the City's Officers and had provided amended plans.
  - In considering this application he asked if the Councillors could be mindful of a number of constraints that affect the development of the site.
  - Firstly, the design of the dwelling is based on three existing and approved designs on the same parent site the four dwellings will be transferred to his clients four children. The site is only 23 metres deep and does not offer the opportunities to have the generous setbacks that are typical on the 40 metre deep lots.
  - Another constraint is the northern access to sunlight. There is only two possible locations for an outdoor living area on this site, one is in the north west corner which is subject to overlooking from the adjoining property at number 59, the other possible location is in the south east corner, which is where they have relocated it.
4. Dee Williams of 85 Sydney Street, North Perth – Item 9.1.11 Stated the following:
  - She is the Director of Atlas Divine, a business that has been in Oxford Street for 20 years and is also on the Leederville Enhancement Working Group. She has lived within the City of Vincent for 22 years. She stated that the Farmers Market will be beneficial to the Leederville Area as it will bring more people into the area.
5. Ludovic Renell of Unit 2, 186 Carr Place, Leederville – Item 9.1.11 Stated the following:
  - He has lived in Leederville for the last 3 years. It is a very tight knit community and he enjoys the social aspects of the area. He felt that the introduction of a Farmers Market would not only improve the social dynamic to the area, however it will also provide a viable alternative to travelling to Subiaco to try and get fresh produce.

6. Joe Algieri of Town Planning, Director of Town Algieri Planning and Appeals– Item 9.1.11 Stated the following:
  - He had carefully reviewed the Officer’s Report and took note of the submissions made during the advertising period and he concurred with the Officer’s Recommendation that the consultation was satisfactory and the application should be supported.
7. Simon Thackrah of 30 Windsor Street, Perth – Item 9.2.5 Stated the following:
  - He is the chairman of the Norwood neighbourhood Association and the committee met last weekend to consider the report at tonight’s meeting and endorsed it.
8. Jeff Warne of 85 Sydney Street, North Perth – Item 9.1.11 Stated the following:
  - He has lived within the City for 27 years, as a part owner of a business that has been operational in Oxford Street for just over 20 years and also as the chairman of the Leederville Connect Committee.
  - As a resident, he spoke in favour of the Farmers Market. As a business owner and the chairman of Leederville Connect, one can only see the benefits of accessing more consumers into the area on a Sunday morning.
9. Azuko Una of 1 Lester Street, Leederville – Item 9.1.11 Stated the following:
  - As a resident of Leederville she welcomed the Farmers Market idea, it is not just another place to go for her groceries but also gives her opportunity to support local growers.
10. Hide Shigeyoshi of Dynamic Planning, 51 Forrest Street, Subiaco – Item 9.1.3 Stated the following:
  - He would be speaking on behalf of the Applicants. He reiterated the key issues and referred to the handout that he provided to the Council. – The handout was provided to the Mayor and Councillors.
11. Peter Webb – Item 14.2 Stated the following:
  - He represented the owners. After considering the original application for a proposed change of use on this existing structure, the structure for those Councillors who are not familiar with it, comprised of an old shop and an attached residence on a corner triangular shaped lot. They proposed to change the use from residential to consulting rooms medical.
  - In correspondence with the City dated 20 November 2013, they provided comprehensive rationale, as to why Policy No. 3.5.12 does not relate to this rather benign change of use.
12. Brett Thompson of 47 Shakespeare Street, Mount Hawthorn – Item 9.1.3 Stated the following:
  - He had presented a petition that clearly demonstrated the strong opposition regarding the design and the overall presentation of the development of the site.
  - He had personally communicated with the developer, the Council and the local residents. The developer wants to maximise his profit and having has many units on the block within the rules and wants to do it as quickly as he can so he can move onto the next project.
  - The residents just want to have some of their concerns addressed so that they are happy with the outcomes and that they can enjoy the area they live in. The Council has to liaise between the two.
  - At the moment the developer has clearly indicated that they are not prepared to take in consideration the concerns of the residents.

13. John Mood of 49 Shakespeare Street, Mount Hawthorn – Item 9.1.3 Stated the following:
  - His first main concern was the apparent over development of the site.
  - His second main concern was to do with the appearance, in particular, one being the skillon roofs which are totally out of character with the streetscape and secondly the unrelieved “aircraft carrier decks” of the carport roofs.
  - His third main concern which is not within the developer’s control, which is going to be an ongoing issue for the residents in Shakespeare Street and Hobart Street, is the single crossover that had been mentioned before.
14. Mike Wiley of 6, 135 Carr Street, Leederville– Item 9.1.11 Stated the following:
  - He supported the introduction of the Farmers Market.
15. Bruce Webber of 11 Harold Street, Mount Hawthorn – Item 9.1.3 Stated the following:
  - He strongly supported the previous speakers regarding the impact on the Northern residents along the boundary, in relation to the screening trees that have been placed in on the profile.
  - Mr Webber is a botanist and advised that he looked at the descriptions of the species on earlier plans and without a doubt the depiction of these trees in this profile, is totally unrealistic and the species chosen are not going to provide the screening potential that they developer requests.
16. Neil Keane of 46 Shakespeare Street, Mount Hawthorn – Item 9.1.3 Stated the following:
  - Mr Keane asked the Council if they could reject the current proposal.
17. Graham Griffiths – Item 9.1.3 Stated the following:
  - He advised that they already have parking issues within the street.
18. Judith Pugh of 26 Brookman Street, Perth – Item 9.1.4 Stated the following:
  - Ms Pugh advised if the Council could consider regarding the quality of life that they currently have had for some years and what they hope to experience in the future if the Council approved the application.
19. Blair Agone of 13 Dunedin Street, Mount Hawthorn – Item 9.1.3 Stated the following:
  - He advised that his and his neighbour’s property will be adversely affected in number of ways by the proposed development. He asked if the Council to seriously consider the proposal as it stands and the negative impact it will have on the residents surrounding the proposed development, which borders family homes and quiet streets. He has lived in the area for close to fifty (50) years and is very passionate to make Vincent a better place to work, live and play and believe that we can balance sensible development while maintaining the rich heritage and history of the area.
20. Tim Smith of 20 Hurst Way, Morley – Item 9.1.11, 9.2.13 & 9.2.14 Stated the following:
  - He spoke on behalf of Leederville Connect and advised that they fully support the Late Items 9.1.11 and 9.2.13 and 9.2.14.
21. Kim Doepel of 192 Vincent Street, North Perth – Item 9.1.8 Stated the following:
  - He has worked with City staff since August with this application and have addressed the several concerns and have completed redesigned the application.
  - In reading the Officer’s report the only item that seems to be given for the refusal of this application is plot ratio. He had met with the City’s Officers and the client one week before the report was written and he asked if there were any item that were of concern. He was advised ‘no’, that everything was satisfactory and a week later he gets a recommendation for refusal.



22. Vanessa Lombardo of 44 Shakespeare Street, Mount Hawthorn – Item 9.1.3 Stated the following:
- She advised that the development is absolutely overbearing - it is overbearing for the residents that are directly next door to it.
  - The development is not Community minded, it is all about making money for the developer.
23. Debbie Saunders of 150 Oxford Street, Leederville Stated the following:
- Ms Saunders asked a question of the Chief Executive Officer in relation to the Questions that were taken 'on notice' that he had failed to give her response to and wanted an answer right now.  
*The Presiding Member Mayor Carey asked Ms Saunders whether the two questions she had asked was in relation to the Consultation Policy?*
  - Ms Saunders advised that the Chief Executive Officer, that even though Consultation is required - as it is a new licence, that in this case it was not required. She asked him to clarify why this is not required? And the second question was "a date to when a Section 39 was given for Pinchos"? She advised that she noticed he placed a letter in the Agenda, however it is copy of a letter he sent three weeks ago dated 25 November 2013. She asked the questions on the 3 December 2013.  
*The Chief Executive Officer advised Ms Saunders that there is a letter in the agenda which is dated 9 December 2013, which is "questions taken on notice" at the Council Meeting held on 3 December 2013 and the question was "can I be supplied with a date of issued of a Section 39 for Pinchos Restaurant". My response to Ms Saunders is that the City issued a Liquor Licensing Act 1998, section 39 Certificate on the 7 February 2013 and 15 November 2013.*  
*The Presiding Member Mayor Carey advised the Chief Executive Officer that could this letter be provided to Ms Saunders. The Chief Executive Officer advised that this letter had been posted on 9 December 2013.*
  - Ms Saunders advised that she never got the letter or any mail and the letter on the Agenda is dated 25 November 2013.  
*The Presiding Member Mayor Carey advised that he will ensure that a copy of the letter will be supplied to Ms Saunders.*  
*The Chief Executive Officer advised that unless he is not reading the letter right, it does state the 9 December 2013, which forms part of the Official Minutes. With respect to the other questions that were asked of them on the night, his understanding is that it related to the Section 39 Certificate for Pinchos restaurant and the Council Policy does not require a Consultation on the issue of Section 39 Certificates.*
  - Ms Saunders asked: "even if it is for a new liquor licence?"  
*The Chief Executive Officer advised that this was correct.*  
*The Presiding Member Mayor Carey advised that the City changed the Policy for a new ETP that there must be consultation on it, but there is not on a Section 39 as he understood that.*  
*The Chief Executive Officer advised that a Section 39 Certificate, is a Certificate issued by the Local Authority for a Health requirement and basically when an applicant applies to the DRGL for a liquor licence they need two (2) Certificates, one being a Section 39 Certificate, which indicates that the premises either complies with the Health Act Requirement or it can be made to comply with the Health Act Requirements and the other one required is a Section 40 Certificate, which indicates that the premises complies with the local Planning Requirements.*
  - Ms Saunders asked; "does the City not require to do a site check for Section 39 Certificate?"  
*The Chief Executive Officer advised that he believed so.*
  - Ms Saunders asked; "if this was carried out?"  
*The Chief Executive Officer advised that he would have to take this 'on-Notice' and check the file.*  
*The Presiding Member Mayor Carey provided Ms Saunders with a copy of the letter dated 9 December 2013, in the paper copy of the Agenda.*

There being no further speakers, Public Question Time closed at approx. 6.54pm.

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

- 3.1 Reply to Ms D. Saunders, Oxford Street, Leederville – relating to Pinchos Restaurant.
- 3.2 Reply to Ms Michelle Dean of Eager Crescent, Hocking – relating to Legend (Lingerie) Football League (LFL).
- 3.3 Reply to the Council – relating to approval of licensed premises and extended Trading Permits.
- 3.4 Reply to the Council – relating to the placement of warning signs under Bunya Pine Trees in various parts of the City.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

**5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS**

- 5.1 Petition received on 5 December 2013 from Ms B Abbott of Leake Street, North Perth, along with 10 signatures, on behalf of residents of Leake Street requesting that the City of Vincent consider and remedy Leake Street Parking Issues and Traffic Concerns

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

**Moved Cr Pintabona, Seconded Cr McDonald**

**That the petition be received as recommended.**

**CARRIED UNANIMOUSLY (8-0)**

**6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

- 6.1 Minutes of the Ordinary Meeting of Council held on 3 December 2013

**Moved Cr Buckels, Seconded Cr Harley**

**That the Minutes of the Ordinary Meeting of Council held on 3 December 2013 be confirmed as a true and correct record.**

**CARRIED UNANIMOUSLY (8-0)**

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

The Presiding Member Mayor John Carey read the following;

**7.1 Congratulations To Cr John Pintabona**

It is with pleasure that I announce that on 16 November 2013, Cr Pintabona was added to the ranks of the Knight of the Holy Sepulchre of Jerusalem.

The investiture ceremony was celebrated in Subiaco, Western Australia by Grand Master of the Order, Cardinal Edwin O'Brien, Archbishop Timothy Costello, Lieutenant Robert Peters, Knights, Dames and family.

The origins of the Equestrian Order of Holy Sepulchre of Jerusalem date back to the first Crusade and is the oldest military order under the protection of the Holy See.

As a Knight of the Order, Cr. Pintabona is now entitled to display the initials KHS (Knight of the Holy Sepulchre) after his name.

Details and photographs of the investiture were published in the Catholic newspaper 'The Record' on 27 November 2013.

Congratulations to Cr Pintabona.

**Received with Acclamation!**

7.2 **2013 Western Australian Crime Prevention Through Environmental Design (CPTED) Award**

I am pleased to announce that the City of Vincent recently was awarded the First Prize in the 2013 Western Australian Crime Prevention through Environmental Design (CPTED) Awards, along with a cash prize of \$1,250, plus certificate.

The CEO and City's Officers attended the Award Ceremony held at the WA Police Academy in Joondalup on 4 December, where the CEO was presented with the Award on behalf of the City.

The 2013 Western Australian CPTED competition sought submissions of designs to reduce crimes such as theft, antisocial behaviour, burglary, graffiti, wilful damage, trespass, violence, assault, vandalism and terrorism.

The City's submission was for the redevelopment of Weld Square using Crime Prevention through Environmental Design, which was supported by WA Police and Nyoongar Patrol. The City's submission outlined the issues presenting in Weld Square, before the redevelopment and the positive outcomes of the redevelopment using Crime Prevention through Environmental Design.

The previously undesirable Weld Square has become an attractive inclusive public open space where families can now enjoy a picnic, play basketball and even have a game of ping pong.

Congratulations to the City's Officers on achieving this Award.

7.3 **Secret Polling by the City of Perth**

I do wish to raise and off course got coverage in The West Australian on Friday, was the secret polling by the City of Perth of City of Vincent residents. I have to admit some people may question why? I got so angry on this topic, well in part because previously, and I want this placed on the public record, that the City of Perth Mayor Lisa Scaffidi asked me, with the Chief Executive Officer and the Deputy Mayor to meet with the City of Perth to talk about positive and constructive relationship and open communication channels.

But to my surprise that the first action that I see been taken without our notice is that they are doing secret polling of the City of Vincent. Now we had already held our plebiscite poll asking residents about their views. The City of Perth has all the right to do whatever they wish to do with their Rate payers money, but to come to us and say that they want a constructive relationship - given that the State Government is indicated that it wants Vincent to go to Perth, to then start doing a secret poll and we all know what polls do.

You skewer polls and you try to get the results you want for your outcome, and so it was extremely disappointing and angry that this poll happened. That we were not notified and that all you could assume that this poll was being used to build the case for the City of Perth to stop all of Vincent going into Perth and that is why I put it on the public record that we disagree obviously with the City of Perth position, but also that the heart of this matter is that the City of Perth does not want residents in its City, that is the heart of it, that there are satisfied with only 10,000 voters, governing their electoral system which as a consequence means that the Lord Mayor of our Capital City only requires 2,207 votes to be elected, where as you look across the country even the City of Adelaide requires more votes for the Lord Mayor to be elected.

We also received a letter today from the City of Perth that is quite extraordinary that wrote, "*it was important for us regarding our meeting, it was important for us to hear your views and support for the City of Perth's position is appreciated.*" It is a bizarre letter that demonstrates that the City of Perth will do everything and anything and is desperate to stop our merger and this is on the basis that this letter is clearly aimed at anyone they have met on the merger issue and are asking them to lobby Politicians to effectively support their case. Again they have right to do it, but if people think that this issue is over, it is not - it is clear that the City of Perth will do everything it can. I respect its right to do that, but it cannot expect the City of Vincent not to call it like it is and to put it on the public record that this is ultimately about a City that does not want more residents i.e. 22,000 voters coming into their system and changing the way that Council operates.

**7.4 Federal Government Funding - Cctv Project**

As you may recall, at the Council meeting held on 27 August 2013, it was announced that the City had received a grant of \$200,000 under the former Federal Government's program to fund National Crime Prevention initiatives.

The Minister for Justice, the Hon. Michael Kennan MP has written to the City on 13 December 2013 to advise that the Coalition Government would implement a \$50 million plan for safer streets - local crime prevention initiatives to address local problems. He further announced that the Federal Government was unable to allocate the funding to the City's project following a review of the grants, including the grant promised to the City of Vincent as promised by the former Federal Government.

Regretfully, in view of the above, this project will no longer proceed.

**8. DECLARATIONS OF INTERESTS**

- 8.1 Mayor Carey declared an Impartiality interest in Item 9.1.8 – No. 192 (Lot 48) Vincent Street, corner Alfonso Street, North Perth – Demolition of Existing Building and Construction of Three (3) Storey Building Comprising of One (1) Single Bedroom Multiple Dwelling , Six (6) Two Bedroom Multiple Dwellings and Associated Car Parking. The extent of his interest being that he has worked as a journalist for Channel 7 news in 2000 where one of the applicants also worked as a sport journalist. He stated that he has no contact with the applicant until the development come before the Council for consideration.
- 8.2 Cr Cole declared an Impartiality interest in Item 9.3.4 - 244A Vincent Street, Leederville Lease for Department of Local Government & Communities, Leederville Early Childhood Centre – Approval. The extent of her interest being is that she has a child who attends the day care centre.
- 8.3 Cr Cole declared an Impartiality interest in Item 9.5.3 - Appointment of Community Members to the City of Vincent Advisory and Working Groups. The extent of her interest being a close family member (sister) is seeking appointment to the Advisory Group. She stated that she is happy to absent herself from the Chamber in relation to the above matter when it is being considered.
- 8.4 Cr Cole declared an Proximity interest in Item 9.2.11 - Right of Way Bounded By Anzac Road, Brentham Street, Britannia Road and Oxford Street, Leederville, at rear of 359 Oxford Street, Mount Hawthorn – In response to Petition received – Request for Possible Improvements. The extent of her interest being that she lives in the immediate proximity to the Right of Way and with the author of the petition referred to in the report. She stated that she will absent herself from the Chamber in this matter as she is not seeking any approval to participate in the Item.

- 8.5 Chief Executive Officer Cr Cole declared an Financial interest in Item 14.5-  
CONFIDENTIAL REPORT: Chief Executive Officer – Contract of Employment .  
The extent of his interest being that it relates to his conditions of employment.

The Chief Executive Officer stated with the Impartiality Interest it is a stated Item that as a consequence they may have a perception that the Impartiality on the matters maybe affected and each of the declarations have stated that they will consider the Items on their Merit and vote accordingly.

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

Nil.

**10. REPORTS**

The Presiding Member, Mayor John Carey, requested that the Chief Executive Officer advise the meeting of:

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

Items 9.1.3, 9.1.4, 9.1.8, 9.1.11, 9.2.11, 9.2.13, 9.2.14, 9.2.5, 9.3.4, 14.1 & 14.2

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

Items 9.1.10, 9.2.5, 9.2.14, 9.5.1, 9.5.2, 9.5.3, 9.5.5, 9.5.6 & 10.1

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

Items 9.2.11 & 14.5

Presiding Member, Mayor John Carey, 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 John Carey	9.1.10, 9.2.2 & 9.3.5
Cr Buckels	Nil
Cr Cole	9.2.3 & 9.2.10
Cr Harley (Deputy Mayor)	9.1.1
Cr McDonald	Nil
Cr Pintabona	Nil
Cr Topelberg	9.1.5, 9.1.6, 9.1.7, 9.2.1, 9.2.7 & 9.3.5
Cr Wilcox	Nil

The Presiding Member, Mayor John Carey, requested that the Chief Executive Officer to advise the meeting of:

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

Items 9.1.2, 9.1.9, 9.2.4, 9.2.6, 9.2.8, 9.2.9, 9.2.12, 9.3.1, 9.3.2, 9.3.3, 9.3.6, 9.3.7, 9.4.1, 9.5.4, 9.5.7, 9.5.8 & 9.5.9

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

Items 14.1, 14.2, 14.3, 14.4 & 14.5

**New Order of Business:**

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

**(a) Unopposed items moved *En Bloc*;**

Items 9.1.2, 9.1.9, 9.2.4, 9.2.6, 9.2.8, 9.2.9, 9.2.12, 9.3.1, 9.3.2, 9.3.3, 9.3.6, 9.3.7, 9.4.1, 9.5.4, 9.5.7, 9.5.8 & 9.5.9

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

Items 9.1.3, 9.1.4, 9.1.8, 9.1.11, 9.2.11, 9.2.13, 9.2.14, 9.3.4, 14.1 & 14.2

**(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 John Carey 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 Buckels, Seconded Cr Wilcox**

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

**Items 9.1.2, 9.1.9, 9.2.4, 9.2.6, 9.2.8, 9.2.9, 9.2.12, 9.3.1, 9.3.2, 9.3.3, 9.3.6, 9.3.7, 9.4.1, 9.5.4, 9.5.7, 9.5.8 & 9.5.9**

**CARRIED UNANIMOUSLY (8-0)**

**9.1.2 No. 6/20-28 (Lot: 6 Strata: 32978) Robinson Avenue, Perth - Proposed Change of Use from Shop to Consulting Room (Non-Medical – Massage Therapy)**

<b>Ward:</b>	South	<b>Date:</b>	6 December 2013
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO5973; 5.2013.340.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans <a href="#">002</a> – Applicant Justification and Qualifications		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Groom, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	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 A Yong on behalf of the owner, T Nguyen for Proposed Change of Use from Shop to Consulting Room (Non-Medical – Massage Therapy) at No. 6/20-28 (Lot 6 Strata: 32978) Robinson Avenue, Perth as shown on plans stamped-dated 16 August 2013, subject to the following conditions:

1. **Doors, windows and adjacent floor areas fronting Robinson Avenue 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: 10:00am to 8:00pm Monday to Friday; 10:00am to 5:00pm Saturday and 11:00am to 5:00pm Sundays;**
  - 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 \$3,160, for the equivalent value of 0.632 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 \$3,160 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:

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

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

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

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

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

4.1 Bicycle Parking Facilities

One (1) Class Three bicycle facility shall be provided at a convenient location close to the entrance of the tenancy. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the City prior to installation of such facility; and

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

ADVICE NOTES:

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

2. All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Permit application, being submitted to and approved by the City prior to the erection of the signage; and

3. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning.

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COUNCIL DECISION ITEM 9.1.2

Moved Cr Buckels, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

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**PURPOSE OF REPORT:**

The development proposal is referred to Council for determination, as objections have been received when the proposal was advertised for public comment.

**BACKGROUND:**

**History:**

Date	Comment
29 March 2001	The Council at its Ordinary Meeting approved the construction of a Two-Storey Mixed Development comprising Twelve (12) shops with associated Storage and Office, Four (4) Multiple Dwellings and Two (2) Grouped Dwellings.

**DETAILS:**

<b>Landowner:</b>	T L Nguyen
<b>Applicant:</b>	A Yong
<b>Zoning:</b>	RC80
<b>Existing Land Use:</b>	Shop
<b>Use Class:</b>	Consulting Rooms
<b>Use Classification:</b>	"SA"
<b>Lot Area:</b>	6041 square metres
<b>Right of Way:</b>	Not Applicable

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

- Maximum number of clients per time is one (1);
- Propose to utilise an existing car bay for use, within tenancy;
- Proposed Hours of Operation – Monday to Friday – 10:00am to 8:00pm  
– Saturday – 10:00am to 5:00pm  
– Sunday – 11:00am to 5:00pm
- Maximum number of employees is one (1).

The applicant has provided qualifications from The Beihai Naprapathy Health Care Vocational Training School (Seal), which has been certified by a Western Australian Justice of Peace.

**ASSESSMENT:**

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

Design Element	Complies 'Deemed to Comply' or TPS Clause	OR	'Design Principles' Assessment or TPS Discretionary Clause
Density/Plot Ratio	N/A		
Streetscape	N/A		
Front Fence	N/A		
Front Setback	N/A		
Building Setbacks	N/A		
Boundary Wall	N/A		
Building Height	N/A		
Building Storeys	N/A		
Open Space	N/A		
Bicycles			✓
Access & Parking			✓
Privacy	N/A		
Solar Access	N/A		
Site Works	N/A		
Essential Facilities	N/A		
Surveillance	N/A		

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

<b>Issue/Design Element:</b>	<b>Land Use</b>
Requirement:	Town Planning Scheme No. 1 and Beaufort Precinct Policy No. 3.1.13 Permitted uses within a Residential/Commercial Zone
Applicants Proposal:	"SA" Use
Performance Criteria:	Uses are to be as listed in the Residential/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:	N/A  <i>*For full comments refer to attachment 002.</i>
Officer technical comment:	Supported. The proposed change of use will be located within an existing mixed use development currently consisting of twelve (12) shops with associated storage and office on the ground floor with four (4) multiple dwellings and two (2) grouped dwellings on the second floor. The change of use will create diversity to the existing surrounding ground floor commercial (office) spaces. The aim of the Beaufort Precinct is to provide compatible commercial and residential uses together, with the re-use of existing buildings being strongly encouraged.  The Beaufort Precinct Policy further recommends that adequate car parking is to be provided on-site to ensure that unreasonable commercial parking does not spill into adjacent residential streets. The business is small in scale and will be open typical office hours with the anticipation that clients will make bookings prior. Due to this, it is anticipated that there will be no further strain on the car parking provided on and surrounding the development.  As objections were received during the advertising process, questioning the nature of the development and the impact on car parking, Planning Approval is recommended to be granted for one year only, following which the application will be reassessed with a greater understanding of the potential impacts.

<b>Issue/Design Element:</b>	<b>On-Site Parking</b>
Parking and Access Policy No. 3.7.1 Car parking requirement (nearest whole number) • Consulting Room (3 spaces per consulting room or consultant, whichever is lesser – 1 consulting room)  1 consulting room = 3 car bays	3 car bays
Adjustment Factors • 0.80 (The development is located within 400 metres of a	

Issue/Design Element:	On-Site Parking
bus route) <ul style="list-style-type: none"> <li>• 0.85 (The development is located within 400 metres of an existing off-street public car park with in excess of 75 car bays)</li> <li>• 0.80 (The development proposes a mix of residential and commercial uses, provided at least 50% of the total plot ratio is residential)</li> </ul>	(0.544) = 1.632
Minus the car parking provided on site	1 car bay
<b>Resultant Shortfall</b>	0.632 car bays

Issue/Design Element:	Bicycle Bays
Parking and Access Policy No. 3.7.1 Bicycle Bay requirement (nearest whole number) <ul style="list-style-type: none"> <li>• Consulting Room (1 space per consulting room – 1 consulting room)</li> </ul>	
Required – 0.35 (Class 1 or 2) – 0.35 = NIL required – 0.65 (Class 3) – 0.65 = 1 bicycle bay	1 Class 3 Bicycle Bay
<b>Resultant Shortfall</b>	1 Class 3 Bicycle Bay

**CONSULTATION/ADVERTISING:**

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period:	25 September 2013 to 17 October 2013
Comments received:	Four (4) comments were received objecting to the proposed consulting rooms and one (1) comment was received with general concerns to the proposed consulting room.

Summary of Comments Received:	Officers Technical Comment:
Issue: Use  <i>“Massage business is not well regulated and supervised. The dodgy ones have spoilt the image of the locality and caused concerns to the local residents and tenants.”</i>  “What is the true intention of the applicant to amend the premises into?”	Noted. The Planning Approval has included a list of conditions that the applicant is required to abide to, however if complaints were received that the consulting rooms were not operating as per the conditions of planning approval, the City’s Compliance Officers should be contacted so that the alleged complaints can be further investigated.
Issue: Car parking  <i>“Car parking in the area is already quite bad and hence should be reserved for professional offices.”</i>	Not Supported. It is noted that car parking along Robinson Avenue is constrained, however the proposed change of use under the City’s Parking and Access Policy is calculated to only have a shortfall of approximately 0.632 car bays. Due to the nature of the use, it is not anticipated that there will be substantial traffic throughout the day, with the majority of bookings making appointments prior to their arrival.

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 No. 3.1.13;
- Parking and Access Policy No. 3.7.1; and
- Consulting Rooms Policy No. 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 2013-2017 states:

*"Economic Development*

2.1 *Progress economic development with adequate financial resources.*

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

**SUSTAINABILITY IMPLICATIONS:**

The City's Strategic Plan 2013-2017 states:

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

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

ENVIRONMENTAL	
Issue	Comment
Nil.	

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

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS & CONCLUSION:**

The applicant has provided a valid massage therapy qualifications and certificates to validate the use of the premises. It is therefore recommended that 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 above Policy, and in light of the above, is supported subject to the above mentioned conditions.

**9.1.9 Proposed Additional Use to the City's Town Planning Scheme No. 1 – Scheme Amendment No. 33- No. 178 (Lot 9) and No. 180 (Lot 8) Alma Road, North Perth (Vastese Bakery)**

<b>Ward:</b>	North	<b>Date:</b>	6 December 2013
<b>Precinct:</b>	Smith Lake, P6	<b>File Ref:</b>	PLA0243
<b>Attachments:</b>	<a href="#">001</a> – Scheme Amendment No. 33 documents		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Fox, Planning Officer (Strategic)		
<b>Responsible Officer:</b>	P Mrdja, Acting Director Planning Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **NOTES** the Modifications to Scheme Amendment No. 33 as requested by the Minister for Planning on 27 November 2013; and
2. **AUTHORISES** the Chief Executive Officer to forward the modified Scheme Amendment No. 33 documents to the Western Australian Planning Commission for approval by the Minister in accordance with regulation 21(2) and 25 of the Town Planning Regulations 1967.

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**COUNCIL DECISION ITEM 9.1.9**

**Moved Cr Buckels, Seconded Cr Wilcox**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

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**PURPOSE OF REPORT:**

The purpose of this report is to provide the Council with the modification to the Amendment No. 33 documents and for the Council to authorise the Chief Executive Officer to forward the documents to the Western Australian Planning Commission (WAPC) for approval by the Minister.

**BACKGROUND:**

**History:**

<b>Date</b>	<b>Comment</b>
1961	The Saraceni family owned and operated Vastese Bakery at No. 178 (Lot 9) Alma Road, North Perth.
20 November 2001	No. 178 (Lot 9) was in lawful operation prior to the gazettal of the City of Vincent's Town Planning Scheme No. 1, and is identified as NCU in the City's Non-Conforming Use Register which was adopted as Appendix 11 to the City's Planning and Building Policy Manual on 20 November 2001.
20 December 2011	The City at its Ordinary Meeting resolved to approve the Draft Local Planning Strategy and Draft Town Planning Scheme No. 2 and forwarded the documents to the Western Australian Planning Commissions (WAPC) for consent to advertise.
21 December 2011	A compliance letter from the City was sent relating to No. 180 (Lot 8) Alma Road, North Perth resulting in an investigation of the alleged use of the subject site for non-residential activities.

Date	Comment
4 February 2012	The City's Officers met with the owners of Vastese Bakery to discuss some options to ensure the operation and progress of Vastese Bakery is permitted under the City's Town Planning Scheme No. 1.
23 March 2012	A site visit was undertaken with Cr Josh Topelberg, Manager Strategic Planning, Sustainability and Heritage Service and Planning Officers (Strategic) to meet Joe Saraceni of Vastese Bakery to discuss primarily heritage interpretation and other associated matters.
9 May 2012	Planning Solutions on behalf of Vastese Bakery, prepared a Scheme Amendment Submission to rezone No. 178 (Lot 9) and No. 180 (Lot 8) from Residential R40 to Residential/Commercial R40 under the City's Town Planning Scheme No. 1.
28 May 2012	Director Planning Services, Manager Strategic Planning, Sustainability and Heritage Services and Manager Planning and Building Services, met with Joe Saraceni of Vastese Bakery and Ben Doyle from Planning Solutions to discuss the above mentioned Scheme Amendment submission. It was agreed that Planning Solutions re-submit the Scheme Amendment on behalf of Vastese Bakery to request an Additional Use, with provisions to ensure a residential component is provided and maintained on the land to reflect its Residential zoning.
5 July 2012	The City received three (3) copies of the Scheme Amendment Report and one (1) electronic copy, to retain the Residential zoning of No. 178 (Lot 9) and No. 180 (Lot 8) and allow for Additional Use of Light Industry, and incidental uses including Eating House, Local Shop, and Office to be provided for. The report was prepared by Planning Solutions on behalf of Vastese Bakery.
9 July 2012	The City received the prescribed fee of \$ 2, 600, to initiate and progress with the matter of a proposed Scheme Amendment to the City's Town Planning Scheme No. 1.
14 August 2012	The Council at its Ordinary Meeting approved: the initiation of Scheme Amendment No. 33; the forwarding of Scheme Amendment reports to the Western Australian Planning Commission; and formal advertising of Scheme Amendment No. 33.
27 November 2012	The formal advertising period commenced, concluding 30 January 2013. Due to inconsistencies within the advertised reports and Council decision item 9.1.5 from the Ordinary Meeting of Council held on 14 August 2012 a second period of advertising was considered necessary.
19 February 2013	The second period of advertising commenced, concluding 5 April 2013.
26 February 2013	The owner of No. 178 (lot 9) and No. 180 (lot 8) Alma Road, North Perth was reimbursed the Scheme Amendment fee of \$2,600.
23 April 2013	The Council at its Ordinary Meeting resolved to adopt Amendment No. 33 for final approval and forward the relevant amendment documents to the honourable Minister for Planning and the WAPC to adopt for final approval and gazettal.
22 May 2013	The City forwarded Amendment No. 33 documents to the Honourable Minister for Planning and the WAPC for final approval and gazettal.
27 November 2013	The City received correspondence from the WAPC advising of a Modification to Condition 7 prior to the Amendment being given final approval and gazettal.

The Minutes of Item 9.1.10 from the Ordinary held on 23 April 2013 is available on the City's website at the following link:

[http://www.vincent.wa.gov.au/Your\\_Council/Agenda\\_Minutes](http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes)

**DETAILS:**

On 27 November 2013, the Western Australian Planning Commission advised the City that the Minister for Planning have determined the submissions in relation to Amendment No. 33 and has decided not to approve the amendment until such time as a modification has been made to Condition 7 of the Amendment as follows:

- '1. *Modify Condition 7 to read "The Management Plan may be amended and updated as required, subject to the consent of both council and the proponent."*

The City's Officers have made the required modification to Amendment No. 33 as instructed by the Minister on 27 November 2013, and seek the Council's authorisation to return the modified amendment documents to the Honourable Minister for Planning for final approval and gazettal. The City is required to provide the amended documents to the WAPC within 42 days for checking prior to final approval being given.

The modification to condition 7 of Amendment No. 33 is detailed in the table below:

No.	Description of Land	Additional Use	Conditions
1	No. 178 (Lot 9) and No. 180 (Lot 8) Alma Road, North Perth	P – Light Industry (Bakery)  IP – Local Shop, Office	<ol style="list-style-type: none"> <li>1. Minimum residential land use component comprising 100sqm net lettable area shall be provided and maintained on the land;</li> <li>2. The uses of Local Shop and/or Office are permitted uses where those uses are incidental to the predominant Light Industry (Bakery) use;</li> <li>3. Any Local Shop shall have a maximum gross floor area of 50sqm and only sell items produced on site;</li> <li>4. Any Office shall have a maximum gross floor area of 100sqm; and</li> <li>5. The Additional Use, shall operate in accordance with a Management Plan approved by the Council, prior to the issuing of a Planning Approval and must comprise information relating to: <ol style="list-style-type: none"> <li>(i) Parking &amp; Access;</li> <li>(ii) Noise;</li> <li>(iii) Streetscape Amenity; and</li> <li>(iv) Operational Procedures, including Business Operating Hours and Delivery Schedules.</li> </ol> </li> <li>6. The Management Plan shall be made public available to all owners and occupiers within the locality; and</li> <li>7. <del>The Council can request the Management Plan to be amended at its discretion.</del> <u>The Management Plan may be amended and updated as required, subject to the consent of both the council and the proponent.</u></li> </ol>

**CONSULTATION/ADVERTISING:**

Scheme Amendment No. 33 has undergone consultation from 27 November 2012 – 30 January 2013 in accordance with the provisions of the Town Planning Regulations 1967.

No further consultation is required at this time.

**LEGAL/POLICY:**

- City of Vincent *Town Planning Scheme No. 1* and associated Policies;
- State Planning Policy 4.2 “*Activity Centre for Perth and Peel*”;
- Planning and Development Act 2005; and
- Town Planning Regulations 1967.

**RISK MANAGEMENT IMPLICATIONS:**

**Medium:** Scheme Amendment No. 33, will entitle No. 178 (Lot 9) to be removed from the City’s Non-Conforming Use Register and instead allow for the permanent operation under Schedule 3 – Additional Use of the City’s Town planning Scheme No. 1.

The Amendment proposes an Additional Industry Use (Bakery) and incidental uses including Eating House, Local Shop, and Office. The surrounding uses to the subject site are zoned Residential and therefore the proponents of Vastese Bakery as part of their proposal have ensured a management plan as well as explore new technology to minimise traffic and noise pollutions to the area.

**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. *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”*

*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:

<b>ENVIRONMENTAL</b>
As part of the Scheme Amendment report the proponents intend to create a management plan to ensure the ongoing land use will continue to be compatible within its surrounds, and ensure the operation of the business minimises impacts on surrounding residents. Any development will serve to promote the City's commitment to environmental sustainability, primarily through the adaptive re-use of the City's existing building stock and the reduction in the waste of building material associated with full demolition and redevelopment.

<b>SOCIAL</b>
The site is considered to have high cultural and heritage significance and an example of what strong Italian migrant influences had on shaping North Perth.

<b>ECONOMIC</b>
The proposed Scheme Amendment No. 33 - Additional Use (Light Industry - Bakery) will assist in the conservation and retention of a high valued service as well as contribute to the economic activity of the local and wider Vincent locality.

**FINANCIAL/BUDGET IMPLICATIONS:**

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

Budget Amount:	\$73,000
Spent to Date:	<u>\$ 8,668</u>
Balance:	\$64,332

**COMMENTS:**

The modification to Condition 7 provided by the WAPC and requested by the Minister does not change the intent of Scheme Amendment No. 33, and as such, in order to progress the amendment to final adoption and subsequent gazettal, Council is requested to authorise the modification documents being forwarded to the WAPC for final approval.

**9.2.4 Britannia Reserve Masterplan – Long-term Implementation Program - Approval Progress Report No. 6**

<b>Ward:</b>	South	<b>Date:</b>	6 December 2013
<b>Precinct:</b>	Leederville (3)	<b>File Ref:</b>	RES0001
<b>Attachments:</b>	<a href="#">001</a> – Proposed Long-term Implementation Program <a href="#">002</a> – Proposed Masterplan Layout		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J van den Bok, Manager Parks and Property Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES;**
  - 1.1 the recommendations of the Britannia Reserve Masterplan Working Group as outlined within the report; and
  - 1.2 the Long-term Implementation Program, as shown in Appendix 9.2.4 (Attachment 001);
2. **NOTES** that an amount of \$200,000 has been allocated in the 2013/2014 Annual Capital Works budget for Britannia Reserve;
3. **AUTHORISES** with the implementation of Year 1 of the Program, estimated to cost \$235,000, which will include;
  - 3.1 a portion of the proposed Dual Use Path (DUP) system along the eastern and southern boundaries of the reserve, estimated to cost \$210,000, as shown in Attachment 002; and
  - 3.2 the engagement of a suitably qualified lighting consultant to prepare a lighting design and provide accurate costing to enable the City to submit a CSRFF grant for lighting in August 2013, estimated to cost \$25,000;
4. **CONSIDERS** funding the \$35,000 shortfall in either the next budget review or from a source to be determined by the Chief Executive Officer;
5. **LISTS** for consideration appropriate funding in future budgets, as outlined in the Implementation Program, to enable the remaining works and/or further design of specified components of the program to be implemented; and
6. **ADVISES** all users of the reserve and the local community of the Council's decision.

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**COUNCIL DECISION ITEM 9.2.4**

**Moved Cr Buckels, Seconded Cr Wilcox**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (8-0)**

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**PURPOSE OF REPORT:**

The purpose of the report is to advise the Council of the recommendations of the Britannia Reserve Masterplan Working Group (BRMWG) and to approve the Britannia Reserve implementation program to enable on-ground works to commence during the latter half of 2013/2014.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 24 September 2013 Progress Report No. 5 was presented where the Council resolved as follows:-

*“That the Council;*

1. *CONSIDERS the thirty seven (37) submissions received concerning the Britannia Reserve Master Plan;*
2. *ADOPTS the Britannia Reserve Master Plan as outlined in the consultant’s report, as shown in Attachment 9.2.2, including Option 2 - which expands the Dog Off Leash Area to cover the whole of Britannia Reserve, with improved signage to describe the exemptions to dogs off leash times, and REQUESTS the Chief Executive Officer to prepare an appropriate amendment to the Dog Local Law for consideration of the Council; and*
3. *NOTES that a further report on a ‘Britannia Reserve’ Long Term Implementation Plan based on the adopted Britannia Reserve Master Plan will be submitted to the Council by December 2013, subsequent to referral of the Long Term Implementation Plan (only) to the Working Group in November 2013.”*

**DETAILS:**

**Britannia Reserve Masterplan Working Group meeting - 25 November 2013:**

At the above meeting the City’s Officers presented a draft long-term Implementation Program for the redevelopment of Britannia Reserve based on the recommendations outlined within the report/concept plan recently completed by PlaceScape consultants.

Discussion ensued in relation to the various components of the upgrade, the timing, further design requirements and the opportunity for grant funding.

Changes to the draft implementation program were made and agreed upon by the working group members present. The Britannia Reserve Long-term Implementation Program as recommended by the BRMWG is attached and outlined in further detail as follows:

**Britannia Reserve Long-term Implementation Program:**

Year 1 – (2013/14) – Budget \$200,000:

With the budget available in 2013/2014, the majority of the Dual Use Path (DUP) system running along the eastern and southern boundaries has been recommended by the BRMWG to be progressed.

Note: The section of DUP/Greenway from Brentham Street through and down to the southern end of Britannia Reserve and linking in with the freeway DUP was previously approved by the Council as part of the City’s ‘Greenway’ and was originally listed for completion in 2011/2012.

The lighting design/consultant was originally listed for Year 2, however in view that a lighting design and accurate costing needs to be finalised prior to the City submitting a CSRFF grant in August 2013, this amount was bought forward and the lighting design work for the entire reserve (including sports lighting), if adopted, will commence as soon as possible.

Additional funding may have to be sourced as part of the mid-year budget review or alternatively the DUP project reduced in scope to fall within the allocated budget.

Year 2 – (2014/15) – Budget \$455,000 subject to Council approval:

The funding will allow for completion of the perimeter path network along the northern and western boundaries of the reserve. Stage 1 of the low level path lighting has been recommended to be implemented along the eastern and southern sections of pathway completed in Year 1 of the project. A lighting design consultant will be engaged to oversee the contract for the installation of this lighting.

The BRMWG has recommended that a portion of the landscaping originally listed for completion in Year 4, be undertaken to reinstate and intensify planting areas where paths and lighting have previously been completed. Therefore, landscaping, including any modifications to the existing reticulation system to reduce groundwater use will be implemented, particularly along the eastern side of the reserve where the majority of works will be completed.

Year 3 – (2015/16)

The funding will allow for completion of the low level path lighting along the northern and western path network and for the upgrade and new installation of the training/sports lighting. (area to be determined following liaison with the BRMWG). A lighting design consultant will be engaged to oversee the contract for the installation of this lighting.

Year 4 – (2016/17)

It has been recommended that the funding be allocated for the provision of playgrounds and the recreational nodes. It has been noted by the BRMWG that further investigation/design work may be required to progress the installation of the recreational nodes around the reserve, particularly in regards to the type and layout of park furniture, shelters, exercise equipment & drinking fountains.

The completion of any reinstatement and additional landscaping of areas around the reserve will also be implemented.

Year 5 – (2017/18)

It has been recommended that the final year of the project will look at the reconfiguration of the existing Britannia Reserve carpark in view that a specific drop off zone be installed and the car parking possibly rationalised to increase the size of the POS available to the east of the existing layout.

Interpretive, directional and information signage will also be provided along the pathway network, in car parks and at specific entry points so all users have a clear understanding of reserve use, conditions, points of interest and location of facilities.

**Further Options:**

The installation of a public toilet at the southern end of the reserve has been discussed and may possibly be included at some point dependant on what facilities are ultimately included in the final design (i.e. water playground).

The BRMWG members have acknowledged that works can be implemented based on the concept plan for Britannia Reserve produced by PlaceScape consultants, however specific components may require engaging consultants to undertake further design and/or provide recommendations on existing or proposed new hard and soft landscaping elements.

**CONSULTATION/ADVERTISING:**

Consultation has been undertaken in accordance with Community Consultation Policy No. 4.1.5. All users and the local community will be advised of the Council's decision and prior to any works commencing on site.

**LEGAL/POLICY:**

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

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** The recommendations of the study should they be implemented will improve the amenity and useability of the reserve for structured and unstructured recreation.

**STRATEGIC IMPLICATIONS:**

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

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

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

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

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

*"3.1 Enhance and promote community development and wellbeing.*

*3.1.2 Promote and foster community safety and security.*

*3.1.3 Promote health and wellbeing in the community.*

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

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

**SUSTAINABILITY IMPLICATIONS:**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Any works if approved/implemented will be charged to the following budgeted item:

Britannia Reserve Masterplan Implementation Stage 1:

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

**COMMENTS:**

As previously advised the Britannia Reserve Masterplan Consultation and Design Development Report completed by PlaceScape, has created a strategically planned and shared reserve facility.

Preparing a comprehensive plan to coordinate the current and future uses for the various stakeholder and community users was essential to ensure the valuable space is maximised and coordinated to achieve the most effective use and to maximise the benefits for the community.

It is therefore recommended that the Council approves the Long-term Implementation Program and Year 1 works are progressed as soon as possible.

**9.2.6 Beaufort Street '40 Kph Variable Speed Zone' Trial between Walcott Street and Lincoln Street and Mount Lawley/Highgate**

<b>Ward:</b>	South	<b>Date:</b>	6 December 2013
<b>Precinct:</b>	Mt Lawley Centre (11)	<b>File Ref:</b>	TES0067
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer</b>	C Wilson, Manager Asset and Design Services		
<b>Responsible Officers:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **NOTES** information provided by Main Roads WA (MRWA) regarding the reduction in speed and accidents, and in particular those involving pedestrians, in Beaufort Street between Walcott Street and Lincoln Street and Mount Lawley/Highgate during the '40 Kph Variable Speed Zone' Trial;
2. **ENDORSES** MRWA's proposal to make the '40 kph Variable Speed Zone' permanent, and
3. **ADVISES** MRWA of its decision.

**COUNCIL DECISION ITEM 9.2.6**

**Moved Cr Buckels, Seconded Cr Wilcox**

**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY "EN BLOC" (8-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to advise Council of MRWA's recent correspondence seeking the Council's endorsement to make the Beaufort Street 40 kph Variable Speed Zone (VSZ) permanent in light of the reduction in both the speed and traffic accidents, and in particular those involving pedestrians, since the introduction of the VSZ in August 2009.

**BACKGROUND:**

**Ordinary Meeting of Council – 14 April 2009:**

The Council received a report on MRWA's proposal to install a 40 kph VSZ in Beaufort Street from Chatsworth Road to Walcott Street. The same request was made of the City of Stirling\* to continue 40 kph variable speed zone north of Walcott Street to Lawley Street, Mt Lawley.

Having considered the report the Council, as a condition of approval, requested that the 40 kph VSZ be extended to south of Lincoln Street so as to include the Highgate Primary School's school crossing (at Lincoln Street). Further, the Council requested that the 40kph speed limit be bought forward to start at 7.30am daily, as opposed to the recommended 9.00am, to match the peak period and clearway restrictions, and to which MRWA subsequently agreed.

Note:\* The City of Stirling Council declined MRWA's request in 2009 as and a consequence the trial was confined to within the City of Vincent. However, at its Ordinary Meeting of 29 May 2012 the Stirling City Council rescinded its previous decision and approved the 40 kph VSZ being extended to the north of Queens Crescent. At this time MRWA are yet to install the necessary infrastructure due to other priorities and funding constraints.

The Council subsequently made the following, decision (in part);

- “(ii) *APPROVES IN PRINCIPLE the Main Roads WA proposal to trial a 40 kph Variable Speed Zone in Beaufort Street, Mount Lawley, between Chatsworth Road and Walcott Street, as a means of reducing traffic speed and improving pedestrian safety;*
- (iii) *REQUESTS that Main Roads WA:*
- (a) *extend the trial south of Lincoln Street to include the school crossing for Highgate Primary School; and*
- (b) *to consider amending the starting time of the trial to commence at 7:30am;*
- (iv) *APPROVES the Main Roads WA proposed community consultation, acknowledging the Town’s pivotal role precipitating the trial;*
- (v) *AUTHORISES the Director Technical Services to approve, in conjunction with Main Roads WA, the location of the speed signs, regulatory signage and any changes to on-road parking as part of the implementation of the trial; and*
- (vi) *ADVISES the City of Stirling of its decision.”*

**DETAILS:**

The Beaufort Street VSZ trial commenced in August 2009 for the section between (south of) Lincoln Street and Walcott Street.



Over the ensuing period MRWA has regularly monitored the traffic volumes, speed and accidents rates, with the final report running into several hundred pages, the majority of which is raw data.

Currently the variable speed signs are set to operate as 40kph between the hours of 7.30am and 10.00pm Sunday to Thursday and 7.30am to 1.00am Fridays and Saturdays. The speed limit defaults to 60 kph at all other times.

MRWA has provided the following (brief) summary of the trial results:

*“The analysis of the results included comparisons of crash statistics and speed data before and after the implementation of the variable speed zone. Since the installation of the 40km/h variable speed zone it was found that:*

- *at times when the 40km/h speed zone is active (see above) the average 85<sup>th</sup> percentile speeds have dropped by:*
- *6.0km/h for northbound traffic, and*
- *4.9km/h for southbound traffic;*
- *the overall average annual number of crashes has dropped by 30%;*
- *the severity of crashes has reduced;*
- *the overall average number of crashes involving pedestrians has dropped by 56%; and*
- *the severity of crashes involving pedestrians has reduced.”*

Note the current traffic volume (June 2013) is in the order of 16,750 per average weekday.



*“These results indicate that the variable speed zone trial has been successful in reducing the speed of vehicles through the area and has improved safety for all road users. As a consequence Main Roads WA is supportive of retaining the existing arrangement. However, as this section of road is under the care and control of the City of Vincent, Main Roads WA seeks written concurrence from the City with regard to this proposal.”*

Officer Comments:

While the above summary lacks in detail it does indicate that the 40kph VSZ has seen in an overall reduction in all the key result areas, speed, accidents by number and severity, making Beaufort Street a safer road environment for all road users, but in particular pedestrians. Therefore it is recommended that the Council support making 40 kph variable speed zone permanent.

**CONSULTATION/ADVERTISING:**

MRWA will be responsible for advertising the permanent introduction of the 40 kph VSZ in, but not restricted to, the West Australian and the Guardian Express.

**LEGAL/POLICY:**

While Beaufort Street is under the care and control of the City, MRWA are responsible for speed zoning, regulatory signage and line marking of all of the State's roads.

**RISK MANAGEMENT IMPLICATIONS:**

**Medium:** Excessive speed and traffic volumes on roads has the potential for accidents to occur.

**STRATEGIC IMPLICATIONS:**

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

*“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:**

Nil.

**COMMENTS:**

The City has for some considerable time been advocating lowering the posted speed limit on appropriate sections of District Distributor Roads within the City.

It has always been the City's contention that a posted speed limit of 60 kph is excessive in high pedestrian traffic areas such as Beaufort Street through the Mt Lawley Centre Precinct and therefore Main Roads request to make the 40kph VSZ permanent should be supported.

**9.2.8 Harwood Place, West Perth (Newcastle Street to the end) - Proposed Parking Restriction Trial**

<b>Ward:</b>	South	<b>Date:</b>	6 December 2013
<b>Precinct:</b>	Beaufort (13)	<b>File Ref:</b>	PKG0039
<b>Attachments:</b>	<a href="#">001</a> – Plan No. 3090-PP-01		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	R Lotznicker, Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES** undertaking a six (6) month trial in Harwood Place, West Perth as shown on attached Plan No. 3090-PP-01 of:
  - 1.1 1P time restrictions, 8.00am to 6.00pm Monday to Friday; and
  - 1.2 'Resident Only' parking restrictions at all other times; and
2. **CONSULTS** with Harwood Place and other affected residents to gauge the effectiveness of the trial after a period of six (6) months.

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**COUNCIL DECISION ITEM 9.2.8**

**Moved Cr Buckels, Seconded Cr Wilcox**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (8-0)**

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**PURPOSE OF REPORT:**

The purpose of this report is to inform the Council of the outcome of the public consultation with residents regarding the proposal to trial parking restrictions in Harwood Place, Perth.

**BACKGROUND:**

**Ordinary Meeting of Council 29 October 2013:**

The Council was advised of a petition received from the Harwood Place Action Group, on behalf of the Harwood Place Owners and Residents, along with eleven (110 signatures in support of the proposal to replace the current parking restrictions in Harwood Place with a 1P time restriction from 8.00am to 6.00pm Monday to Friday and "Resident Only" parking at all other times.

Following consideration of a petition from the Harwood Place Action Group the Council considered a report on the matter and made the following decision;

*"That the Council;*

- "1. APPROVES IN PRINCIPLE the undertaking of a six (6) month trial of replacing the current time restrictions on the eastern side of Harwood Place, excluding the loading zone, with a 1P time restriction 8.00am to 6.00pm Monday to Friday and "Resident Only" parking at all other times, as shown on the attached plan No. 3090-PP-01;*

2. *CONSULTS with the residents/businesses of Harwood Place, including the Harwood Place Action Group, regarding the proposal and outlined in clause 1; and*
3. *DEFERS undertaking any works in the street until the outcome of the community consultation has been carried out and a further report has been submitted to the Council at the conclusion of the consultation period."*

**DETAILS:**

**Community Consultation**

In accordance with the Council's decision Community Consultation was undertaken on 18 November 2013.

Thirty (30) letters were distributed to residents of Harwood Place, Perth and at the close of the consultation on 4 December 2013, three (3) formal responses were received with all three (3) in favour of the proposal. A summary of the comments received are below.

Related Comments In Favour of the Proposal: (2)

- 2 x in favour with no further comment.
- ..The only problem I have ever experienced is a lack of place to park my car as the daytime parking is usually taken up with cars from the business at 2 Harwood Place, who have a tendency to stay all day and for me as I work in the evenings and at night, people enjoying the nightlife of Northbridge now park on this street making it impossible to park when I return from work at 2am on the weekends. A by-product of the units built around the street with pedestrian access through Harwood Place suddenly putting it on the map when before it was an unknown quiet no through road...

Officers Comments

The City received a petition from the Harwood Place Action Group, on behalf of the Harwood Place Owners and Residents, along with eleven (11) signatures in support of the proposal to replace the current parking restrictions in Harwood Place with a 1P time restriction from 8.00am to 6.00pm Monday to Friday and "Resident Only" parking at all other times. During the formal consultation all respondents were in favour of the proposal.

**CONSULTATION/ADVERTISING:**

Consultation was undertaken in accordance with the Council's Community Consultation Policy No. 4.1.5. All residents will be informed of the Council's decision.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** Mainly related to amenity improvements for residents and visitors.

**STRATEGIC IMPLICATIONS:**

In keeping with the City's *Strategic Plan 2013-2023*:

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

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

1.1.5(a) *Implement the City's Car Parking Strategy and associated Precinct Parking Management Plans."*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The amount of \$30,000 was listed on 2012/2013 Budget and was requested to be carried forward to the 2013/2014 Budget. A total of \$60,000 is available to undertake the works in Harwood Place. The works included resurfacing and embayed parking. The embayed parking is not feasible (as previously reported to the Council). The resurfacing is still required. The cost to install signage etc is estimated to be \$750.

**COMMENTS:**

As previously reported to the Council, a recent large development in Harwood Place has resulted in parking issues for the existing residents in the street. Following receipt of a petition and consultation it is recommended that the Council undertake a six (6) month trial of replacing the current time restrictions on the eastern side of Harwood Place, excluding the loading zone, with a 1P time restriction 8.00am to 6.00pm Monday to Friday and "Resident Only" parking at all other times.

**9.2.9 Wavertree Place, Leederville – Petition Received in Respect of the Proposed Footpath**

<b>Ward:</b>	North	<b>Date:</b>	6 December 2013
<b>Precinct:</b>	Leederville (3)	<b>File Ref:</b>	TES0141
<b>Attachments:</b>	<a href="#">001</a> – Proposed Plan No.3081-CP-01A		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	C Wilson, Manager Asset and Design Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **NOTES** that as a Condition of Development approval for the redevelopment of the Rosewood Care facility located at 5-9 (Lot 40) Britannia Road, Leederville corner of Wavertree Place on 24 May 2011, the applicant was required to provide a 'footpath on the western side of Wavertree Place', to the satisfaction of the City's Director Technical Services;
2. **APPROVES** the installation of a 1.5m wide footpath along the eastern side of Wavertree Place from Britannia Road to the Brentham Street Reserve, as shown on Plan No. 3081-CP-01A, to be paid by the Applicant of the adjacent Rosewood Care Group site, for the reasons outlined in the report; and
3. **ADVISES** the author of the petition and Rosewood Care Group of its decision.

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**COUNCIL DECISION ITEM 9.2.9**

**Moved Cr Buckels, Seconded Cr Wilcox**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (8-0)**

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**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of a petition received opposing the construction of a cast in-situ concrete footpath along the eastern side of Wavertree Place, Leederville.

**BACKGROUND:**

**Ordinary Meeting of Council – 24 May 2011:**

The Council considered a report on the redevelopment of the Rosewood Aged Care facility located at 5–9 (Lot 40) Britannia Road, Leederville corner of Wavertree Place.

Wavertree Place is a small cul-de-sac off Britannia Road providing direct access to the Brentham Street Reserve and currently comprising five (5) single dwellings and block of six (6) residential units situated on the eastern side of the street.

The Rosewood Care Group's development encompasses the entire site (approximately 5000m<sup>2</sup>) and is a substantial building project. Therefore in order to ensure an orderly and safe building process the Council imposed a number of conditions upon the developer.

In addition to trying to protect the interests of the residents of Wavertree Place the cul-de-sac is also used extensively by the parents of children attending the nearby Aranmore Catholic Primary School as a drop off and pick-up point.

At the meeting after considering the report the following decision was made (in part) relating to Wavertree Place;

*“(vii) ...the following shall be submitted to and approved by the Town:*

*(a) Construction Management*

*(2) the use of Brentham Street Reserve and the western side of Wavertree Place for builders compound, site offices, storage facilities and car parking for tradespeople, staff and visitors of the development and the like, shall be detailed in the Construction Management Plan and approved by the Director Technical Services at the full cost of the owner(s)/applicant(s);*

*(viii) ..... the following shall be completed to the satisfaction of the Town:*

*(d) The applicant shall provide a footpath on the western side of Wavertree Place to the satisfaction of the Town’s Director Technical Services;...”*

**DETAILS:**

**Wavertree Place residents advised of proposal to construct a footpath:**

In September 2013 the City wrote to the residents and property owners of Wavertree Place advising them of the Development Approval condition requiring the developer, Rosewood Care Group, to install a footpath along the eastern side of Wavertree Place.

The City’s letter, in part advised, that:

*“As a resident/property owner in Wavertree Place you would be well aware of the impending construction of the new Rosewood Aged Care facility on the recently cleared block opposite you home.*

*The redevelopment was approved by the Council at its meeting of 24 May 2011 with a number of conditions imposed.*

*One of these conditions was for the applicant (Rosewood Care Group) to pay for a new footpath to be constructed down the eastern side of Wavertree Place.*

*The eastern side was considered the more practical location for both the immediate and long term amenity of the street.*

*During the construction phase the builder’s compound will extend to the kerb line (the length of the western side of Wavertree Place) and obviously a footpath cannot be accommodated. Further, it is expected that parents will continue to use Wavertree Place to drop off and collect children attending Aranmore Catholic Primary School and therefore it will preferable to guide them into the Brentham Street Reserve and away from the construction site.*

*Therefore it is proposed to install a 1.8m wide cast in-situ concrete footpath from Britannia Road, along the back of the kerb, to the Brentham Street Reserve, as shown on attached plan 3081-CP-01.*

*You will also notice on the drawing a temporary crossover into the reserve. Council approved a fenced off construction material storage area within the park, again subject to a number of conditions. While the access will be located as shown it will be controlled and locked outside of working hours."*

**Petition:**

In October 2013 the City received a petition signed by ten (10) residents/property owners objecting to the footpath. The signatory's represent seven (7) of the eleven (11) properties (No. 8 Wavertree Place comprises six (6) residential units) affected.

The author of the petition raised the following points in support of their position opposing the footpath, each with an officer response:

- *A footpath constructed now to the eastern side of Wavertree Place will direct pedestrians and school children to cross the temporary construction camp access that you have permitted to desecrate our park. This access is likely to be busy with large vehicles and most likely muddy. This raises significant road safety concerns for children accessing the school.*

Officer Comments:

The Construction Management Plan will require that the builder limit construction vehicle access to and from the compound within the reserve during the school drop off (7.30am to 9.00am ) and pick-up times (2.30pm to 4.00pm) and that a Traffic Controller be on hand to ensure safe access.

- *Further, the footpath proposed to the eastern side of Wavertree Place terminates at the end of the cul-de-sac and therefore fails to properly provide for access to the school. Given the park is Council property, any proposal to provide a footpath for the benefit of children accessing the school would be expected to terminate at the school gate. In any event, it is evident that the path is not proposed for the school as the path would have been conditioned as part of the recent school redevelopment.*

Officer Comments:

The builder will be restricted to a specific area within the reserve to install the materials compound. The remainder of the park will not be impacted upon and therefore the children, other than crossing the vehicle access point, will walk to school through the reserve as they have always done.

- *In terms of verge usage by parents, it has been noted that a higher level of usage is made of the western verge. This is due to there being more parking available to the west of Britannia Road, and parking on the eastern side of Wavertree Place being utilised by residents for parking.*

Officer Comments:

In respect of parents dropping off and collecting children the resident's indicate that the western verge is currently more popular (than the eastern verge) and therefore a more appropriate location. However during the construction phase the verge along the western side of Wavertree Place will be *fenced off* to the kerb to allow for materials delivery, site sheds and scaffolding to be erected. Further, the road will be designated a 'No Parking Zone' along the western side as the road is too narrow to allow parking on both sides and it would be unsafe to have children walk down the traffic side of parked cars (given they would not be able to alight from the passenger side). *Therefore once construction commences parents will be unable to park on the western verge.*

- *The present time children walking on the eastern side of Wavertree Place walk on grass (and as residents we have no problem with that). The use of grass adjacent to parent parking is preferable as if a small child should fall, they do not get hurt on grass. However, falling out of a 4WD onto a concrete path will result in an injury.*

Officer Comments:

Children falling out a 4WD vehicle can and will occur anywhere, the vast majority of which will be onto a hard surface albeit it the local shopping centre car park, at school or indeed the driveway at home. There is nothing to suggest that the incidence rate is any higher in Wavertree Place as a justification for not installing a footpath.

- *The adjacent location of the eastern footpath to the road will encourage parents to park on the footpath, thereby providing greater width for traffic on Wavertree Place (parents rarely park on our grassed verge). This in turn can be expected to increase traffic speeds making the road less safe. At the present time, the constructed width with cars parked to both sides significantly slows traffic during school pick-up and drop-off times. While parents may have complained about this, the very slow traffic speeds make the road far safer should any child run out. As you should be aware, the slower a conflict is between a car and a child, the greater chance a child has of surviving. Some may dismiss this conclusion saying that as Wavertree Place is a cul-de-sac, traffic cannot reach any meaningful speed. This is an untrue assumption and even with current conditions, I have seen parents accelerating inappropriately once their child has been dropped-off.*

Officer's Comments:

It is an offence to park on a footpath and as the Rangers regularly target the areas around schools compliance is generally high. Further, as there will be no parking along the western side of the street there is no need to park on the proposed footpath as there will be more than adequate clearance for passing traffic. In respect of speed Wavertree Place is 75m long and generally congested during the school drop off and pick-up times so speeds tend to be low. The most recent data indicated that the \*85% speed was 25kph, considerably lower than the School Zone 40kph limit. While it is agreed that the lower the speed the lower the severity of accidents the existing data suggests that the majority of motorists are driving responsibly.

Note:\* The maximum speed 85% of the traffic travels at. The average speed was 21 kph.

- *The eastern side of Wavertree Place has been landscaped and is well maintained to enhance the street appeal of the newly constructed homes. It is wasteful to destroy nice verges when better alternatives are available. The existing grassed and landscaped alternatives will, at least for residents on the eastern side, serve to reduce the impact of the large expanses of concrete and bitumen on the western side of Wavertree Place following completion. The construction of a footpath to the western side at the time the development is completed will provide a more cost-effective outcome for the community.*
- *The width of the verge outside No. 2 Wavertree Place is 1.95m, leaving just 150mm for landscaping. The resident has just grassed this verge and planted a flower bed adjacent to the front boundary wall. It can be expected that your contractor will destroy their flower bed during the construction process.*

Officer Comments:

To address both of the above concerns it is proposed to reduce the width of the footpath from 1.8m wide to 1.5m wide (the City's minimum standard). This will in-turn reduce the impact upon the verge and allows No. 2 Wavertree Place to retain their flower bed.

The letter also comments on the Development Approval condition requiring the applicant to underground the power in Britannia Road and not it being extended to Wavertree Place. In addition they provided the following comment:



- *Overhead power cables still exist on the eastern side of Wavertree Place and the construction of a 1.8m wide footpath could increase the cost of undergrounding the power.*

Officer Comments:

The undergrounding of the power in Wavertree Place is unlikely to occur in the foreseeable future. Further, a footpath would have little bearing on the cost of undergrounding the power as the cables are installed utilising directional drilling (boring) and are on a different alignment (i.e. closer to the property line).

- *It can also be expected that large construction vehicles using and parking in Wavertree Place will damage the eastern footpath, particularly if waiting for a truck to exit the compound. As a result the footpath will require regular maintenance and potentially significant repair at completion of the development. This will leave an unsightly path detracting from the amenity of our street. Surely it makes sense NOT to provide a path until construction is complete and then only provide the path to the western side for the benefit--of the aged residents moving into the development.*

Officer Comments:

As indicated above it is an offence to park on a footpath. Further, the applicant (Rosewood Care Group) is paying for the new footpath and will be responsible for any damage resulting from construction traffic either parking or driving on the footpath, so it would be in their best interests to ensure that damage does not occur. In addition the conditions of the road and verge bond will be widened to include the new footpath.

It should also be noted that the majority of the City's streets has a footpath on both sides of the road providing an amenity for the wider community and immediate residents alike, including those of the aged care facility.

- *It is understandable that the City may have some concerns with parents and children using Wavertree Place during the construction period of the Rosewood development. However, the provision of a footpath to the eastern side do Wavertree Place cannot be seen to provide a safe outcome. If the City have safety concerns, it is far better to close Wavertree Place to all but residents and construction vehicles (there are only 2 residents with cross-over's) and advise parents and the school to use Brentham Street and Bennelong Place to access the school until construction is complete. Should parents decide to use Wavertree Place, then this would be at their own discretion. In our opinion, the Council could be severely criticised for providing a footpath that is in direct conflict with a construction compound access and encouraging children to use it.*

Officer Comments:

The City, through the Integrated Transport Advisory Group, has in the past held discussions with the school in respect of their own building program and that of Rosewood Care Group's development. It is fortunate that the schools building program is now largely completed as initially the two (2) projects were going to be undertaken simultaneously. An agreed action at the time was that the school would ask parents not to use Wavertree Place if possible, and it is understood that the school is still prepared to assist to this ends. However the suggestion to sign post the street as *Resident and Construction Traffic Only* is impractical and un-enforceable. Further, there are a number of other valid but unrelated road users such delivery vehicles (servicing the residences in particular) and Australia Post, etc.

- *In summary, given that a footpath is to be provided to the western side of Wavertree Place upon completion of the Rosewood construction, the placement of a path to the eastern side is unwarranted. The amenity of the residents fronting the proposed eastern footpath will be detrimentally affected and the cost and effort in providing and maintaining a grassed verge will have been wasted. The most obvious and beneficial location of a footpath in Wavertree Place is to the western side.*
- *Should you choose to ignore the wishes of the affected ratepayers, noting that both the school and Rosewood aged care would most likely be eligible for rate exemptions\*, then you need to be aware that there is a collapsed Telstra pit\*\* that the City may be liable to rebuild should the footpath be constructed to the eastern side. Further, works to this verge may result in disturbance of asbestos from the old pit and your contractors need to be made aware prior to works commencing.*

Note\*: Rosewood Care Group is currently paying rates for the site based upon vacant land. Once the development is occupied they may apply for an exemption, which would then be assessed based upon eligibility criteria. If successful they would still be required to pay for Waste collection and the Fire and Emergency Services Levy.

Note\*\*: Telstra would be advised and requested to make good their infrastructure prior to works commencing.

Officer Comments:

The City's officers have since met with several of the residents and addressed some of their concerns including not modifying the brick paved crossover closest to Britannia Road, installing new signage and line-marking to better control parking and that any reticulation would be reinstated.

**CONSULTATION/ADVERTISING:**

Residents will be advised of the Council's decision.

**LEGAL/POLICY:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

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

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

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

**SUSTAINABILITY IMPLICATIONS:**

The City ensures that its infrastructure is constructed and maintained to an acceptable level of service.

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost of the proposed footpath, estimated to be \$6,500, will be borne by the developer, Rosewood Care Group.

**COMMENTS:**

During the construction of Rosewood Care Group's aged care development there will be an unavoidable and significant impact upon the residents of Wavertree Place. In addition Wavertree Place will continue to be used by the parents of children attending Aranmore Catholic Primary School as a convenient drop-off and pick-up point irrespective of the construction activity.

In order to lessen the impact the City will require the developer's builder to submit at Construction Management Plan that will control and mitigate the risks to the community.

One of these measures is the construction of a footpath along the eastern side of Wavertree Place that will provide both an immediate and long term amenity for the wider community.

**9.2.12 Right of Way Bounded by Mary, William, Chatsworth Road and Beaufort Streets, Highgate; Possible Obstruction to Vehicular Traffic of the portion Progress Report No. 2**

<b>Ward:</b>	South	<b>Date:</b>	9 December 2013
<b>Precinct:</b>	Mount Lawley Centre (11)	<b>File Ref:</b>	TES0266
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	R Lotznicker, Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council NOTES that;

1. a meeting with the persons who 'objected' to the proposed obstruction of the Right of Way as requested by the Council at its Ordinary Meeting held on 9 July 2013 has not yet occurred;
2. the matter was discussed at the Beaufort Street Enhancement Working Group meeting held on 5 December 2013 where the Mayor advised he would progress the matter; and
3. a further progress report will be submitted to the Council once the matter has been further determined.

**COUNCIL DECISION ITEM 9.2.12**

**Moved Cr Buckels, Seconded Cr Wilcox**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (8-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to update the Council on the partial obstruction of the subject Right of Way (ROW) and its possible future use for public benefit.

**BACKGROUND:**

**Ordinary Meeting of Council held on 23 April 2013:**

The Council considered a Notice of Motion and made the following decision:

*"That the Council;*

1. *APPROVES IN PRINCIPLE the obstruction to vehicular traffic of the portion of the laneway between 483 and 485 Beaufort Street (as shown on Appendix 10.1 B);*
2. *ADVERTISES the proposal in accordance with Section 3.50 of the Local Government Act and the requirements of the City's Community Consultation Policy for a period of not less than twenty eight (28) days;*
3. *CONSULTS the local community seeking suggestions on how the section of laneway may better be used as a community resource or as a mechanism to activate the local area; and*
4. *RECEIVES a further report at the conclusion of the consultation period or no later than August 2013."*

**Ordinary Meeting of Council held on 9 July 2013:**

The Council considered a further report on the matter and made the following decision:

*"That the Council;*

1. *CONSIDERS the eleven (11) submissions received by owners who have an implied or expressed right of access over the Right of Way, 'objecting' to the proposed obstruction of the portion of Right of Way, as shown on attachment 9.2.1A;*
2. *AUTHORISES the Chief Executive Officer to arrange a meeting by September 2013 with the persons who 'objected' to the proposed obstruction (and any other interested party) to discuss/develop a possible compromise position which will not adversely affect ongoing property access, while at the same time add to the vibrancy of the area;*
3. *ADVISES all respondents of its decision; and*
4. *NOTES that a further progress report will be submitted to the Council following the public meeting, as outlined in Clause 2."*

**DETAILS:**

**Information regarding the ROW:**

- The ROW runs between William Street and Beaufort Street
- It is a private ROW owned by the City of Vincent
- Only the properties on the north side of the ROW have an 'implied right of access over the ROW (as it was created on the same Plan or Diagram as the allotments when the land was originally developed)
- Properties on the south side (and anyone else) can obviously use the ROW as there is no impediment to do so however should a property on the south side wish to redevelop and use the ROW for vehicular access then this would become an issue.

**Consultation regarding possible ROW Obstruction/Closure:**

- On 6 June 2013, 231 consultation packs were distributed to all properties adjoining the ROW, the Beaufort Street network and all business along Beaufort Street between St. Albans and Walcott Street.
- At the close of consultation 29 responses were received.
- 14 of the 29 responses were from owners on the north side of the ROW who have a legal right to use the ROW
  - 11 *against* the obstruction
  - 3 *in favour* of the obstruction.
- The remaining 15 responses (*from owners not adjoining the ROW*) were *in favour* of the obstruction.

*Officers Comments:*

The idea of implementing temporary obstructions during certain times was suggested by some (in lieu of a permanent obstruction). Also vehicles blocking sections of the ROW block at certain times was an argument against the permanent obstruction and the fact that if the portion in question was obstructed large vehicles would not be able to negotiate the tight 90 degree bends (currently they can drive straight through from William to Beaufort Street).

The Council decided to meet with the persons who 'objected' to the proposed obstruction (and any other interested party) to discuss/develop a possible compromise position which will not adversely affect ongoing property access, while at the same time add to the vibrancy of the area. The former Mayor was to provide a meeting time/date however this did not eventuate.

**CONSULTATION/ADVERTISING:**

Meeting with interested parties to be arranged.

**LEGAL/POLICY:**

The Legislation and Policy applicable to the placement of obstructions in a ROW (depending on the type of ROW) is as follows.

- Local Government Act 1995;
- Transfer of Land Act 1893; and
- Policy No 2.2.8 – Laneways and Rights of Way.

**RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

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

*"Natural and Built Environment*

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

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

The City has adopted a program whereby it will endeavour to acquire all private ROWs.

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable

**COMMENTS:**

A meeting with the persons who 'objected' to the proposed obstruction of the Right of Way as requested by the Council at its Ordinary Meeting held on 9 July 2013 has not yet occurred. This matter will be progressed.

**9.3.1 Investment Report as at 30 November 2013**

<b>Ward:</b>	Both	<b>Date:</b>	6 December 2013
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0033
<b>Attachments:</b>	<a href="#">001</a> – Investment Report		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	B C Tan, Manager Financial Services; N Makwana, Accounting Officer		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

That the Council **NOTES** the Investment Report for the month ended 30 November 2013 as detailed in Appendix 9.3.1.

**COUNCIL DECISION ITEM 9.3.1**

**Moved Cr Buckels, Seconded Cr Wilcox**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

**PURPOSE OF REPORT:**

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

**BACKGROUND:**

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

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

**DETAILS:**

Total Investments for the period ended 30 November 2013 were \$19,811,000 compared with \$20,411,000 at 31 October 2013. At 30 November 2012, \$24,711,000 was invested.

Investment comparison table:

	<b>2012-2013</b>	<b>2013-2014</b>
July	\$18,211,000	\$9,611,000
August	\$30,511,000	\$21,411,000
September	\$28,511,000	\$20,411,000
October	\$26,711,000	\$20,411,000
November	\$24,711,000	\$19,811,000

Total accrued interest earned on Investments as at 30 November 2013:

	<b>Annual Budget</b>	<b>Budget Year to Date</b>	<b>Actual Year to Date</b>	<b>%</b>
Municipal	\$281,340	\$181,500	\$149,185	53.03
Reserve	\$386,610	\$189,219	\$132,711	34.33

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

Funds are invested in accordance with the City's Investment Policy 1.2.4.

**RISK MANAGEMENT IMPLICATIONS:**

**High:** Section 6.14 of the Local Government Act 1995, section 1, states:

*“(1) Subject to the regulations, money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested in accordance with Part III of the Trustees Act 1962.”*

**COMMENT:**

As the City performs only a custodial role in respect of monies held in Trust Fund Investments these monies cannot be used for Council purposes. Key deposits, hall deposits, works bonds, planning bonds and unclaimed money were transferred into Trust Bank account as required by Local Government (Financial Management) Regulations 1996, Section 8 (1b).

The decrease in investment fund as compared to previous year is due to loan and contributions received for Beatty Park Redevelopment have been fully spent.

The interest earned is below budget. This is due to the decrease in the Reserve Bank of Australia cash rate from 3.50% to 2.50% in the last 12 months.

The funds invested have decreased from previous period due to payment to creditors.

The report comprises of:

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

**9.3.2 Authorisation of Expenditure for the Period 1 – 30 November 2013**

<b>Ward:</b>	Both	<b>Date:</b>	6 December 2013
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0032
<b>Attachments:</b>	<a href="#">001</a> – Creditors Report		
<b>Tabled Items:</b>	-		
<b>Reporting Officers:</b>	O Wojcik, Accounts Payable Officer; M Rootsey, Director Corporate Services		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

That the Council CONFIRMS the;

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

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

**COUNCIL DECISION ITEM 9.3.2**

**Moved Cr Buckels, Seconded Cr Wilcox**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

**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 November – 30 November 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:

<b>FUND</b>	<b>CHEQUE NUMBERS/ PAY PERIOD</b>	<b>AMOUNT</b>
<b>Municipal Account</b>		
Automatic Cheques	75229 - 75366	\$207,581.61
Transfer of Creditors by EFT Batch	1600, 1602 – 1605, 1608, 1609	\$2,190,392.17
Transfer of PAYG Tax by EFT	November 2013	\$298,592.45
Transfer of GST by EFT	November 2013	
Transfer of Child Support by EFT	November 2013	\$1,803.09
Transfer of Superannuation by EFT:		
• City of Perth	November 2013	30,319.61
• Local Government	November 2013	112,911.36
<b>Total</b>		<b>\$2,841,600.29</b>
<b>Bank Charges &amp; Other Direct Debits</b>		
Bank Charges – CBA		\$15,132.60
Lease Fees		\$4,607.45
Corporate MasterCards		\$12,501.12
Loan Repayment		\$194,101.70
Rejection fees		\$85.00
<b>Total Bank Charges &amp; Other Direct Debits</b>		<b>\$226,427.87</b>
<b>Less GST effect on Advance Account</b>		<b>0.00</b>
<b>Total Payments</b>		<b>\$3,068,028.16</b>

**LEGAL POLICY:**

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

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2013-2017:

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

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

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

**SUSTAINABILITY IMPLICATIONS:**

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

**ADVERTISING/CONSULTATION:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

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

**COMMENT:**

All municipal fund expenditure included in the list of payments is in accordance with 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 Annual Budget 2014/2015 – Adoption of Timetable**

<b>Ward:</b>	Both	<b>Date:</b>	6 December 2013
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0025
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	M Rootsey, Director Corporate Services		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES** the timetable for the 2014/2015 Budget as detailed below:

DATE	ITEM
24 March - 17 April 2014	Chief Executive Officer and Directors to review 1 <sup>st</sup> Draft Budget
17 April 2014	1 <sup>st</sup> Draft Budget issued to Council Members
29 April 2014	Briefing provided to Council Members
6 May 2014	1 <sup>st</sup> Budget briefing/Special Council Meeting (open to the public)
20 May 2014	2 <sup>nd</sup> Budget briefing/Special Council Meeting (open to the public) – if required
20 May – 23 May 2014	Budget documentation finalised for public comment
23 May 2014	Advertise for public comment (14 days)
6 June 2014	Public comment closes
11 June 2014	Final briefing for Council Members
11 June - 20 June 2014	Final Budget documentation and report for Council prepared
20 June 2014	Issue Agenda report
1 July 2014	Adoption of Annual Budget at the Special Council meeting

2. **AUTHORISES** the Chief Executive Officer to make minor variations to the timeframe, if unforeseen circumstances arise or if a change is necessary.

**COUNCIL DECISION ITEM 9.3.3**

**Moved Cr Buckels, Seconded Cr Wilcox**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

**PURPOSE OF REPORT:**

To provide a timetable for the preparation and adoption of the Annual Budget 2014/2015, for the approval of the Council.

**BACKGROUND:**

It is recommended that the Budget is adopted as early in the new financial year as possible. It is proposed that Special Meeting of Council for the adoption the budget be held on 1 July 2014. This will again allow the City a cash flow benefit from the earlier issue of the Rates Notices.

A separate Special Council meeting for the adoption of the Annual Budget will also allow more time for discussion on the final Budget document, without the constraint of the timing of the Ordinary Meeting of Council.

**DETAILS:**

The Annual Budget forms an integral part of the City's Strategic Community Plan, "Plan for the Future" 2013-2017, which was adopted by the Council.

The proposed timetable allows for both Council Member and community reviews.

The Draft Budget will be initially issued to Council Members. A confidential briefing will then be provided to Council Members either collectively or individually depending on circumstances. The Draft Budget deliberations will then be held at the scheduled Special Council Meetings, the public are invited to attend these meetings.

The public will also be invited to comment on the Draft Budget prior to adoption.

This year it is proposed to hold a further Councillor briefing after the Community Consultation closes to review the final budget document prior to adoption.

The proposed Budget Timetable is outlined below:

DATE	ITEM
24 March - 18 April 2014	Chief Executive Officer and Directors to review 1 <sup>st</sup> Draft Budget
18 April 2014	1 <sup>st</sup> Draft Budget issued to Council Members
29 April 2014	Briefing provided to Council Members
6 May 2014	1 <sup>st</sup> Budget briefing/Special Council Meeting (open to the public)
20 May 2014	2 <sup>nd</sup> Budget briefing/Special Council Meeting (open to the public) – if required
20 May – 23 May 2014	Budget documentation finalised for public comment
23 May 2014	Advertise for public comment (14 days)
6 June 2014	Public comment closes
11 June 2014	Final briefing for Council Members
11 June - 20 June 2014	Final Budget documentation and report for Council prepared
20 June 2014	Issue Agenda report
1 July 2014	Adoption of Annual Budget at the Special Council meeting

It is also proposed that the Special Meeting for the adoption of the Annual Budget be held on 1 July 2014.

**CONSULTATION/ADVERTISING:**

The City's Consultation Policy specifies that the Draft Annual Budget is to be advertised for a period of fourteen (14) days prior to adoption.

**LEGAL/POLICY:**

The Annual Budget is prepared in accordance with the Local Government Act (1995) Section 6.2.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2013-2017 Plan for the Future – Key Result Area Four (4) - Leadership, Governance and Management:

*“4.1.1 Provide Good Strategic Decision Making, Governance, Leadership and Professional Management;*

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

*4.1.3 Plan effectively for the future.”*

**FINANCIAL/BUDGET IMPLICATIONS:**

Not Applicable.

**COMMENTS:**

It is important that both the Administration and the Council adheres to the deadlines identified in the timetable to ensure that the Annual Budget is adopted in the required time frame.

**9.3.6 Tender No. 478/13 - Design and Construct/Upgrade Heating, Ventilation, Air-conditioning (HVAC) System Geothermal Heating and Ground Source Cooling**

<b>Ward:</b>	Both	<b>Date:</b>	6 December 2013
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0199 & TEN0487
<b>Attachments:</b>	001 - Confidential Budget Comparison & Tender Pricing Summary		
<b>Tabled Items:</b>	-		
<b>Reporting Officers:</b>	A Marriott, Sustainability Officer G Pieraccini, Director Special Projects		
<b>Responsible Officers:</b>	G Pieraccini, Director Special Projects – Project supervision M Rootsey, Director Corporate Services – Financial Implications R Lotznicker, Director Technical Services – Technical Components		

**OFFICER RECOMMENDATION:**

That the Council;

1. **DOES NOT ACCEPT** any tenders received for the Design and Construction/Upgrade HVAC System utilising Geothermal Heating and Ground Source Cooling for the following reasons;
  - 1.1 The complex Technical issues identified in a number of tenders needs to be addressed;
  - 1.2 The high risk associated with various technical issues needs to be addressed; and
  - 1.3 The ‘pay-back’ period for the tender is questionable and needs addressing;
2. **AUTHORISES** the Chief Executive Officer to;
  - 2.1 re-scope the project to reduce the overall project cost;
  - 2.2 re-engage Consultants Enigin, at an estimated cost of \$1,640 (excluding GST) to assist with the re-scoping of the works;
  - 2.3 advertise a new tender once the re-scope and tender documentation are completed; and
  - 2.3 submit a request to amend the current Community Energy Efficiency Program (CEEP) Funding Agreement to the Department of Resources, Energy and Tourism in line with a reduced scope of works; and
3. **NOTES** that a further report will be submitted to the Council once the Department of Resources, Energy and Tourism have confirmed acceptance of the amended funding agreement and after the close of the tender period, where financial implications will be further determined, prior to awarding a tender for the re-scoped project.

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**COUNCIL DECISION ITEM 9.3.6**

**Moved Cr Buckels, Seconded Cr Wilcox**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

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**PURPOSE OF REPORT:**

The purpose of this report is to provide the Council with the details of the tenders received for the Design and Construction/Upgrade of HVAC System utilising Geothermal Heating and Ground Source Cooling.

**BACKGROUND:**

**Tender:**

The Tender No. 478/13 - Design and Construction/Upgrade HVAC System utilising Geothermal Heating and Ground Source Cooling was advertised in the West Australian newspaper on Saturday 21 September 2013.

The tender was to close 2.00pm on 23 October 2013 but was extended for another two (2) weeks. At the close of the tender period at 2.00pm on 5 November 2013, four (4) tenders were received.

**CEEP Funding:**

Ordinary Meeting held on 18 December 2012

The Council agreed to list for consideration an amount of \$270,000 in the 2013/14 Draft Budget for geothermal space heating and cooling to be implemented across three facilities with assistance from a federal government CEEP grant. The Council also authorised the Chief Executive Officer to engage consultants for the preparation of the CEEP grant application.

Ordinary Meeting held on 12 February 2013

The Council approved an amended allocation of \$372,000 in the Draft Budget 2013/2014 for the Community Energy Efficiency Program (CEEP) Geothermal Space Heating and Cooling Projects and were advised that the City had submitted a CEEP grant application in accordance with the Council Decision at Ordinary Meeting held on 18 December 2012.

The City signed the CEEP Funding Agreement on 20 August 2013 for a total funding amount of \$669,322 (excluding GST) of which \$432,757 is allocated to the HVAC upgrade using geothermal energy with the balance, \$ 236,565, being allocated to Lighting System Retrofit, Real Time Monitoring, community engagement, Energy Audit and project administration.

**DETAILS:**

**Tender:**

The Tender opening on 5 November 2013 was attended by the City's Sustainability Officer and Purchasing Officer, with a representative from Leicon Notley present.

Tenders were received from the following companies (*tender prices submitted are attached in the confidential attachment*):

- Direct Energy Pty Ltd;
- Subthermal Solutions Pty Ltd;
- Atlas Air-conditioning Pty Ltd; and
- Leicon Notley Pty Ltd.

The tender assessment was carried out by the City's Energy Consultants and a panel of Council Officers consisting of the Sustainability Officer, Director Corporate Services, Director Special Projects and Director Technical Services.

The evaluation panel noted all conforming tenders were significantly over budget with two (2) submissions providing alternate tenders which, while being less than their conforming tender, were still outside of the allocated project budget.

The Energy Consultants provided a comprehensive assessment which summarised the technical aspects of each tender and it was noted that, while all tender submissions stated they could meet the design specifications requested in the Tender. Two (2) of the tender submissions did not provide sufficient detailed information to accurately assess whether or not their proposals would satisfy the tender requirements, while the other two (2) submissions provided ample specification and design details to determine they would satisfy the tender requirements.

During the assessment process it became evident that while the tender submissions were technically feasible, it was questionable as to whether the project as a whole was "value for money". In particular, the part of the project associated with heating and cooling of the Administration and Library buildings using underground pipe work.

It was noted that this carried a high degree of risk because of the complexity of an overly ambitious scope, with the likelihood of additional costs and the extension of the project timeframe, for additional works and/or equipment related to unknown factors such as replacement of existing equipment and location of infrastructure below ground affecting drilling and trenching.

It was further noted that the payback period for this was longer than generally acceptable, thirteen (13) years and the outcomes actually achieved were not commensurate with the costs and risks associated with this work. It was also noted that this point of view was surmised by a number of the tenderers.

It is now proposed to support the space heating at Beatty Park Leisure Centre and complete only these works. This suggestion was proposed by more than one tenderer in their submission and is supported by the City's Energy Consultants.

#### **CEEP Funding:**

Council officers have contacted the Department of Resources, Energy and Tourism regarding a possible amendment to the CEEP Funded Project for the Geothermal heating ventilation air conditioning (HVAC) component because of the pricing significantly exceeding the allocated project budget after testing the market through the tender process, and they have indicated that this would likely be supported provided we satisfy the following:

- Justification of how we arrived at the suggested change of scope;
- Confirmation of minimal impact of the change in scope on the CEEP Objectives;
- Confirmation of minimal impact of the change in scope on the estimated energy efficiency benefits ;
- Amended total amount being sought from CEEP is less than current amount approved;
- Amended total amount to be contributed by the City is proportionately the same as current agreement;
- Confirmation of retention of other parts of the project – Lighting upgrades and real time monitoring; and
- Council approve re-scoping and re-tender.

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

The tender was advertised in the West Australian newspaper on Saturday 21 September 2013 and was open for a period of six (6) weeks.

Community consultation to demonstrate broad-based community support has been completed as part of the CEEP grant application process. Part of this consultation process was the consideration of the proposed project by the City's Sustainability Advisory Group. The operators of the Loftus Recreation Centre and Robertson Park Tennis Club were also consulted.



**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 and purchasing Policy No. 1.2.3.

Successful CEEP funding applicants must enter into a funding agreement with the Commonwealth Government prior to the commencement of the project. The funding agreement is a performance-based, legally enforceable agreement between the Commonwealth Government and the successful applicant that sets out the terms and conditions governing the funding provided.

The City's Policy No. 2.2.12 relating to Asset Management states:

*"Objectives:*

- *Ensure that assets service the community for current and future generations;*
- *Ensure that assets provide a level of service and risk the community is willing to support;*
- *Ensure the sustainable management of assets;*
- *Encourage and support the economic and social wellbeing of our community; and*
- *Allow informed decision making, incorporating life cycle costing principles."*

The City's Policy No. 3.5.10 relating to Sustainable Design states:

*"Objectives:*

- *To demonstrate the Town's commitment to environmental, economic, and social stewardship, and to contribute to the Town's goals of protecting, conserving, and enhancing the Town's and the State's environmental resources;*
- *To encourage the retention of existing buildings capable of reasonable adaptation and re-use;*
- *To encourage the incorporation of sustainable design principles and features in existing and new development in the Town of Vincent as standard practice; and*
- *To set out the Town's expectations of the sustainability outcomes to be achieved by home owners, developers and builders in new building and renovation projects."*

**RISK MANAGEMENT IMPLICATIONS:**

**High:** In order to meet viability criteria, the City's CEEP grant application included a comprehensive Risk Management Plan for the proposed project. This plan must be implemented as part of the City's obligations under the funding agreement.

**STRATEGIC IMPLICATIONS:**

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

*"Natural and Built Environment*

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.*

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

*"Leadership, Governance and Management*

4.1 *Promote and Implement Knowledge Management and Technology*

4.3.1 *Enhance knowledge and promote technology opportunities to improve the City's business communications, security and sustainability."*

In keeping with the City's *Sustainable Environment Strategy 2011-2016* the following Objective states:

"General Actions

*Ensure that the City acts in an environmentally sustainable manner in all of its operations.*

F. *Monitor and avail of opportunities for state and federal funding and grants which could fund environmental projects or initiatives.*

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

J. *Make environmental and sustainability information more readily accessible to the community.*

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

L. *Promote responsible consumption that has a reduced environmental impact."*

"Air and Emissions

*Reduce and offset the use of non-renewable energy in the City's operations, and promote the same to the community.*

*Action 1.7 Continue to investigate and implement the use of alternative lighting technologies, including solar-powered lights and LEDs, in lighting owned by the City.*

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

**SUSTAINABILITY IMPLICATIONS:**

The following tables outline the applicable sustainability issues for the proposed efficiency upgrade and retrofit project.

ENVIRONMENTAL	
Issue	Comment
Increased energy efficiency and the adoption of clean energy technologies will translate into significant greenhouse gas emission reductions from the City's operations. This will mitigate the City's contribution to global climate change impacts and help to meet its commitments under the Local Government Declaration on Climate Change – signed on 15 May 2012.	

SOCIAL	
Issue	Comment
Implementation of these measures will demonstrate leadership on climate change mitigation and provide opportunities to engage and inform the City's community about related issues.	

ECONOMIC	
Issue	Comment
Increasing energy costs mean that the efficiency/clean technology measures proposed as part of this project will result in cost savings that will far outweigh the value of energy savings at current market rates.	

**FINANCIAL/BUDGET IMPLICATIONS:**

As it is recommended that the Council re- tender and so as to ensure that the tender process is not jeopardised, the proposed budget implications have not been disclosed here but have been included under the **Confidential Attachment** 001.

**COMMENTS:**

The re-scoped project will still utilise the excess geothermal capacity from the existing bore at Beatty Park while achieving improved efficiency, reduced costs and payback period, and thus provide the “best value for money” for the City. The re-scoped project will also be more manageable, have reduced risk and will possibly be completed within a shorter timeframe.

This re-scoped geothermal component of the larger overall CEEP funded project will also still enable the City to “lead” and educate the community on sustainability.

It is therefore recommended that the Council supports the Officer’s recommendation and rejects all tenders received for the Design and Construction/Upgrade of HVAC System utilising Geothermal Heating and Ground Source Cooling Project and approves the re-scoping to reduce the cost of project.

It is also recommended that the Council authorises the Chief Executive Officer to re-engage Enigin to assist with the re-scoping of the works, recall tenders once the revised tender documents are completed and request to amend the CEEP Funding Agreement as outlined in this report.

**9.3.7 81 Angove Street, North Perth - Feasibility Study on Usage Options for the property - Progress Report No. 3**

<b>Ward:</b>	North	<b>Date:</b>	6 December 2013
<b>Precinct:</b>	Smith's Lake	<b>File Ref:</b>	PRO2919
<b>Attachments:</b>	001 – Confidential Attachment Feasibility Study on Usage Options and Condensed Financial Summary		
<b>Tabled Items:</b>	-		
<b>Reporting Officers:</b>	G Pieraccini, Director Special Projects - Implementation M Rootsey, Director Corporate Services - Financial		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** the Progress Report No. 3 relating to the outcome of the Feasibility Study on Usage Options for 81 Angove Street, North Perth (Former North Perth Police Station) prepared by Integral Project Creation;
2. **AUTHORISES** the Chief Executive Officer to further investigate;
  - 2.1 **Option 1.2 and Option 4.1 as recommended in the Feasibility Study; and**
  - 2.2 **uses and leasing options for the heritage listed building**
3. **APPROVES** the extension of the current lease with GROW WA for a further twelve (12) months; and
4. **RECEIVES** a further report on completion of the further investigation of Clause 2 above.

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**COUNCIL DECISION ITEM 9.3.7**

**Moved Cr Buckels, Seconded Cr Wilcox**

**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY "EN BLOC" (8-0)**

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**PURPOSE OF REPORT:**

The purpose of this report is to provide an update to the Council on the progress of this project to date and seek approval to carry out further investigations into land and building options as outlined in the report, and to endorse the extension of current lease for the property to GROW WA.

**BACKGROUND:****History**

Date	Comment
29 October 2009	The Council purchased No. 81 Angove Street, North Perth at public auction for \$1.725 million
3 November 2009	The Council resolved to endorse the Business Plan for the Major Land Transaction and to borrow \$1,600,000 for the purchase of No. 81 Angove Street, North Perth.
8 February 2011	The Council resolved to approve the lease of the property to GROW WA for 3 years, at \$27,000 per annum (expires May 2014).
6 December 2011	The Council requested the Chief Executive Officer to investigate alternative community uses for the property to be introduced at the end of the current lease to GROW WA
27 March 2012	The Council requested the Chief Executive Officer to investigate further options for alternative uses and redevelopment options for the property and that \$50,000 be listed in the 2012/2013 draft Budget for the preparation of a Feasibility Study for various development and land use scenarios.
December 2012	Internal North Perth Police Station Working Group prepared draft Business Plan for options for alternative uses for the property

**Previous Reports to Council:**

At the Ordinary Meeting of Council held 14 May 2013, the Council resolved as follows:

*"That the Council APPROVES the quotation from Integral Project Creation for the amount of \$24,000 (excluding GST) to conduct the Feasibility Study on Usage Options for the property at 81 Angove Street, North Perth."*

**DETAILS:**

The City purchased 81 Angove Street, North Perth (Former North Perth Police Station) in October 2009 and currently leases the property to GROW WA. The property is Heritage listed.

The site is large and underutilised and has the potential for subdivision and residential development at the rear of the site, while still maintaining the integrity of the heritage listed building, former North Perth Police Station fronting Angove Street.

After extensive internal investigations and Council discussions into options available for usage of the site, Council authorised the engagement of development consultants, Integral Project Creations, in May 2013. TPG Town Planning, Urban Design and Heritage provided subdivision and development analysis and Slattery Australia Pty Ltd provided financial assessment of the various options.

The study was based on the social and financial impacts of potential usage options and took into consideration heritage constraints and the City's expenditure to date on the property.

**Executive Summary of the Study:**

Site Options

After reviewing the heritage and planning constraints of the site four (4) base subdivision plans with the potential for three development concepts were considered creating ten (10) potential future site options. Subsequently, from a high-level review of the strengths and weaknesses of the initial options identified, seven (7) options were shortlisted for further financial evaluation. The shortlisted options were:

Option	Outcome
Option 1.1	Dispose of the Property in its Entirety "As Is"
<b>Option 1.2</b>	<b>Eight Dwelling Apartment Development at rear of site</b>
Option 3.1	Single Rear Lot Subdivision
Option 3.2	Two Rear Survey Strata Lot Subdivision
Option 3.4	Ten Dwelling Affordable Apartment Development
<b>Option 4.1</b>	<b>Three Rear Survey Strata Lot Subdivision</b>
Option 4.2	Three Dwelling Affordable Townhouse Development

Police Station

A high-level review was undertaken for the potential future usage options available for the former Police Station heritage listed building and the options considered were:

- Lease to Community Group;
- Commercial Lease; and
- Retain for Council Use.

Beyond community uses, local business and/or standard commercial tenants, there are limited opportunities for the building. Retail is limited due to the location, however alternatively a residential option could be considered.

However, based on the high-level assessment undertaken on the potential future uses for the former Police Station building it was concluded that the long term use would be determined by market demand and would most likely be utilised as office space.

Finance Implications

Cost estimates were developed by Slattery based on the subdivision options and site concepts identified and Integral Project Creation (IPC) undertook a financial review of the seven (7) shortlisted options. See **Confidential Attachment 001**.

Affordable Housing Partnership

Affordable housing partnerships were identified for development of the site and included partnerships with the Department of Housing, Access Housing and Foundation Housing.

Key Findings and Recommendations

Taking into account all site expenses and costs incurred to date by the City, all options considered by Integral provide the City with a net loss on completion, however the following options would provide the City the ability to pay off the loan balance and retain the heritage asset long term:

- Option 1.2 (Develop the rear lot with 8 apartments for sale);
- Option 3.2 (Create two rear survey lots for sale);
- Option 3.4 (Develop the rear lot with 10 affordable apartments for sale); and
- Option 4.1 (Create three rear survey lots for sale).

It was recommended by Integral that Options 1.2 and 4.1 be considered for further investigation as they provide the ability to pay down the existing loan and achieve on-going rental income. This will also allow the City to achieve a return on the asset long term through revenue and capital growth, plus conserve a heritage asset within the community.

#### **Indicative Timeline**

An Indicative Timeline will be prepared, once the Council determines the options it wishes to further investigate.

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

Not applicable.

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

Not applicable.

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

**Medium:** It is important that the City fully assesses any options for the site and building usage to ensure limited financial risks are placed on the Council with managing this City owned asset.

#### **STRATEGIC IMPLICATIONS:**

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

- "1.1 *Improve and maintain the natural and built environment and infrastructure*
- 1.1.4 *Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment;*
- 3.1 *Enhance and promote community development and wellbeing*
- 3.1.6 *Build capacity within the community for individuals and groups to meet their needs and the needs of the broader community*
  - (a) *Build the capacity of individuals and groups within the community to initiate and manage programs and activities that benefit the broader community , such as the establishment of "men's sheds", community gardens, toy libraries and the like; and*
- 4.1 *Provide good strategic decision-making, governance, leadership and professional mananagement*
- 4.1.2 *Manage the organisation in a responsible, efficient and accountable manner.*
  - (d) *Continue to Implement the City's Asset Management Plans."*

#### **SUSTAINABILITY IMPLICATIONS:**

Not Applicable.

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

There is no budget allocation for this project in the current 2013/2014 Budget for any further work to be undertaken.

A Condensed Financial Summary of shortlisted options can be found in the **Confidential Attachment 001**.

#### **COMMENTS:**

It is recommended that the Council approve the extension of the lease to GROW WA in the short term. Should Council wish to progress this project, it is recommended that, as advocated in the Feasibility Study, further investigation be undertaken for Option 1.2 and Option 4.1 for the possible future use of the rear portion of the site, and at same time further investigate future usage options for the building.

**9.4.1 Major Artwork for Beatty Park Leisure Centre – Progress Report No.1**

<b>Ward:</b>	Both	<b>Date:</b>	6 December 2013
<b>Precinct:</b>	All	<b>File Ref:</b>	CMS0010
<b>Attachments:</b>	<a href="#">001</a> – Beatty Park Pool - Commissioned Artwork <a href="#">002</a> – Beatty Park Artwork - Commission Process & Time Line <a href="#">003</a> – Proposed Location of Artwork		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J Anthony, Manager Community Development		
<b>Responsible Officer:</b>	R Boardman, Director Community Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** the Progress Report No. 1 relating to Major Artworks;
2. **APPROVES** the recommended location near the main entrance of Beatty Park Leisure Centre as detailed in the report as shown in Appendix 9.4.1A and 9.1.4C;
3. **AUTHORISES** the Chief Executive Officer to;
  - 3.1 provide direction to the Arts Consultant on the process for commissioning the artwork, as outlined in the report, as shown in Appendix 9.4.1B; and
  - 3.2 co-opt persons with specialist and relevant Arts qualifications, industry knowledge and professional experience for the Major Artwork Selection Panel which may comprise City Officers, Council Members, and members of the City’s Arts Advisory Group; and
3. **NOTES** that a further report will be presented to Council once further work has been progressed on the project.

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**COUNCIL DECISION ITEM 9.4.1**

**Moved Cr Buckels, Seconded Cr Wilcox**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

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**PURPOSE OF REPORT:**

The purpose of this report is to provide a progress report on the Major Artwork for Council consideration.



**BACKGROUND:**

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

*“That the Council;*

1. *APPROVES BY AN ABSOLUTE MAJORITY to AUTHORISE the Chief Executive Officer to obtain quotations to engage a specialist Public Art Consultant in accordance with the Evaluation Criteria, specified in the report, for a period determined by the Chief Executive Officer to assist the City with the following;*
  - 1.1 *Project management of the Procurement for the Leederville Town Centre, North Perth Town Centre and Beatty Park Leisure Centre major Artworks;*
  - 1.2 *Develop protocols and engage in the development and commission of an Aboriginal Sculpture, to be installed in Weld Square; and*
2. *AUTHORISES the Chief Executive Officer to co-opt persons with specialist and relevant Arts qualifications, industry knowledge and professional experience to the City’s Arts Advisory Group, until 12 October 2013.”*

At the Ordinary Meeting of Council held on 27 August 2013, the following was resolved;

*“That the Council;*

1. *ACCEPTS the quotations submitted by Jenny Beahan and Helen Curtis as being the most suitable to the City for the project management and procurement services of the Arts consultancy for the projects listed below;*
2. *APPROVES the:*
  - 2.1 *Beatty Park Percent for Art project and Leederville Town Centre Public Art project, to be managed by Jenny Beahan; and*
  - 2.2 *North Perth Town Centre Public Art project, to be managed by Helen Curtis;*
3. *AUTHORISES the Chief Executive Officer to negotiate the consultancy Agreements, in accordance with the specifications as detailed in the Request for Quotation (Attachment 002);*
4. *DEFERS consideration to contract consultancy services to review and revise the City’s Arts policies and artwork procurement processes, until completion of the listed projects; and*
5. *NOTES that the procurement of the Aboriginal Sculpture for Weld Square will be given further consideration as a community project to be undertaken by the City in consultation with Aboriginal stakeholders.”*

**DETAILS:**

The City’s Officers have been discussing and negotiating the terms of the contractual agreement with Jenny Beahan, Arts Consultant, to undertake the Leederville Town Centre Artwork project and the Beatty Park Percent for Art project.

The Leederville Town Centre Artwork project is currently on hold pending the grant funding from the Federal Government Regional Development Australia Fund (RDAF) which was to fund the Newcastle/Carr Streets Intersection Project (where the artwork was to be located).

The Consultant and City's Officers have met on-site to determine the most appropriate location for the Beatty Park Percent for Art project. Ms. Beahan has provided a report as shown in Appendix 9.4.1A which outlines the various options for the location of artwork, and includes a green area by the pool, and areas on the inside and outside of the facility.

Ms. Beahan has indicated that the location of the work and the process for the selection of the artwork needs to be determined prior to any advertisement calling for artist's submissions.

Ms. Beahan has provided two process options to commission artwork for Beatty Park as follows;

### **Option 1**

An open call for Expressions of Interest (EOI) from artists for this commission with the opportunity advertised (on the \*Art source E Bulletin, City of Vincent website and local paper).

### **Option2**

A curatorial process via a direct invitation to a limited number of artists, as advised by the Arts Consultant. This is similar to the limited competition model often used for procuring architects. This process is advantageous if there is a short timeframe.

Ms. Beahan recommends Option1, given the interest in this commission and the high profile location at Beatty Park.

The City's Officers recommend that Option 1 be re-badged as a 'Request for Quotation' given that the value of the work is under \$100,000.

Ms. Beahan has also recommended that a specific Selection Panel be set up to consider the artist's submissions for the project. The suggestion is for the Panel to comprise of the following:

- Vincent City/Council representative/s;
- Practising artist or individual with curatorial visual arts expertise;
- Arts Advisory Group representative;
- Beatty Park Leisure Centre representative;
- A resident/user; and
- Arts Consultant.

Ms. Beahan has requested that the panel members would have art and design expertise to ensure a well informed decision. Verbal discussions with Ms. Beahan also have indicated that the preference was for the Panel to make the binding decision and have the final say in the works to be commissioned. This would mean that the Panel's choice will be reported to Council as the final decision and without any requirement for community consultation.

The process that Ms Beahan has proposed in her report, as shown in Appendix 9.4.1B, to execute the project is as follows;

- Development of the Artist Brief (2 -4 weeks);
- Consultation with City of Vincent staff/town planners/ engineers and relevant committees – City to specify;
- Composition of Selection Panel and if required chairing/of Selection Panel - *City of Vincent to specify time frame*;
- Call for *Expressions of Interest* from artists (4 weeks);
- Convene Selection Panel and Shortlist of Artists (2 weeks);
- Shortlisted Artists Develop their Design Concept Submissions (5 weeks);
- Selection Panel Meeting 2 Selects Final Design Concept/Artist (2 weeks);
- City Of Vincent formally Commissions Artist – City Of Vincent to specify (*suggest 2 weeks*);

- Design Development and Documentation – detailed design development including any resolution of technical issues, engineering certification, etc (3-4 weeks); and
- Monitoring of artists progress by Arts Consultant – from artwork creation to installation, inclusive of studio visits; liaison with planner and other relevant design professionals (4-6 Months).

The finalised contract lists a timeframe of eighteen (18) months to complete the commission of artworks for both the Leederville Town Centre and for Beatty Park Leisure Centre.

Ms. Beahan has indicated that she will be on leave from 19 December 2013 to 28 January 2014.

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

Consultation for the project will be in accordance with the City's Planning and Building Policy No. 3.5.13 – Percentage for Public Art, Clause 2.7 as follows:

*"If the proposed art work is to be located on public land, the City will advertise the proposed Public Art for public comment for a minimum of twenty-one (21) days. Any submissions received at the close of the public consultation period will be reported to the Council for consideration."*

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

- Policy No. 1.2.3 – Purchasing;
- Policy No. 3.10.7 – Art;
- Planning and Building Policy No. 3.5.13 – Percentage for Public Art;
- Policy No. 4.1.5 – Community Consultation; and
- WALGA Purchasing and Tender Guide.

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

**Moderate:** The engagement of an Arts Consultant may assist in ensuring specialist advice is on hand to Council Members in the protocols and processes of Arts acquisition and procurement.

#### **STRATEGIC IMPLICATIONS:**

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

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

#### **SUSTAINABILITY IMPLICATIONS:**

The Arts Consultant will be required to adhere to the sustainability principles and policies that are endorsed and in practice at the City.

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

The consultant has proposed the following budget for the project;

Art Co-ordination	\$ 16,500
Artwork Commission	\$ 85,000
Contingency:	\$ 2,500
Advertising/ Other	<u>\$ 6,000</u>
Total	\$110,500

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

Budget Amount:	\$110,000
Spent to Date:	\$ <u>    0</u>
Balance:	\$110,000

**COMMENTS:**

The major artwork for Beatty Park will enhance the facility, providing a level of cultural interest and intrigue for the benefit of the community and patrons.

**9.5.4 Audit Committee – Receiving of Unconfirmed Minutes – 10 December 2013**

<b>Ward:</b>		<b>Date:</b>	10 December 2013
<b>Precinct:</b>		<b>File Ref:</b>	FIN0106
<b>Attachments:</b>	<a href="#">001</a> – Audit Committee Unconfirmed Minutes		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **ENDORSES** the Audit Committee Unconfirmed Minutes dated 10 December 2013, as shown in Appendix 9.5.4.

**COUNCIL DECISION ITEM 9.5.4**

**Moved Cr Buckels, Seconded Cr Wilcox**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

**PURPOSE OF REPORT:**

The purpose of this report is for the Council to receive the unconfirmed minutes of the Audit Committee held on 10 December 2013.

**BACKGROUND:**

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

*"That the Council;*

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

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

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

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

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

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

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable.

**COMMENTS:**

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

**9.5.7 Review of the City of Vincent Policy No. 4.1.5 – Community Consultation Progress Report No. 1**

<b>Ward:</b>	Both	<b>Date:</b>	6 December 2013
<b>Precinct:</b>	All	<b>File Ref:</b>	
<b>Attachments:</b>	001 – Community Consultation Policy – 4.1.5		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	John Giorgi, JP, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, JP, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **APPROVES BY AN ABSOLUTE MAJORITY;**

1. **RECEIVES** the Progress Report No. 1 as at 9 December 2013, concerning the review of the City of Vincent Policy No. 4.1.5 – *Community Consultation*; and
2. **NOTES** that a report will be submitted to the Council in February 2014.

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**COUNCIL DECISION ITEM 9.5.7**

**Moved Cr Buckels, Seconded Cr Wilcox**

**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

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**PURPOSE OF REPORT:**

The purpose of this report is to update the Council on the progress of the review of the City of Vincent Policy No. 4.1.5 - *Community Consultation*

**BACKGROUND:**

At the Ordinary Meeting of Council held on 29 October 2013 the Council considered a Notice of Motion and resolved as follows:

*“That the Council;*

1. *NOTES* the decision of 23, July 2013 in relation to the review of the City's Community Consultation Policy;
2. *ENDORSES* the role of the working group as per the Council's previous decision; and
3. *REQUESTS* a report and recommendations be submitted to the Council no later than the second Ordinary Council meeting to be held in February 2014.”

**DETAILS:**

**Previous Meeting:**

At the Ordinary Meeting of Council held on 23 July 2013 the Council considered a Notice of Motion and resolved as follows:

*“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.”*

**Action to Date:**

**1. Working Group Membership**

Council Member

Mayor John Carey (*Chair*)  
Cr Emma Cole  
Cr Roslyn Harley  
Cr Joshua Topelberg

Officers

John Giorgi, Chief Executive Officer;  
Rob Boardman, Director Community Services  
Rick Lotznicker, Director Technical Services  
Petar Mrdja, A/Director Planning Services  
Shenade Unicomb, Marketing & Communications Officer  
Jerilee Highfield, Executive Assistant



## **2. Meetings**

Working Group Meetings have been held on 4 November 2013 and 16 December 2013.

## **3. Matters Discussed**

- 3.1 Review and Overview of Current Policy.
- 3.2 Review of Other Local Government Policies
- 3.3 Presentation and Language of Letters (arial font has now been adopted in the City's Style Guide, for correspondence and documents)
- 3.4 Type of Consultation
- 3.5 Keeping consistency across the organisation.
- 3.6 Education and General Engagement – have your say form.
- 3.7 Signage for Projects

The Chairperson of the Working Group, Mayor John Carey, requested that a progress report be submitted to the Ordinary Meeting of Council to be held on 17 December 2013.

### **CONSULTATION/ADVERTISING:**

Nil.

### **LEGAL/POLICY:**

Policies are not legally enforceable, however they provide guidance to the City's Administration and Council Members when considering various matters.

### **RISK MANAGEMENT IMPLICATIONS:**

Nil.

### **STRATEGIC IMPLICATIONS:**

This matter is in keeping with the Strategic Plan 2013-2017– Key Result Area “4: Leadership, Governance and Management: 4.1.2 – Manage the Organisation in a responsible, efficient and accountable manner”.

### **SUSTAINABILITY IMPLICATIONS:**

Nil.

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

Nil.

### **COMMENTS:**

The Review of the Policy has progressed methodically, despite the heavy workload for both Council Members and the City's Administration. It is anticipated that further progress will be made in early 2014 and the requested timeframe of February 2014 will be achieved.

**9.5.8 Tamala Park Regional Council – Proposal to Amend the Mindarie Regional Council Leasehold Area - Approval**

<b>Ward:</b>	Both	<b>Date:</b>	10 December 2013
<b>Precinct:</b>	All	<b>File Ref:</b>	(PRO0739)
<b>Attachments:</b>	<a href="#">001</a> – Map of Tamala Park		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	John Giorgi, JP, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, JP, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **APPROVES** of the request from the Tamala Park Regional Council to amend the lease area for the Mindarie Regional Council, as shown in Appendix 9.5.8 (Attachment 001).

**COUNCIL DECISION ITEM 9.5.8**

**Moved Cr Buckels, Seconded Cr Wilcox**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

**PURPOSE OF REPORT:**

For the Council to authorise the request from Tamala Park Regional Council (TPRC) to amend the Mindarie Regional Council Leasehold area.

**BACKGROUND:**

The City of Vincent is a Member of the TPRC along with the Cities of Perth, Stirling, Joondalup, Wanneroo and the Towns of Cambridge and Victoria Park.

**Establishment Agreement**

The TPRC is a Regional Council which has been set up for the regional purpose, via an Establishment Agreement to:

- “4(a) *undertake in accordance with the Council’s objectives, the rezoning, subdivision, development, marketing and sale of land; and*
- 4(b) *carry out and do all other acts and things which are reasonably necessary for the bringing into effect the matters referred to in paragraph (a).”*

**TPRC Objectives**

The objectives of the TPRC referred to in Clause 4(a) and (b) above is as follows, to:

- “5(i) *develop and improve the value of the land;*
- 5(ii) *maximise, within prudent risk parameters, the financial return to the Participants (Member Councils);*
- 5(iii) *balance economic, social and environmental issues; and*
- 5(iv) *produce a quality development demonstrating the best urban design and development practice.”*

The land referred to in Clauses 4 and 5 above is Lot 9504 of Certificate of Title 2230, Folio 333.

The TPRC recently wrote to the City of Vincent (and all Member Councils) as follows:

*"The Tamala Park Regional Council (TPRC) has been progressing detailed planning for the Catalina Central Cell area, between Marmion Avenue and Connolly Drive, consistent with the Tamala Park Structure Plan. A portion of this area is currently within the Mindarie Regional Council (MRC) lease area.*

*The land in question is zoned Residential Development, forms part of the approved Structure Plan and was included in both the State and Federal environmental approvals. It was also anticipated that the land would be excised from the MRC lease area and developed as part of the TPRC project. It is now appropriate to formally progress this matter with the member local governments to provide sufficient time for planning and potential administrative changes that may be required."*

The TPRC recently considered the above matter and resolved to request its Participant Councils to resolve to amend the MRC lease agreement, as depicted on the attached plan, (refer Attachment 001).

*"There have been discussions between the MRC and TPRC offices in relation to this matter. There are a number of administrative and management matters that will need to be addressed, none of which prevent this action from taking place. A formal request to excise the land from the MRC lease area has also been forwarded to the MRC for consideration."*

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

Section 3.61(1) of the *Local Government Act 1995* allows for two or more Local Governments to establish a Regional Council.

Section 5.38 of the *Local Government Act 1995* prescribes the requirements for the disposal of land.

The TPRC Establishment Agreement prescribes the objectives of the Regional Council.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** The TPRC is required to comply with all the legal requirements of the *Local Government Act 1995* and also act in the best interest of its Member Councils.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the City's Strategic Plan 2013-2017, Key Result Area 4.1.2 – *"Manage the organisation in a responsible, efficient and accountable manner"*.

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The request from the TPRC is considered acceptable and accordingly, approval of the Officer Recommendation is requested.

**9.5.9 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	6 December 2013
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a> – Information Bulletin		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J Highfield, Executive Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **RECEIVES** the Information Bulletin dated 6 December 2013, as distributed with the Agenda.

**COUNCIL DECISION ITEM 9.5.9**

**Moved Cr Buckels, Seconded Cr Wilcox**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

**DETAILS:**

The items included in the Information Bulletin dated 6 December 2013 are as follows:

<b>ITEM</b>	<b>DESCRIPTION</b>
IB01	State Administrative Tribunal Orders – New Frontier Pty Ltd and City of Vincent, Matter Number: DR 106 of 2013
IB02	Unconfirmed Minutes of the Design Advisory Committee Meeting held on 6 November 2013
IB03	Minutes from Arts Advisory Group Meeting held on Monday 9 September 2013
IB04	Tamala Park Special Meeting of Council Minutes held on Thursday 28 November 2013
IB05	Ban Plastic Bags – Progress Report No. 1
IB06	Letter from the Treasure; Minister for Transport; Fisheries regarding pedestrian facilities on East Parade between the Graham Farmer Freeway and Guildford Road.
IB07	Register of Petitions – Progress Report – December 2013
IB08	Register of Notices of Motion – Progress Report – December 2013
IB09	Register of Reports to be Actioned – Progress Report – December 2013

**9.1.3 No. 86 (Lot 10; D/P 167) Hobart Street, corner of Shakespeare Street, Mount Hawthorn – Proposed Demolition of Existing Building and Construction of Two (2) Storey Buildings Comprising of Fourteen (14) Two Bedroom Multiple Dwellings, Four (4) Single bedroom Dwellings and Associated Car Parking**

<b>Ward:</b>	North	<b>Date:</b>	6 December 2013
<b>Precinct:</b>	Mount Hawthorn; P1	<b>File Ref:</b>	PRO5437; 5.2013.393.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Assessment Plans <a href="#">002</a> – Applicants Justification dated 22 November 2013		
<b>Tabled Items:</b>	Applicants Submission		
<b>Reporting Officer:</b>	D Bothwell, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	P Mrdja, Acting Director Planning Services		

**OFFICER RECOMMENDATION:**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by Domination Homes, on behalf of the owner, Baker Investments Pty Ltd for Proposed Demolition of Existing Building and Construction of Two (2) Storey Buildings Comprising Fourteen (14) Two Bedroom Multiple Dwellings, Four (4) Single Bedroom Multiple Dwellings and Associated Car Parking at No. 86 (Lot 10 ; D/P 167) Hobart Street, corner of Shakespeare Street, Mount Hawthorn, and as shown on amended plans stamp-dated 25 September 2013 and 10 October 2013, for the following reasons:

1. The development does not comply with the following objectives of the City of Vincent Town Planning Scheme No. 1:
  - 1.1 To protect and enhance the health, safety and physical welfare of the City’s inhabitants and the social, physical and cultural environment;
  - 1.2 To ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework which –
    - 1.2.1 Recognises the individual character and needs of localities within the Scheme zone area; and
  - 1.3 To promote the development of a sense of local community and recognise the right of the community to participate in the evolution of localities;
2. Non-compliance with the Deemed-to-comply provisions and Design Principles of the Residential Design Codes of Western Australia 2013, with regards to:
  - 2.1 Clause 6.1.1 ‘Building Size’ relating to the plot ratio; and
  - 2.2 Clause 6.3.3 ‘Parking’ relating to the bicycle parking;
3. Non-compliance with the Acceptable Development and Performance Criteria provisions of the City’s Policy No. 3.2.1 relating to Residential Design Elements, with regards to Clause SADC 5 and SPC 5 ‘Street Setbacks’ relating to the setback of the ground floor and upper floor;

4. **Non-compliance with the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones, with regards to Clause 4.2 'Landscaping' relating the required landscaping for the total site area, common area and outdoor living areas;**
5. **The proposed construction of the two (2) storey buildings comprising fourteen (14) two bedroom multiple dwellings and four (4) single bedroom dwellings would create an undesirable precedent for development of surrounding lots, which is not in the interests of orderly and proper planning for the locality; and**
6. **Consideration of the objections received.**

**COUNCIL DECISION ITEM 9.1.3**

**Moved Cr Cole, Seconded Cr Harley**

**That the recommendation be adopted.**

**Debate ensued.**

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

**PURPOSE OF REPORT:**

The application is referred to the Council for determination given the proposal comprises eighteen (18) dwellings and twenty three (23) objections were received.

**BACKGROUND:**

**History:**

<b>Date</b>	<b>Comment</b>
23 October 2012	The Council at its Ordinary Meeting resolved to approve a development for Demolition of Existing Building and Construction of Two Storey Buildings Comprising of Eleven (11) Multiple Dwellings, Two (2), One Bedroom Multiple Dwellings and Associated Car Parking
21 August 2013	The subject development considered by the Design Advisory Committee (DAC).
2 October 2013	A revised version was considered by the DAC.

**DETAILS:**

The proposal involves the proposed demolition of the existing Masonic Hall and construction of two (2) storey buildings comprising fourteen (14) two bedroom multiple dwellings, four (4) single bedroom multiple dwellings and associated car parking.

<b>Landowner:</b>	Baker Investments Pty Ltd
<b>Applicant:</b>	Domination Homes
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R30
<b>Existing Land Use:</b>	Masonic Hall
<b>Use Class:</b>	Multiple Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	2030m <sup>2</sup>
<b>Right of Way:</b>	Not Applicable.

**ASSESSMENT:**

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

Design Element	'Deemed-to-Comply'	OR	'Design Principles' Assessment
Plot Ratio			✓
Street Walls and Fencing	✓		
Roof Form			✓
Street Setback			✓
Dual Street Frontage			✓
Side and Rear Boundary Setbacks	✓		
Building Height	✓		
Number of Storeys	✓		
Open Space	✓		
Landscaping			✓
Access	✓		
Parking	✓		
Privacy			✓
Energy Efficient Design			✓
Bicycle Spaces			✓
Dwelling Size	✓		
Site Works	✓		
Essential Facilities			✓
Outdoor Living Areas	✓		
Surveillance of Street			✓
Overshadowing	✓		

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

Issue/Design Element:	Plot Ratio
Requirement:	<b>Residential Design Codes Table 1</b> Plot Ratio – 0.5 – 1015m <sup>2</sup>
Applicants Proposal:	Plot Ratio – 0.525 – 1067m <sup>2</sup>
Performance Criteria:	<b>Residential Design Codes 6.1.1 Building Size P1</b> Development of the building is at a bulk and scale indicated in the local planning framework and is consistent with the existing or future desired built form of the locality.
Applicants Justification	<i>"The subject site is coded 'R30' and is consistent with the built form character that is to be expected on a 'R30' coded site. Comparison with surrounding built form must be considered in the context that surrounding lots are otherwise coded at a lesser density coding of 'R20'. Notwithstanding this difference, the proposal has been sympathetic of the surrounding context by limiting its built form to a semi-detached, two-storey element. As detailed in the preceding sections above, the number of dwellings is not a relevant consideration but rather, a matter taken into consideration as part of the plot ratio requirement applicable under the provisions of the R-Codes."</i>
Officer Technical Comment	The proposal is non-compliant with the Deemed to Comply and Design Principle provisions of the R-Codes relating to Clause 6.1.1 "Building Size" to the plot ratio of the proposed building. The proposed development exceeds the plot ratio by approximately 52 square metres and is considered to be an overdevelopment of the subject site, given its location in a typically low scale residential area.

Issue/Design Element:	Roof Forms
Requirement:	<p><b>Residential Design Elements BDADC 3</b> The use of roof pitches between 30 degrees and 45 degrees (inclusive) being encouraged.</p>
Applicants Proposal:	15 degree roof pitch and flat roof.
Performance Criteria:	<p><b>Residential Design Elements BDPC 3</b> The roof of a building is to be designed so that:</p> <ul style="list-style-type: none"> <li>• It does not unduly increase the bulk of the building;</li> <li>• In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and</li> <li>• It does not cause undue overshadowing of adjacent properties and open space.</li> </ul>
Applicant justification summary:	<p><i>“The roof pitch/profile was a relevant consideration raised by the Design Advisory Committee at its meeting held on the 21 August 2013.</i></p> <p><i>With regard to the roof profile proposed relative to those of surrounding dwellings, it is noted that pitch alone does not dictate whether a development complements the existing character of the locality. As discussed at the aforementioned Design Advisory Committee meeting, scale and materials are just as critical. In this regard, it was noted that the proposal presented “...materials (which) are sympathetic to materials in the era of the locality”. Based on the above, the proposed roof pitch (as amended) is considered to be acceptable.”</i></p>
Officer technical comment:	<p>The proposal does not comply with the Deemed-to-Comply Criteria provisions of Clause BDADC 3 ‘Roof Forms’ or the Design Solution of Clause BDPC 3 ‘Roof Forms’ of the City’s Policy No. 3.2.1 relating to Residential Design Elements.</p> <p>Within the immediate locality, the surrounding dwellings predominantly comprise traditional pitched roofs. As the proposal comprises a 15 degree skillion roof and flat roof, it is considered that it does not complement the existing Hobart Street or Shakespeare Street streetscape character.</p> <p>It is however noted that the DAC considered that the proposed skillion roof form would create a positive contribution to the corner and as such, this element is not listed as a reason or refusal.</p>

Issue/Design Element:	Street Setback – Shakespeare Street (Primary)
Requirement:	<p><b>Residential Design Elements SADC 5 Street Setbacks Lower Floor</b> An average of Five (5) Properties Either Side of Subject site – 6.1 metres</p> <p><b>Upper Floor</b> A minimum of two (2) metres behind each portion of the ground floor setback.</p> <ul style="list-style-type: none"> <li>- Upper Floors – 8.1 metres</li> <li>- Balcony – 7.1 metres</li> </ul>



<b>Issue/Design Element:</b>	<b>Street Setback – Shakespeare Street (Primary)</b>
Applicants Proposal:	4.629 metres – 7.725 metres (Ground Floor) – North (Units 17 & 18) 4.913 metres – 7.5 metres (Ground Floor) – South (Unit 1) 4.055 metres – 8.0 metres (Upper Floor) – North (Units 17 and 18) 2.703 – 5.094 metres (Upper Floor Balcony) – North (Units 17 and 18) 4.913 metres – 7.161 metres (Upper Floor) – South (Unit 2)
Performance Criteria:	<p><b>Residential Design Elements SPC 5 Street Setbacks</b>                      Development is to be appropriately located on site to:</p> <ul style="list-style-type: none"> <li>• Maintain streetscape character;</li> <li>• Ensure the amenity of neighbouring properties is maintained;</li> <li>• Allow for the provision of landscaping and space for additional tree plantings to grow to maturity;</li> <li>• Facilitate solar access for the development site and adjoining properties;</li> <li>• Protect significant vegetation; and</li> <li>• Facilitate efficient use of the site.</li> </ul> <p>Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.</p>
Applicants Justification	<p><i>“It is deemed reasonable to consider the proposed setbacks based on its average achieved, (refer averages determined in ‘red’ in table 1 of applicants justification dated 22 November 2013) on the basis that the City’s setback criteria takes into consideration the average achieved by five adjoining properties situated along the subject street. In this regard, the ground floor setbacks are entirely compliant.”</i></p>
Officer Technical Comment	<p>The proposal does not satisfy clause SADC5 and SPC 5 “Street Setbacks’ relating to the setback of the ground and upper floor to the primary street (Shakespeare Street).</p> <p>Unit 1 complies with the required setback of 6.1 metres at the most northern point of the unit at 7.5 metres, and is non-compliant at the worst point at 4.913 metres.</p> <p>The ground floor setbacks to the front main building line of Units 17 and 18 range from 4.629 metres – 7.725 metres, which is non-compliant at the worst point where the lot angles in and complaint with the required street setback where the lot angles away to the north. Given the size of the lot at 2030 square metres, it is considered that the required front setback of 6.1 metres should be achieved at all points.</p>

Issue/Design Element:	Street Setback – Shakespeare Street (Primary)
	<p>The upper floor setback to Unit 2 on the southern side of the lot frontage sits in line with the ground floor setback to Unit 1 below. The City's RDE's Policy requires the upper floor setback to be setback 2 metres behind the ground floor. The proposed upper floor setback variation to Unit 2 is considered to lack articulation and contribute the perception of building bulk, when viewed from the primary street.</p> <p>The balcony to the upper floor of Units 17 and 18 are located in front of the ground floor setback line with a proposed setback of 2.703 – 5.094 metres. The main building line of upper floor is setback 4.055 – 7.1161 metres from Shakespeare Street. This is considered to cause an undue impact on the desired streetscape character. The upper floor of the units to 17 and 18 appear bulky as viewed from the front elevation, with the projection into the required street setback area not supported by the City's Officer's.</p>

Issue/Design Element:	Street Setback – Hobart Street (Secondary)
Requirement:	<p><b>Residential Design Elements Policy 3.2.1 SADC 10 Dual Street Frontages and Corner Sites</b> Building Walls on upper floor 0.5 metre behind each portion of the ground floor setback.</p>
Applicants Proposal:	Upper Floor in-line with ground floor.
Performance Criteria:	<p><b>Residential Design Elements Policy 3.2.1 SADC 10 Dual Street Frontages and Corner Sites</b> Dwellings on dual street frontages or corner lots are to present and attractive and interactive elevation to each street frontage. This may be achieved by utilising the following design elements:</p> <ul style="list-style-type: none"> <li>• Wrap around design (design that interacts with all street frontages);</li> <li>• Landscaping;</li> <li>• Feature Windows;</li> <li>• Staggering of Height and setbacks;</li> <li>• External Wall treatments and finishes; and</li> <li>• Building Articulation.</li> </ul>
Applicants Justification	<p><i>“The street setback of Hobart Street has been designed with due respect to the natural topography of the subject site. As illustrated in Figure 2 of the applicant’s submission dated 22 November 2013, the Hobart Street streetscape façade incorporates the use of various materials and roofline articulation to add interest. Major openings located along the façade further emphasise this fact in conjunction with achieving passive surveillance to Hobart Street, as a result, creating an interactive elevation.”</i></p>
Officer Technical Comment	<p>The proposed upper floor setbacks do not satisfy all of the Design Solutions relating to Clause SADC 10 of the RDE's. The upper floor setbacks to Units 2, 4, 6, 8, and 10 are not setback the required minimum of 0.5 metre behind the ground floor setback of 1.5 metres. As a result, the Hobart Street elevation is considered to lack visual articulation as viewed from the secondary street.</p>

<b>Issue/Design Element:</b>	<b>Street Setback – Hobart Street (Secondary)</b>
	The variation to the secondary street setback on the upper floor is considered to have an undue impact on the amenity of the secondary street in terms of building bulk and is therefore not supported by the City's Officer's.

<b>Issue/Design Element:</b>	<b>Landscaping</b>
Requirement:	<p><b>Multiple Dwellings Policy No. 3.4.8 Clause 4.2 A2</b></p> <ul style="list-style-type: none"> <li>• A minimum of 30 percent of the total site area is to be provided as landscaping (303.9m<sup>2</sup>).</li> <li>• A minimum of 10 percent of the total site area shall be provided as soft landscaping within the common property area of the development (101.3m<sup>2</sup>).</li> <li>• A minimum of 5 percent of the total site area shall be provided as soft landscaping within the private outdoor living areas of the dwellings (50.65m<sup>2</sup>).</li> </ul> <p><b>Residential Design Codes Clause 6.3.2 A2</b> Landscaping of open spaces in accordance with the following:</p> <ul style="list-style-type: none"> <li>• The street setback areas developed without car parking, except for visitors bays, and with a maximum of 50 per cent hard surface;</li> <li>• Separate pedestrian paths providing wheelchair accessibility connecting all entries to buildings with the public footpath and car parking areas;</li> <li>• Landscaping between each six consecutive external parking spaces and to include shade trees;</li> <li>• Lighting provided to pathways, and communal open space and car parking areas; and</li> <li>• Clear sight lines at pedestrian and vehicle crossings.</li> </ul>
Applicants Proposal:	<p>Landscaping – 5.2% or 105.57m<sup>2</sup> - Landscaping of the Total Area</p> <p>3.4% or 69.57m<sup>2</sup> – Landscaping (Soft) of the Common Property Area</p> <p>0% or 0m<sup>2</sup> Landscaping in Outdoor Living Areas</p>
Performance Criteria:	<p><b>Multiple Dwellings Policy No. 3.4.8 Clause 4.2 P2</b></p> <ul style="list-style-type: none"> <li>• Assists in contributing to the amenity of the locality.</li> <li>• Assists in providing a landscaped setting for the building.</li> <li>• Assists in the protection of mature trees.</li> <li>• Maintains a sense of open space between buildings.</li> <li>• Assists in increasing tree and vegetation coverage.</li> </ul> <p><b>Residential Design Codes Clause 6.3.2 P2</b> The space around the building is designed to allow for planting. Landscaping of the site is to be undertaken with appropriate planting, paving and other landscaping that:</p> <ul style="list-style-type: none"> <li>• Meets the projected needs of the residents;</li> <li>• Enhances security and safety for the residents; and</li> <li>• Contributes to the streetscape.</li> </ul>

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

<b>Issue/Design Element:</b>	<b>Landscaping</b>
Applicants Justification	<i>“Landscaping is a development requirement contained under clause 6.3.2 of the R- Codes. In this instance, the proposal satisfies the deemed to-comply requirements of the abovementioned clause. Where the deemed-to-comply requirements are met, a proposal warrants approval (i.e. permitted as-of-right).”</i>
Officer Technical Comment	The site would be a vacant site once demolition is approved and as such, compliant landscaping can be achieved.

<b>Issue/Design Element:</b>	<b>Visual Privacy</b>
Requirement:	<b>R-Codes Clause 6.4.1 C1.1</b> Balconies – 7.5 metres
Applicants Proposal:	Unit 10 – Upper balcony – 4.0 metres to balcony on north elevation to the east side boundary
Performance Criteria:	<p><b>R-Codes Clause 6.4.1 P1.1</b></p> <p>Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:</p> <ul style="list-style-type: none"> <li>• Building layout, location;</li> <li>• Design of major openings;</li> <li>• Landscape screening of outdoor habitable spaces; an/or</li> <li>• Location of screening devices.</li> </ul> <p>Maximum visual privacy to side and rear boundaries through measures such as:</p> <ul style="list-style-type: none"> <li>• Offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;</li> <li>• Building to the boundary where appropriate;</li> <li>• Setting back the first floor from the side boundary;</li> <li>• Providing higher or opaque and fixed windows; and/or</li> <li>• Screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters.</li> </ul>
Applicants Justification	<i>“The privacy setback variation from the unit 10 balcony to the adjoining neighbour at Lot 350 (15) Dunedin Street, Mount Hawthorn is acknowledged. As such, the application of a condition of approval requiring additional screening or any other alternative to ensure the balcony complies with the Deemed-to-comply provisions of clause 6.4.1 would be acceptable.”</i>
Officer Technical Comment	<p>The proposal does not meet with the Deemed-to-comply or Design Principles of the R-Codes. Privacy Screening is required to be provided to the Balcony of unit 10 in accordance with the Deemed-to-comply provisions of the R-Codes.</p> <p>It is noted that this element can be addressed through the provision of screening, conditioned in the event of any approval by the Council, and as such, it is not listed as a refusal reason.</p>

Issue/Design Element:	Bicycle Spaces
Requirement:	<p><b>Residential Design Codes Clause 6.3.3 C3.2</b> Residential Bicycle Facilities – 1 Bicycle Space per 3 dwellings for the Residents (18 dwellings proposed) – 6 required.</p> <p>Visitors Bicycle Facilities – 1 bicycle space per 10 dwellings -1.8 required – 2.0 required</p>
Applicants Proposal:	4 spaces provided for visitors and residents
Performance Criteria:	<p><b>Residential Design Codes Clause 6.3.3 P3.1</b> Adequate car and bicycle parking provided on-site in accordance with the projected need related to:</p> <ul style="list-style-type: none"> <li>• The type, number and size of dwellings;</li> <li>• The availability of on-street and other offsite parking; and</li> <li>• The location of the proposed development in relation to public transport and other facilities.</li> </ul>
Applicants Justification	None Provided.
Officer technical comment	The proposal does not meet with the Deemed-to-comply or Design Principles of the R-Codes. Bicycle parking is required to be provided in accordance with the Deemed-to-comply provisions of the R-Codes.

Issue/Design Element:	Essential Facilities
Requirement:	<p><b>Multiple Dwellings Policy No. 3.4.8 Clause 5.2 &amp; Residential Design Codes Clause 6.4.6 Utilities and Facilities C6.3</b> Adequate Communal Area is defined as an area that allows a minimum length of clothes line as follows: 16-30 dwellings + 2.5 lineal metres of clothes line per dwelling.</p> <p>Development are provided with:</p> <ul style="list-style-type: none"> <li>• An adequate communal area set aside for clothes-drying, screened from the primary or secondary street or;</li> <li>• Clothes drying facilities excluding electric clothes dryers screened, from public view, provided for each multiple dwelling.</li> </ul> <p>Property – 18 Dwellings – 2.5 lineal metres = 45 lineal metres required.</p>
Applicants Proposal:	Clotheslines for Whole – 45 lineal metres Individual lines to be provided but not shown.
Performance Criteria:	<p><b>Multiple Dwellings Policy No. 3.4.8 Clause 5.2 &amp; Residential Design Codes Clause 6.4.6 P6</b> External location of storeroom, rubbish collection/bin areas, and clothes drying areas where these are;</p> <ul style="list-style-type: none"> <li>• Convenient for residents</li> <li>• Rubbish collection areas which can be accessed by service vehicles;</li> <li>• Screened from view; and</li> <li>• Able to be secured and managed.</li> </ul>

Issue/Design Element:	Essential Facilities
Applicants Justification	<p><i>“A communal drying area is proposed adjacent to the refuse area. Where occupants elect not to utilise these facilities, it is noted that alternative options exist, these including:</i></p> <ul style="list-style-type: none"> <li><i>• Use of a clothes dryer within the confines of the laundry in each unit for the purposes of drying; and,</i></li> <li><i>• Placement of portable drying racks within each unit or, where placed in balcony areas, the use of obscure screening along partial sections of balcony balustrading will ensure facilities are screen from view in accordance with clause 6.4.6 of the R-Codes.”</i></li> </ul>
Officer technical comment	<p>The proposal does not comply with the deemed-to-comply provisions of Clause 5.2 of the Multiple Dwellings Policy No. 3.4.8. Clothes line required to be provided in accordance with the Deemed-to-comply provisions.</p> <p>It is noted that this element can be addressed by a condition, in the event of any approval by the Council, as such, it is not listed as a reason for refusal.</p>

Issue/Design Element:	Energy Efficient Design
Requirement:	<p><b>Multiple Dwellings Policy No. 3.4.8 Clause 5.1 Energy Efficient Design</b></p> <p>Multiple Dwelling developments are required to be designed so that the dwellings within the development maximise northern sunlight to living areas and provide natural daylight to all dwellings.</p> <p>Multiple Dwellings developments are required to be designed so that the dwellings within the development maximise cross ventilation and provide natural ventilation to all dwellings.</p>
Applicants Proposal:	<p>Balconies facing south (Units 12, 14 &amp; 16) Living areas facing west (Units 1,17 &amp; 18)</p>
Performance Criteria:	N/A
Applicants Justification	<p><i>“All balconies will have access to direct sunlight with the exception of the balconies for units 12, 14 and 16. The southern orientation of these balconies have been an intentional design feature in order to maximise the existing levels of privacy and residential amenity experienced by the occupier of No. 44 Hobart Street (northern neighbour).</i></p> <p><i>Whilst access to direct sunlight may not be attainable for these balcony spaces, it is pertinent to note that access to daylight is maximised given it abuts the open parking area located along the central spine of the development site. In addition, the south facing balconies and adjoining living spaces will receive access to the south-west winds that blow in summer months (colloquially known as the ‘Fremantle Doctor’) which will assist in the cooling of these units.”</i></p>
Officer technical comment	<p>Although some balconies and living areas do not have direct access to northern, the proposal is considered to meet the relevant design solution criteria in that the dwellings have been designed to maximize cross ventilation and natural ventilation to the units. The DAC in this regard are satisfied that the proposal has incorporated an energy efficient design.</p>

<b>Planning Element: Surveillance of Street</b>	
Requirement:	<b>Multiple Dwellings Policy No. 3.4.8 Clause 3.1 C1.4</b> No car parking in front of the dwellings
Applicants Proposal:	Visitor car parking in front of the dwelling
Performance Criteria:	Multiple Dwelling developments shall be designed to integrate with the street through providing a clear and identifiable entry from the street and to the development and ensuring garages and car parks do not dominate the streetscape. <b>P1.4</b> Ground Floor Activation: The ground floor shall be designed to address the street and provide passive surveillance of the street from the building. <b>P1.5</b> Streetscape Integration: Multiple Dwelling developments shall be designed to integrate with the street and ensure garages and car parking areas do not dominate the streetscape.
Applicants Justification	None provided.
Comments	Supported. The proposed section of visitor bays in the Shakespeare Street frontage consists of minimal area of the overall lot frontage and is mainly obscured by landscaping, together with a 5.0 metre wide crossover. It is considered that this location does not reduce the ground floor activation proposed by the site and still affords a clear and identifiable entry to the site.

<b>Car Parking</b>	
Small Multiple Dwelling based on size (Less than 75 square metre) – 16 Dwellings – (0.75 Bays per Dwelling) – 12 Car Bays	
Medium Multiple Dwelling based on size (75 - 110 square metres) – 2 Dwellings – (1 car bay per dwelling) – 2 car bays	
Visitors = 0.25 per dwelling ( 18 dwellings) = 4.5 Car Bays (5 car bays)	
Total car bays required = 19 car bays	19 car bays
Total car bays provided	27 car bays
<b>Surplus</b>	<b>8 car bays</b>

<b>Bicycle Parking</b>	
Bicycle Parking	<ul style="list-style-type: none"> <li>1 bicycle space to each 3 dwellings for residents (6 required) and 1 bicycle space to each 10 dwellings for visitors (total 18 dwellings proposed) – (1.8 required or 2.0</li> <li>Total – 8 required (3 class 1 or 2) (5 class 3). Based on the following ratio outlined in the City's Parking and Access Policy. 35 percent of the required number of bicycle parking spaces is to be allocated to class 1 or 2 facilities. 65 percent of the required number of bicycle parking spaces is to be allocated to class 3 facilities.</li> </ul> <p>4 bicycle spaces proposed (not specified which classification).</p>

**CONSULTATION/ADVERTISING:**

Required by legislation:	No	Required by City of Vincent Policy:	Yes
<b>Comments Period:</b>	11 October 2013 to 11 November 2013		
<b>Comments Received:</b>	Seventeen (17) submissions plus 3 petitions objecting to the proposal.		

<b>Summary of Comments Received:</b>	<b>Officers Technical Comment:</b>
<p><u>Traffic</u></p> <p>Increase in traffic and required parking in residential area.</p>	<p>Noted. The proposal complies with the Deemed-to-comply provisions of Clause 6.3.3 of the 2013 R-Codes. In term of the provision of car parking, 27 car bays are provided in lieu of 19 car bays.</p>
<p><u>Access</u></p> <p>Having the exit/entrance on Shakespeare Street would cause undue traffic movements on a suburban street, whereas Hobart Street leads to a major traffic route. Intersection of Shakespeare and Hobart Street is quite treacherous. Hobart Street crossover preferred. Danger to children going to school in Shakespeare Street.</p>	<p>Noted. Both Hobart Street and Shakespeare Street are categorised as Local Access Roads. The City's Technical Services have provided data which states that Hobart Street experiences an average weekday traffic of 1000 cars with Shakespeare Street experiencing somewhere in the order of 600 cars.</p> <p>Regardless of whether vehicular access is proposed from Shakespeare Street or Hobart Street, vehicles would be entering the street in forward gear with the required sightlines in accordance with the City's Policy This would address concerns regarding traffic safety. As such, the City's Officer's do not have a preference in regard to whether vehicle access is proposed from Shakespeare Street or Hobart Street.</p>
<p><u>Street Setback (primary)</u></p> <p>Does not maintain streetscape character. Street setback inadequate does not conform to Vincent's streetscape policy. Makes no attempt to harmonise with the existing streetscape or complement the character of the locality.</p>	<p>Supported. The proposal does not satisfy clause SADC5 and SPC 5 "Street Setbacks" relating to the setback of the ground and upper floor to the primary street (Shakespeare Street). The variation has not been supported Officer's as it is considered to have an undue impact on the desired streetscape and surrounding amenity.</p>
<p><u>Street Setback (secondary)</u></p> <p>Upper floor must be vertically staggered and articulated from the ground floor and extensive blank or unarticulated walls are not supported. Doesn't present an attractive and interactive elevation</p>	<p>Supported. The proposed upper floor setbacks do not satisfy the Deemed-to-Comply criteria or Design Solutions of Clause SADC 10 of the RDE's. The variation has not been supported by the City's Officer's as it is considered to have an undue impact on the desired streetscape and surrounding amenity.</p>
<p><u>Boundary Setbacks</u></p> <p>The proposed buildings should be moved away from the eastern boundary to prevent shadowing of adjacent blocks in the afternoon.</p>	<p>Not supported. The proposal meets the deemed-to-comply requirements relating to design for climate (overshadowing).</p>



Summary of Comments Received:	Officers Technical Comment:
<p><u>Roof Pitch</u></p> <p>Won't compliment existing streetscape.</p>	<p>Supported. The proposal does not comply with the Deemed-to-Comply Criteria provisions of Clause BDADC 3 'Roof Forms' or the Design Solutions of Clause BDPC 3 'Roof Forms' of the City's Policy No. 3.2.1 relating to Residential Design Elements.</p> <p>Within the immediate locality, the surrounding dwellings predominantly comprise traditional pitched roofs. As the proposal comprises a 15 degree skillion roof and flat roof, it is considered that it does not complement the existing Hobart Street or Shakespeare Street streetscape character.</p>
<p><u>Density</u></p> <p>Far too many units. This kind of development should be built on a main road, not where being proposed. If we wanted to live opposite flats we would have bought property elsewhere.</p>	<p>Noted. Although the Residential Design Codes and the City's Policies do allow for Multiple dwellings in the area which is zoned Residential R30, the application is not considered to satisfy the provisions of R-Codes and the City's Policies for the reasons outlined in this report.</p>
<p><u>Character</u></p> <p>Area is full of beautiful old character houses in area; retention of character should be maintained.</p>	<p>Noted. The proposal does not comply with the Deemed-to-Comply Criteria of BDADC 3 'Roof Forms' or the Design Solutions of Clause BDPC 3 'Roof Forms' of the City's Policy No. 3.2.1 relating to Residential Design Elements, as the proposed 15 degree skillion roof and flat roof are not in keeping with the existing streetscape character.</p>
<p><u>Privacy</u></p> <p>Upper storey of dwellings would have views onto neighbouring dwellings. Privacy would be spoilt. No way of confirming from drawings that windows are fixed or opaque. Balcony to unit 10 looks into my property.</p>	<p>Supported. The proposal does not meet with the Deemed-to-comply or Design Principles of the R-Codes. Privacy Screening is required to be provided to the Balcony of unit 10 in accordance with the Deemed-to-comply provisions of the R-Codes.</p>
<p><u>Car Parking</u></p> <p>Inadequate number of bays. 18 Units would put added pressure on an already bad situation. Not enough car bays for owners or visitors.</p>	<p>Not supported. The proposal complies with the Deemed-to-comply provisions of Clause 6.3.3 'Parking of the 2013 R-Codes as the proposal comprises 22 car bays for residents, and 5 visitors car parking spaces, whereas only 14 residents and 5 visitors car bays are required.</p>
<p><u>Landscaping</u></p> <p>Almost no landscaping with only car parks between buildings and small courtyards for units. No significant landscape setting for building on either street frontage. Trees presented are unrealistic and are not adequate for screening and privacy.</p>	<p>Supported. Given the large lot size of 2030 square metres it is considered that the landscaping provided in non-compliant. The lack of landscaping is considered to have an undue impact on the amenity of the immediate locality.</p>

Summary of Comments Received:	Officers Technical Comment:
<p><u>Essential Facilities</u></p> <p>Plans do not detail individual lines. Rubbish bins against adjoining properties back fence. Smell/Rats, noise from bottles.</p>	<p>Noted. The proposal will have to comply with the Acceptable Development standards relating to the required lineal metres of clothes line required. The applicant is required to comply with the City's Waste Management requirements in relation to potential noise and smell of bins.</p>
<p><u>Plot Ratio</u></p> <p>Not consistent with existing built form in the area. Seeks to put as many dwellings on the site as possible to maximise return for the developer. Too many dwellings on a small parcel of land, potentially 36 couples or 72 people living in these apartments.</p>	<p>Supported. The proposal is non-compliant with the Deemed-to-Comply and Design Principle provisions of the R-Codes relating to Clause 6.1.1 "Building Size" to the plot ratio of the proposed building. Applicant is required to comply with the Plot Ratio requirement.</p>
<p><u>Design</u></p> <p>The design seems to be 'cheap and dirty' and will not add to the streetscape.</p>	<p>Noted. The proposed development has been assessed by the City's DAC, who have determined that the proposed design of the dwellings was considered acceptable.</p>
<p><u>Energy Efficiency</u></p> <p>Balconies will not receive enough sunlight. Sunlight not maximised.</p>	<p>Noted. Although a few balconies and living areas do not have direct access to northern sunlight, the proposal is considered to meet the relevant design solution criteria, in that the dwellings have been designed to maximize cross and natural ventilation to the units. The DAC is satisfied in regard to the energy efficient design of the development.</p>
<p><u>Social</u></p> <p>Social issues associated with high density developments.</p>	<p><del>Noted.</del> <u>Not supported</u> Multiple Dwellings are a permitted use on the subject site. It is considered that a diversity of housing type within the City is supportable subject to the provisions of the City's Policies and Residential Design Codes 2013 being complied with.</p>
<p><u>Heritage</u></p> <p>Deeply disappointed the Council would allow the demolition of what is a heritage building and style of building worthy of retention.</p>	<p>Noted. The Heritage Assessment undertaken by the City's Heritage Services state that the structural integrity of the place has failed to point where it cannot be rectified without the removal of the east wall of Lodge Room, which is a significant element that contributes to the cultural heritage value of the subject place. It was considered by Heritage Services that deletion of the place from the MHI is in accordance with the City's Policy No. 3.6.5 relating to Heritage Assessment – Amendments to the Municipal Heritage Inventory.</p>

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

**Design Advisory Committee:**

<p>21 August 2013</p>	<p>The subject development was considered by the Design Advisory Committee (DAC) with the following comments made:</p> <p><b>“Discussion:</b></p> <ul style="list-style-type: none"> <li>• <i>Scale is not in keeping with the surrounding single storey, pitch roof dwellings.</i></li> <li>• <i>Character of the proposal is similar to development on arterial roads, not the locality.</i></li> <li>• <i>The development relates to one aspect of the context – Use pitch roof, separate buildings etc. to tie into the context of the locality.</i></li> <li>• <i>Not just about one element – scale, materials to tie into the area.</i></li> <li>• <i>Materials are sympathetic of materials in the era of the locality.</i></li> <li>• <i>Rhythm and scale of materials of the development to be incorporated across the elevation.</i></li> <li>• <i>Interaction between the balconies and car port roofs is of concern.</i></li> <li>• <i>Could drop carport roof and drop towards the driveway.</i></li> <li>• <i>Possibility the building could provide a more positive corner. Rotate the building to achieve this? Constraint from setback requirements.</i></li> <li>• <i>Keep existing landscaping located in the corner of the site.</i></li> <li>• <i>Dwellings and mass are joined by enclosed stairs and appears as one building. One continuous mass that is articulated.</i></li> <li>• <i>Cannot see through the site.</i></li> <li>• <i>Need to consider scale of the locality.</i></li> <li>• <i>Distinct roof lines in the streetscape. Hobart Street elevation does not tie into the street or provide street presence. Consider rationalizing the roof forms with more consistency.</i></li> </ul> <p><b>Mandatory:</b></p> <ul style="list-style-type: none"> <li>• <i>Increase the transparency in to the site and reduce the bulk and scale by separating the building mass. The current stair design does not achieve this requirement.</i></li> <li>• <i>Improve the view from the balconies across the carport, lower or re-pitch the carport, or provide some solid balustrade.</i></li> </ul> <p><b>Design Considerations:</b></p> <ul style="list-style-type: none"> <li>• <i>Provide a more consistent approach to the roof profile, the current design includes parapet, skillion and gable roof forms.</i></li> </ul> <p><b>Technical</b></p> <ul style="list-style-type: none"> <li>• <i>Review the plot ratio calculation to check conformity with 0.5 requirement.”</i></li> </ul>
<p>2 October 2013</p>	<p>A revised version of the subject development was put back to the DAC with the following comments made by the applicant:</p> <p><b>“Discussion:</b></p> <ul style="list-style-type: none"> <li>• <i>Previous DAC recommendations have been incorporated into the design.</i></li> <li>• <i>Amended design has opened up the site.</i></li> <li>• <i>Amended Design has addressed corner of site (Shakespeare Street and Hobart Street).</i></li> <li>• <i>A skillion roof (run in the opposite direction) would enhance the corner of the building.</i></li> <li>• <i>Treatment on Shakespeare Street – continue the render boarding (between render and roof).</i></li> </ul>

	<p><b>Recommendation:</b></p> <ul style="list-style-type: none"> <li>No further recommendations.</li> </ul> <p><b>Mandatory:</b></p> <ul style="list-style-type: none"> <li>Treatment of skillion roof and walls on corner building (as outlined below) should match the rest of the development.</li> </ul> <p><b>Design Considerations:</b></p> <ul style="list-style-type: none"> <li>Although previous design consideration for the roof profile was to provide a more consistent approach, Mr Minniti suggested that a skillion roof (run in the opposite direction) would tie in with the rest of the building. The committee agreed that this would create a positive contribution to the corner.”</li> </ul>
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**LEGAL/POLICY:**

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2013;
- City of Vincent Town Planning Scheme No. 1;
- Mount Hawthorn Precinct Policy No. 3.1.1;
- Residential Design Elements Policy No. 3.2.1;
- Development Guidelines for Multiple Dwellings in Residential Zones Policy No. 3.4.8; and
- Sound Attenuation Policy No. 3.5.21.

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

The City’s Strategic Plan 2013-2017 states:

“Natural and Built Environment

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

**SUSTAINABILITY IMPLICATIONS:**

The City’s Strategic Plan 2013-2017 states:

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

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

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

SOCIAL	
Issue	Comment
The proposal provides for an increase in housing diversity and provides housing for smaller households within the City, which are anticipated to increase in the near future.	

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Heritage**

The subject property was listed on the City of Vincent Municipal Heritage Inventory (MHI) as Management Category B – Conservation Recommended on 12 September 2006 and was deleted from the MHI on 23 October 2012, following an Ordinary Meeting of the Council held on 23 October 2012, which resolved to grant conditional approval for the proposed demolition and redevelopment at the subject place.

The updated Heritage Assessment dated September 2012 indicates that whilst the place has *some aesthetic, historic and social value* as outlined in the statement of significance, it is considered that the structural integrity of the place has failed to the point where it cannot be rectified without the removal of the east wall of Lodge Room, which is a significant element that contributes to the cultural heritage value of the subject place, as detailed in the Structural Engineering Report. It is considered that deletion of the place from the MHI is in accordance with the City's Policy No. 3.6.5 relating to Heritage Management – Amendments to the Municipal Heritage Inventory (MHI).

Since the Planning Approval (Serial No. 5.2012.361.1) for demolition and redevelopment of the subject place was granted on 23 October 2012, a photographic record and a proposal for an interpretive plaque have been submitted by the applicant and approved by the Heritage Services, to comply with the Planning Approval conditions. In light of the above, the Heritage Services have no objection to the subject application.

**CONCLUSION**

The applicant is seeking a significant amount of variations and departure from the Deemed-to-comply and Design Principles of the 2013 R-Codes, the Deemed-to-Comply Criteria and Design Solution provisions of the City's Policy No. 3.2.1 relating to Residential Design Elements and the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones. It is recommended that the application be refused for the reasons outlined above.

**9.1.4 No. 26 (Lot: 62 D/P: 4576) Brookman Street, Dual Frontage to Wellman Street, Perth – Proposed Deconstruction and Reconstruction of Existing State Heritage Listed Single House**

<b>Ward:</b>	South	<b>Date:</b>	6 December 2013
<b>Precinct:</b>	Hyde Park, P12	<b>File Ref:</b>	PRO3778; 5.2013.186.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans <a href="#">002</a> – Heritage Council Response		
<b>Tabled Items:</b>	<a href="#">003</a> – Structural Engineering Report dated 31 October 2012		
<b>Reporting Officer:</b>	J Giguere, Planning Officer (Statutory) H Au (Heritage Officer)		
<b>Responsible Officer:</b>	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 the owners George Karpathakis and Judith Pugh for Proposed Deconstruction and Reconstruction of Existing State Heritage Listed Single House, at No. 26 (Lot 62 D/P: 4576) Brookman Street, dual frontage to Wellman Street, and as shown on plans stamp-dated 10 May 2013 and 17 November 2013, subject to the following conditions:

1. The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 61 Brookman Street, in a good and clean condition. The finish of the walls is to be fully rendered or face brickwork;
2. PRIOR TO THE ISSUE OF A DEMOLITION PERMIT, the owners shall enter into a legal agreement with the City, requiring the owners to complete the deconstruction works and to substantially commence the reconstruction works within two (2) years of the date of this approval. This legal agreement shall be secured by a caveat on the Certificate of Title of the subject land to ensure that the site does not remain vacant and the redevelopment works are commenced. All costs relating to this legal agreement including the City Legal cost are to be borne by the owner;
  - 2.1. State Heritage Council WA Condition:
    - 2.1.1 The measured/working drawings prepared for the Building Permit for the reconstruction shall be submitted to the State Heritage Office for review and advice prior to the issue of Demolition Permit for No. 26 Brookman Street, Perth;
3. Prior to the submission of a Building Permit application, the following shall be submitted to and approved by the City:
  - 3.1 Details of front, sides and rear fencing; and
  - 3.2 A Demolition Management Plan and a Construction Management Plan, detailing how the deconstruction and the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the City, in accordance with the requirements of the City's Policy No. 3.5.23 relating to Construction Management Plans, and Construction Management Plan Guidelines and Construction Management Plan Application for approval Proforma; and
4. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City.

**ADVICE NOTES:**

1. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Brookman Street and Wellard Street;
2. With regard to condition 1 above, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary wall;
3. A Demolition Permit shall be obtained from the City prior to commencement of any deconstruction or demolition works on the site;
4. Any new street/front wall, fence and gate within the Brookman Street and Wellman Street setback areas, including along the side boundaries within these street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences;
5. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning; and
6. The State Heritage Council WA advises that:
  - 6.1 The reconstruction shall be based on the available documentary and physical evidence, and informed by the Brookman and Moir Streets Development Guidelines.

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**COUNCIL DECISION ITEM 9.1.4**

**Moved Cr Buckels, Seconded Cr Topelberg**

That the recommendation be adopted.

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

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**PURPOSE OF REPORT:**

This proposal requires referral to the Council as the proposal is a Category 2 Application that requires Council determination. Furthermore, the property is listed on the Heritage Council's State Register of Heritage Places and the City's Municipal Heritage Inventory (MHI).

**HISTORY:**

Date	Comment
11 October 2012	Planning Application for the Demolition of an Existing Single House was cancelled.
4 December 2012	Planning Application for the Demolition of an Existing Single House was withdrawn.

**DETAILS:**

<b>Landowner:</b>	George Karpathakis and Judith Pugh
<b>Applicant:</b>	As above
<b>Zoning:</b>	R25
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	302 square meters
<b>Right of Way:</b>	Not applicable

The proposal is to demolish the existing house and to reconstruct it by re-using the existing materials. The land is part of the Brookman and Moir Streets Development Guidelines (Appendix No. 6) and is also listed on the Heritage Council's State Register of Heritage Places.

**ASSESSMENT:**

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

<b>Design Element</b>	<b>Deemed to Comply</b>	<b>Design Principles</b>
Density	✓	
Streetscape	✓	
Front Setback	✓	
Street Walls and Fencing	✓	
Roof Form	✓	
Dual Street Frontages	✓	
Setbacks from Rights-of-Way	N/A	
Lot Boundary Setbacks		✓
Building Height	✓	
Number of Storeys	✓	
Open Space		✓
Landscaping	N/A	
Access	✓	
Parking	✓	
Privacy	✓	
Bicycle Spaces	N/A	
Dwelling Size	✓	
Site Works	✓	
Essential Facilities	✓	
Outdoor Living Areas		✓
Surveillance	✓	
Overshadowing	✓	



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

<b>Issue/Design Element:</b>	<b>Lot Boundary Setback</b>
Requirement:	<b>Residential Codes Clause 5.1.3</b> South-western wall: 1.5 metres side setback
Applicants Proposal:	1.3 metres side setback
Design Principles:	<b>Residential Codes Clause 5.1.3</b> Buildings set back from lot boundaries so as to: <ul style="list-style-type: none"> <li>• Reduce impacts of building bulk on adjoining properties;</li> <li>• Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</li> <li>• Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</li> </ul>
Applicant justification summary:	The 1.3 metres side setback follows the original alignment of the existing house. The same side setback is used, which is a requirement of the reconstruction.
Officer technical comment:	The proposed side setback complies with the existing side setbacks. Considering that this is a building listed on the City's Municipal Inventory and on the States Register Of Heritage Places, the applicant was requested to deconstruct and re-build the house. This would include the preservation of the existing setbacks.

<b>Issue/Design Element:</b>	<b>Open Space</b>
Requirement:	<b>Residential Codes Clause 5.1.4</b> 50 percent or 151 square metres
Applicants Proposal:	48.6 percent or 146.7 square metres
Design Principles:	<b>Residential Codes Clause 5.1.4</b> Development incorporates suitable open space for its context to: <ul style="list-style-type: none"> <li>• Reflect the existing and/or desired streetscape character or as outlined under the local planning framework;</li> <li>• Provide access to natural sunlight for the dwelling;</li> <li>• Reduce building bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the local planning framework;</li> <li>• Provide an attractive setting for the buildings, landscape, vegetation and streetscape;</li> <li>• Provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around the site; and</li> <li>• Provide space for external fixtures and essential facilities.</li> </ul>
Applicant justification summary:	The open space available is limited by the requirement to follow the same footprint of the original house.
Officer technical comment:	The Brookman and Moir Streets Development Guidelines states (Clause 19 –Open Space) that most dwelling in the precinct would not achieve the required percentage of open space on these lots, due to historical development. As such, it is considered that the open space provided is considered acceptable in this instance.

<b>Issue/Design Element:</b>	<b>Outdoor Living Area</b>
Requirement:	<b>Residential Codes Clause 5.3.1</b> An outdoor living area to be provided with a minimum length and width dimension of 4 metres.
Applicants Proposal:	Minimum dimension of 3.5 metres.
Design Principles:	Outdoor living areas which provide spaces: <ul style="list-style-type: none"> <li>• Capable of use in conjunction with a habitable room of the dwelling;</li> <li>• Open to winter sun and ventilation; and</li> <li>• Optimise use of the northern aspect of the site.</li> </ul> <p>Balconies or equivalent outdoor living areas capable of use in conjunction with a habitable room of each dwelling, and if possible, open to winter sun.</p>
Applicant justification summary:	The Outdoor Living Area available is limited by the requirement to follow the same footprint of the original house.
Officer technical comment:	The proposed outdoor living area is considered acceptable in this instance, as stated in the Applicant's justification above.

### HERITAGE SERVICES:

#### Demolition

The subject place at No. 26 (Lot 62) Brookman Street, Perth is listed on the City of Vincent's Municipal Heritage Inventory as Management Category A – Conservation Essential and the Heritage Council's State Register of Heritage Places.

The application for proposed alterations and additions for the above property was referred to the State Heritage Office on 16 May 2013 for comment.

It is noted that the Councillors from the Heritage Council undertook a site inspection with the owner of the No. 26 Brookman Street on 23 July 2013 to assess the subject application.

In a letter dated 7 August 2013 (attached), the State Heritage Office advised that the proposed development is in accordance with the plans submitted and is supported subject to conditions.

The City's Heritage Officers also have also undertaken an assessment of the proposal, and support the development.

### CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
<b>Comments Period:</b>	20 September 2013 to 4 October 2013		
<b>Comments Received:</b>	Four (4) Comments received (Two (2) in favour and two (2) General Concerns)		

<b>Summary of Comments Received:</b>	<b>Officers Technical Comment:</b>
Issue: Liability  Request that the Applicant be required to undertake a condition report on the adjoining house before development starts and after it concludes so that the applicant is liable for any damage to the adjoining houses.	Noted. In the event of structural damage to the adjoining property, the issue will become a civil matter. It is noted that civil engineers have assessed the potential of the works on adjoining properties and will be involved at the deconstruction state. A Demolition and a Construction Management plan will also be required as conditioned.

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Asbestos</p> <p>Request that there be an asbestos remedial plan with particular concerns to the outside shed and that adjoining properties need to be notified when the shed and building is removed in order to protect themselves from asbestos.</p>	<p>Noted. The Applicant will be required to obtain a Demolition Permit from the City of Vincent which will have specific requirements for the removal of asbestos in order to comply with the legislative requirements imposed in the case of asbestos removal. The legislation does not oblige the owner to advise adjoining properties, however, it is recommended that the owner notify neighbours as a courtesy.</p>
<p>Issue: Neglect</p> <p>The property should not have been allowed to fall into a state of disrepair due to neglect.</p>	<p>Noted.</p>

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

**Design Advisory Committee:**

Referred to Design Advisory Committee: No

**LEGAL/POLICY:**

The following legislation and policies apply to the proposed deconstruction of existing single house and reconstruction of two-storey single house at No. 26 Brookman Street, Perth:

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2013;
- City of Vincent Town Planning Scheme No. 1;
- Hyde Park Precinct Policy No. 3.1.12;
- Municipal Heritage Inventory (MHI);
- Brookman and Moir Streets Development Guidelines, Appendix No. 6; and
- Residential Design Elements Policy No. 3.2.1.

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013-2017 states:

"Natural and Built Environment

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

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

**SUSTAINABILITY IMPLICATIONS:**

The City's Strategic Plan 2013-2017 states:

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

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

ENVIRONMENTAL	
Issue	Comment
	The proposal will re-use the materials of the original house.

SOCIAL	
Issue	Comment
	The proposal will maintain the character of the area.

ECONOMIC	
Issue	Comment
	The proposal will contribute to the revitalisation of the area and provide short term employment opportunities.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS & CONCLUSION:**

The Structural Engineer Report prepared by Wood & Grieve Engineers dated 31 October 2012 (tabled) concluded that there is very little of the original building that can be practically retained, conserved or restored, and recommends the reconstruction of a substantial portion of the residence based on documentary evidence.

The proposal was referred to the State Heritage Office, who has supported the proposal, subject to conditions. Those have been incorporated into the Conditions and Advices.

On the above basis, the proposed deconstruction and reconstruction of the existing single house is supportable in this instance, and is considered to improve the streetscape and amenity of the area. It is recommended that the proposal be approved subject to relevant conditions and advice notes.

**9.1.8 No. 192 (Lot 48) Vincent Street, corner Alfonso Street, North Perth – Demolition of Existing Building and Construction of Three (3) Storey Building Comprising of One (1) Single Bedroom Multiple Dwelling, Six (6) Two Bedroom Multiple Dwellings and Associated Car Parking**

<b>Ward:</b>	South	<b>Date:</b>	6 December 2013
<b>Precinct:</b>	Smith Lake; P06	<b>File Ref:</b>	PRO6149; 5.2013 457.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans <a href="#">002</a> – Applicant Report <a href="#">003</a> – Coloured Elevations		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	R Narroo, Acting Co-ordinator Statutory Planning		
<b>Responsible Officer:</b>	P Mrdja, Acting Director Planning Services		

**OFFICER RECOMMENDATION:**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by Doepel Marsh Architects, on behalf of the owner, S L Nelkovski for Proposed Demolition of Existing Building and Construction of Three (3) Storey Building Comprising One (1) Single Bedroom Multiple Dwelling, Six (6) Two Bedroom Multiple Dwellings and Associated Car Parking at No. 192 (Lot 48) Vincent Street, corner Alfonso Street, North Perth, and as shown on amended plans stamp-dated 25 September 2013 and 10 October 2013, for the following reasons:

1. The development does not comply with the following objectives of the City of Vincent Town Planning Scheme No. 1:
  - 1.1 To protect and enhance the health, safety and physical welfare of the City’s inhabitants and the social, physical and cultural environment;
  - 1.2 To ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework which –
    - 1.2.1 Recognises the individual character and needs of localities within the Scheme zone area; and
  - 1.3 To promote the development of a sense of local community and recognise the right of the community to participate in the evolution of localities;
2. Non-compliance with the Deemed-to-comply provisions and Design Principles of the Residential Design Codes of Western Australia 2013, with regards to:
  - 2.1 Clause 6.1.1 ‘Building Size’ relating to the plot ratio. The variation to the plot ratio will impact on the surrounding area in terms of bulk; and
3. Consideration of the objections received.

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**COUNCIL DECISION ITEM 9.1.8**

**Moved Cr Topelberg, Seconded Cr Buckels**

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND LOST (0-8)**

**REASONS FOR REFUSAL OF OFFICER RECOMMENDATION:**

The development is considered compliant.

**ALTERNATIVE RECOMMENDATION:**

**Moved Cr Topelberg, Seconded Cr Buckels**

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 Doepel Marsh Architects, on behalf of the owner, S L Nelkovski for Proposed Demolition of Existing Building and Construction of Three (3) Storey Building Comprising One (1) Single Bedroom Multiple Dwelling, Six (6) Two Bedroom Multiple Dwellings and Associated Car Parking at No. 192 (Lot 48) Vincent Street, corner Alfonso Street, North Perth, and as shown on amended plans stamp-dated 5 December 2013, subject to the following conditions:

1. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:**

1.1 Amended plans that present a design treatment to the Northern facade that ameliorates the visual impact of the second and third storeys. This may include articulation or the inclusion of architectural materials that limit that visual impact;

1.2 **Section 70 A Notification under the Transfer of Land Act**

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

1.2.1 the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units as at the time of assessment, the on-site car parking was in accordance with the requirements of the Residential Design Codes.

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

**1.3 Construction Management Plan**

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

**1.4 Schedule of External Finishes**

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

**1.5 Landscape and Reticulation Plan**

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

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

- 1.5.1 The location and type of existing and proposed trees and plants;
- 1.5.2 All vegetation including lawns;
- 1.5.3 Areas to be irrigated or reticulated;
- 1.5.4 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 1.5.5 Separate soft and hard landscaping plans (indicating details of plant species and materials to be used);

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

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

**1.6 Waste Management and Recycling Plan**

A Waste Management and Recycling Plan shall be submitted and approved by the City's Director Technical Services;

**1.7 Road Reservation**

Any works being carried out in the road reservation, this includes the MRS widening, truncations and right of way widening, shall be approved by the City's Technical Services;

The land owners shall not seek from either the City or the Western Australian Planning Commission, compensation for any loss, damage or expense to remove the approved works (landscaping and paving) which encroaches on the Other Regional Road reservation/road widening requirement when the road reservation/road widening/road upgrade is required;

**1.8 Acoustic Report**

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

**1.9 Underground Power**

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

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

**2.1 Car Parking**

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

**2.2 Clothes Dryer**

Prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes or an adequate communal drying area to be incorporated into the development in accordance with Clause 6.4.6 "Utilities and Facilities" C6.3 of the Residential Design Codes and Multiple Dwellings Policy No. 3.4.8, Clause 5.2;

**2.3 Residential Car Bays**

A minimum of six (6) and two (2) car bays shall be provided for the residents and visitors respectively. The two (2) car visitor parking spaces shall be clearly marked and signposted accordingly;

**2.4 Visitor Bays**

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

**2.5 Bicycle Parking**

Three (3) bicycle spaces for the residents and one (1) bicycle space for visitors of the development shall be provided; and

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



**ADVICE NOTES:**

1. **All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Vincent Street and Alfonso Street;**
2. **No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning;**
3. **Any new street/front wall, fence and gate within the Vincent Street setback area, including along the side boundaries within this street setback area, shall comply with the City's Policy provisions relating to Street Walls and Fences; and**
4. **A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site.**

**ALTERNATIVE MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

**ADDITIONAL INFORMATION:**

The applicant provided following additional information/ justification in support of the proposal:

*"That council approves the application for the Demolition of Existing Building and Construction of three (3) storey building comprising of one (1) single bedroom multiple dwelling, six (6) two bedroom multiple dwellings and associated car parking as shown on amended plans stamped dated 25 September 2013 and 10 October 2013 subject to conditions;*

1. *That in accordance with Policy No 3.5.11 that Council exercise discretion for a variation to the plot ratio requirement of 0.15 as shown on the stamped plans.*
2. *In exercising its discretion the objectives of the Policy have been achieved in providing on equitable incentive based outcome encouraged by the Design Advisory Committee during the design process, and achieving a sustainable design outcome on a major road in the city.*

*The proposal demonstrates a high level of housing typologies that addresses the demographic and growing need of the community and therefore is consist with the orderly and proper planning of the R60 zoned land and the Permitted use under the Town Planning Scheme No 1."*

The applicant and the owner of the property had a meeting with the Chief Executive Officer and the City Senior Officers on 13 December 2013 to discuss the Officer Recommendation and particularly the plot ratio variation sought. Further consideration has been given to the plot ratio variation, in the context that the plans demonstrate a better built form and will complement the future streetscape along this section of Vincent Street. It is considered that the variation to the plot ratio can be supported given the Council have previously supported variation to higher plot ratio, if deemed appropriate. However, preferably some amendment to the design should be incorporated to reduce some of the bulk and scale – which would result in a reduction of the plot ratio.

In light of the above, the proposal is recommended for approval subject to appropriate conditions.

**PURPOSE OF REPORT:**

This proposal is for a three storey residential multiple dwellings development and requires the Council's determination.

**BACKGROUND:**

Nil.

**DETAILS:**

The application is for Proposed Demolition of Existing Building and Construction of Three (3) Storey Building Comprising of One (1) Single Bedroom Multiple Dwellings, Six (6) Two Bedroom Multiple Dwellings and Associated Car Parking.

<b>Landowner:</b>	S L Nelkovski
<b>Applicant:</b>	Doepel Marsh Architects
<b>Zoning:</b>	Residential R60
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Multiple Dwellings
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	555 square metres
<b>Right of Way:</b>	Northern Boundary, 5 metres in width, sealed, Council owned

**ASSESSMENT:**

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

Design Element	Deem-to-comply or TPS Clause	OR	Design Principles or TPS Discretionary Clause
Density/Plot Ratio			✓
Front Setback			✓
Building Setbacks			✓
Boundary Wall	N/A		
Building Height	✓		
Building Storeys	✓		
Open Space	✓		
Bicycles	✓		
Parking	✓		
Privacy	✓		
Overshadowing	✓		
Site Works			✓
Essential Facilities	✓		
Surveillance	✓		
Outdoor Living Area	✓		
Landscaping	✓		
Roof Form	✓		
Energy Efficient Design	✓		
Dwelling Size	N/A		
Vehicular access			✓

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

<b>Issue/Design Element:</b>	<b>Plot Ratio</b>
Requirement:	Plot Ratio=0.7= 388.5 square metres
Applicants Proposal:	Plot Ratio= 0.85= 471.75 square metres
Performance Criteria:	R-Codes Clause 6.1.1- Development of the building is at a bulk and scale indicated in the local planning scheme and is consistent with the existing or future desired built form of the locality.
Applicant justification summary:	The first submission proposed was compliant with the plot ratio. However, the Design Advisory Committee requested to have an active interface with Vincent Street on the ground floor, therefore an additional unit is provided on the ground floor which increases the plot ratio.
Officer technical comment:	Not supported. The proposal is non-compliant with the Deemed –to-Comply and Design Principle provisions of the R-Codes relating to Clause 6.1.1 “Building Size” to the plot ratio of the proposed building. The proposed development exceeds the plot ratio by approximately 83.25 square metres and is considered to be an overdevelopment of the subject site.

<b>Issue/Design Element:</b>	<b>Front Setback- Vincent Street</b>
Requirement:	Residential Design Elements SADC 5 - Upper floor balconies to be setback 1 metre behind the main dwelling
Applicants Proposal:	First Floor balconies are in line with the main dwelling line on the ground floor Second Floor balconies are setback 0.6 metre from ground floor
Performance Criteria:	Residential Design Elements SPC 5 Development is to be appropriately located on site to: <ul style="list-style-type: none"> <li>• Maintain streetscape character;</li> <li>• Ensure the amenity of neighbouring properties is maintained;</li> <li>• Allow for the provision of landscaping and space for additional tree plantings to grow to maturity;</li> <li>• Facilitate solar access for the development site and adjoining properties;</li> <li>• Protect significant vegetation; and</li> <li>• Facilitate efficient use of the site.</li> </ul> Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.
Applicant justification summary:	<i>“All balconies are now setback behind the street setback requirements particularly to Vincent Street.”</i>
Officer technical comment:	Supported. The variations will not impact on the streetscape of Vincent Street, as the upper floors are articulated with varying finishes and openings. The setbacks will provide more space for landscaping.

<b>Issue/Design Element:</b>	<b>Lot boundary setbacks</b>
Requirement:	<u>Western Boundary</u> <u>Ground Floor</u> Ground Floor= 1.5 metres First Floor= 2.5 metres Second Floor= 3.5 metres <u>Northern Boundary (Right of Way)</u> Third Floor= 1.25 metres
Applicants Proposal:	<u>Western Boundary</u> <u>Ground Floor</u> Ground Floor= 1 metre to 2.9 metres First Floor= 1.2 metres to 2.4 metres Second Floor= 1.5 metres to 3 metres <u>Northern Boundary (Right of Way)</u> Third Floor= 1.163 metres
Performance Criteria:	R-Codes Clause 6.1.4 - Buildings set back from boundaries or adjacent buildings so as to: <ul style="list-style-type: none"> <li>• ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them;</li> <li>• moderate the visual impact of building bulk on a neighbouring property;</li> <li>• ensure access to daylight and direct sun for adjoining properties; and</li> <li>• assist with the protection of privacy between adjoining properties.</li> </ul> <p>In mixed use development, in addition to the above:</p> <ul style="list-style-type: none"> <li>• side boundary setbacks to a retail/commercial component of a development is in accordance with the existing street context, subject to relevant local planning scheme provisions; and</li> <li>• retail/commercial development adjoining residential is designed to minimise the potential impacts between the two uses.</li> </ul>
Applicant justification summary:	Not provided.
Officer technical comment:	Supported. It is considered that the proposed setbacks will provide adequate ventilation and direct sun to the adjoining properties and to the subject site. There will be no overshadowing on the adjoining properties. The adjoining western neighbour did not submit any objection to the proposed development.
<b>Issue/Design Element:</b>	<b>Site Works</b>
Requirement:	Retaining wall= 0.5 metre in height
Applicants Proposal:	The terrace and unit 1 will be retained from a height varying from 1.3 metres to 0.5 metre.
Performance Criteria:	R-Codes Clause 6.3.6 - Development that retains the visual impression of the natural level of a site, as seen from the street or other public place, or from an adjoining property. Retaining walls designed or set back to minimise the impact on adjoining properties.
Applicant justification summary:	Not applicable.
Officer technical comment:	Supported. There will be no impact on the streetscape or to the adjoining neighbour property, as the retaining wall will retain the visual impression of the natural level as seen from the street and from the adjoining neighbour. No objection was received from the adjoining western neighbour.

<b>Issue/Design Element:</b>	<b>Vehicular Access</b>
Requirement:	Vehicular access provided so as to minimise the number of crossover, to be safe in use, and not detract from the streetscape.
Applicants Proposal:	Vehicular access to right-of-way and from Secondary Street (Alfonso Street).
Performance Criteria:	R-Codes Clause 6.3.5 – Where available from a right-of-way available for the lawful use to access the relevant lot and which is adequately paved and drained from the property boundary to a constructed street.
Applicant justification summary:	Not provided.
Officer technical comment:	Supported. There will be no impact on the streetscape. The City's Technical Services support both accesses, i.e. from the Secondary Street and the Right-of-Way.

### Car Parking

The car parking calculation is as follows:

<b>Residential Car Parking</b>	
Small Multiple Dwelling (75 square metres)- 0.75 bay per dwelling (7 dwellings)= 5.25 car bays or 6 car bays Visitors= 0.25 per dwelling (7 dwellings) = 1.75 car bays or 2 car bays  Total=8 car bays	11 car bays provided  (9 car bays for residents and 2 car bays for visitors)
<b>Surplus</b>	<b>3 car bays</b>

<b>Bicycle Parking</b>		
<b>Bicycle Parking</b>	Residential component (as per the R-Codes- 1 bicycle space to each 3 dwellings for residents and 1 bicycle space to each 10 dwellings for visitors): <b>Required</b> Three (3) bicycle bays for the residents and One (1) bicycle bays for the visitors.	Four (4) bike racks proposed.

### CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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<b>Comments Period:</b>	8 November 2013 to 29 November 2013
<b>Comments Received:</b>	Six submissions and one petition signed by 17 people objecting to the development. Comments were also received from Department of Planning.

<b>Summary of Comments Received:</b>	<b>Officers Technical Comment:</b>
<u>Plot Ratio</u>  The proposed development will be of bulk and scale inconsistent with the existing and future built form in the area. Moreover the properties located on Alfonso Street are zoned R40 and will not be of similar scale.	Supported. The proposal is non-compliant with the Deemed-to-Comply and Design Principle provisions of the R-Codes relating to Clause 6.1.1 "Building Size" to the plot ratio of the proposed building. Applicant is required to comply with the Plot Ratio requirement.

Summary of Comments Received:	Officers Technical Comment:
<p><u>Density</u></p> <p>The proposed development will have a higher density as seven units are being proposed.</p>	<p>Noted. As per the Residential Design Codes 2013, plot ratio is the criteria to assess Multiple Dwellings and not density.</p>
<p><u>Number of Storeys</u></p> <p>This proposed 3 storey building will be out of place with the surrounding area and will dominate the Monastery Church on the other side of Alfonso Street, which is an architectural landmark.</p>	<p>Not supported. Clause 2.2.2 of Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings states that for areas zoned R60 and are located on Major Roads, the height limit is three storeys (plus loft). The subject site is zoned Residential R60 and is located along Vincent Street which is a classified as a Major Road.</p>
<p><u>Traffic and Parking</u></p> <p>The traffic generated from this development can create hazards in the right of way. Moreover the visitors to the development will park on the street and along the right- of -way which will impact on the amenity of the area.</p>	<p>Not Supported. The City's Technical Services do not have any issue with the vehicles associated with the development using the right-of-way. With regard to parking, there is a surplus number of car bays being provided on-site.</p>
<p><u>Landscaping</u></p> <p>The proposal does not comply with the landscaping requirements.</p>	<p>Noted. The applicant has amended the plans to comply with the landscaping requirement.</p>
<p><u>Bicycle</u></p> <p>The proposal does not comply with the bicycle requirements.</p>	<p>Noted. The applicant has amended the plans to comply with the bicycle requirement.</p>
<p><u>Visual Privacy</u></p> <p>The proposed windows on the western and northern elevations will impact on the privacy of the adjoining neighbours.</p>	<p>Supported. The applicant has amended the plans to comply with the visual privacy requirements.</p>
<p><u>Development Guidelines for Multiple Dwellings Policy No. 3.4.8</u></p> <p>The proposal does not comply with the required 12 metres rear setback as the proposed development will be facing properties zoned R40 on the other side of the right of way.</p>	<p>Noted. The City Officers are of the view that the proposed development complies with the required setback of 6 metres as specified by Clause 2.3 of the Development Guidelines for Multiple Dwellings.</p>
<p><u>Design</u></p> <p><i>“The development does not positively add to the amenity of the local area, is not ‘good quality’ and is not well designed’.</i></p>	<p>Noted. The proposal was referred to the City's Design Advisory Committee, which supported the proposal subject to providing an active interface to the street, which the applicant has complied with.</p>
<p><u>Fence</u></p> <p>The solid fence proposed along Alfonso Street does match with the open and low fences along the rest of the street.</p>	<p>Noted. The applicant has amended the plans to comply with the fence requirements.</p>

Summary of Comments Received:	Officers Technical Comment:
<p><u>Department of Planning</u></p> <p>Vincent Street is classified as an Other Regional Road and therefore this application was referred to Department of Planning for comments.</p> <p>The DOP has advised that there is no objection to the proposal on transport planning grounds.</p>	<p>Noted. The applicant has also complied with the four (4) metres road widening requirements along The Vincent Street frontage, as shown on the plan.</p>

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

The applicant has provided the following responses to the above submissions as follows:

Plot Ratio

*"Not correct. Proposal is consistent with R60 coding."*

Density

*"Not correct. Under R60 Multiple Dwellings no maximum or minimum density."*

Number of storeys

*"All heights comply. The proposal will have no impact on the Monastery."*

Traffic and Parking

*"Only four car bays off right of way. Plenty of street parking and 2 visitors bays provided."*

Landscaping

*"Complies"*

Bike

*"Complies"*

Visual Privacy

*"Complies"*

Development Guidelines for Multiple Dwellings Policy No. 3.4.8

*"12 metres not required under R-Codes. Setbacks comply. Irrelevant."*

Design

*"Proposal well designed appropriate scale materials etc."*

**Design Advisory Committee:**

Referred to Design Advisory Committee: Yes

Summary of Design Advisory Committee Comments:

The proposal was referred to the DAC meeting held on 4 September 2013. The following comments were provided:

*"Discussion:*

- *Create an active ground level street interface, rather than car park even though there is vegetation used for screening, as landscaping is not an active engagement.*
- *Corner site – building has no active relationship with the street at ground level.*
- *Tandem bays for the two bedroom units may be required to allow room for the ground floor activation.*
- *There is currently one car bay surplus.*
- *The fact that all units are sold is of concern as changes will need to be made to the design.*

- *Open communal access stairs in front of first floor balcony (on eastern elevation) could create a privacy issue. Suggest a central staircase between the buildings.*
- *Compliance with average street setback.*
- *Balconies to be behind the main building setback line.*
- *Further articulate the three buildings.*
- *Strong formal elements could be used which would reinforce each other in the manner of three townhouses.*
- *Material selection should be consistent with the monastery and neighbouring properties.*
- *Variation in plot ratio could be supported depending on compliance with the DAC recommendations.*
- *Pitch roof to Vincent Street front unit to be the same as the other two roofs behind.*

*Mandatory:*

- *Provide an active interface with the street at ground level, i.e. home office, two storey apartment etc.*

*Design Considerations:*

- *Improve the design and location of the stairs.*
- *Further articulate the buildings in to 3 sections.*
- *Refine the roof form by exploring a gable roof to the Vincent Street elevation – The pitch to follow the form of the two buildings behind the front unit.*

*Technical: Please liaise with the Technical Services Department*

- *Set back the balconies, in particular the Vincent Street balcony must be set back behind the setback line.*
- *Liaise with the City in relation to the removal of verge trees.*
- *A 4 m MRS widening is required on Vincent Street.*
- *3 m by 3 m truncation required at the intersection of Vincent Street and Alfonso Street.*
- *2 metre by 2 m truncation required at the intersection of the right of way and Alfonso Street.*
- *No development permitted in the MRS widening.*
- *500 mm right of way widening to be ceded to right of way. 1 metre required for vehicle access.*
- *5 metre vehicle crossover.*
- *1 metre blind isle adjacent to car bay 4 and 5 to assist vehicle turning.”*

The City's Officers are of the view that the applicant has addressed all the issues stated above. With regard to the Mandatory items, the applicant has provided an apartment on the ground floor facing Vincent Street, which provides an active interface.

**LEGAL/POLICY:**

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1
- Residential Design Codes of Western Australia 2013;
- Development Guidelines for Multiple Dwellings in Residential Zones;
- Smith Lake Precinct Policy; and
- Heritage Management – Assessment Policy.

**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 2013-2017 states:

“Natural and Built Environment

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



**SUSTAINABILITY IMPLICATIONS:**

The City's Strategic Plan 2013-2017 states:

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

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

ENVIRONMENTAL	
Issue	Comment
	The design of the dwellings allow for adequate natural light and ventilation, with all the dwellings provided with good cross ventilation. These design elements have the potential to reduce the need or reliance on artificial heating, cooling and lighting.
SOCIAL	
Issue	Comment
	The proposal provides for an increase in housing diversity.
ECONOMIC	
Issue	Comment
	The construction of the building will provide short term employment opportunities.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS & CONCLUSION:**

**Demolition**

The subject dwelling was constructed circa 1915-1920 in the Post-War Bungalow style of architecture. Mathew O'Brien is listed in the WA Post Office Directories as the occupier in 1920. Since then the subject dwelling has been transferred several times to new owners and occupiers.

The house is located at the intersection of Vincent and Alfonso Streets. The City of Perth Building Licence Plans indicates that the original roof has been replaced circa 1966. The single storey brick and tile dwelling has two street frontages, with arched loggias across both of the frontages. It appears that the arched loggias were built as an addition in the 1970s, with the influence of the architectural style from European immigrants. It is noted that a number of alterations and additions have been undertaken to the subject dwelling over the years.

A preliminary heritage assessment indicates that the place has little aesthetic, historic, scientific or social heritage significance and the place is not rare and does not represent any aspect of cultural heritage of the City of Vincent that may be endangered. In accordance with the City's Policy No. 3.6.2 relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the City's Municipal Heritage Inventory. As such, the place is considered to require no further investigation and that a full Heritage Assessment is not warranted in this instance.

In light of the above, it is considered that approval should be granted for demolition, subject to the standard condition for demolition.

**CONCLUSION**

The applicant is seeking a variation to the plot ratio and also departure from the Deemed-to-comply and Design Principles of the 2013 R-Codes, which is considered to have an adverse impact on the amenity of the surrounding area. In this instance it is recommended that the application be refused for the reasons outlined above.

**9.1.11 LATE ITEM: No. 663 (Lot 1 STR: 10630) Newcastle Street, Leederville – Proposed Outdoor Farmers Market (Unlisted Use)**

<b>Ward:</b>	South	<b>Date:</b>	16 December 2013
<b>Precinct:</b>	Oxford Centre; P04	<b>File Ref:</b>	PRO0482; 5.2013.466.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans <a href="#">002</a> – Parking Study <a href="#">003</a> – Operational Guidelines		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J Giguere, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	P Mrdja, Acting Director Planning Services		

**OFFICER RECOMMENDATION:**

That Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Farmers Market W.A. PTY on behalf of the owner The Leederville Village Strata Plan 10630 for Proposed Outdoor Farmers Market (Unlisted Use), at No. 663 (Lot 1 STR: 10630) Newcastle Street, and as shown on plans stamp-dated 18 November 2013 and 5 December 2013, subject to the following conditions:

1. The hours of operation for the Outdoor Farmers Market shall be as follows:
  - (a) Stallholder “set - up” shall occur no earlier than 6.30am; and
  - (b) Public access and sales shall only be conducted between 7.30am and twelve noon; and
  - (c) Stallholder “pack – up” shall cease no later than 1.00pm on market days;
2. A maximum of 40 stalls shall be in operation at any one time. Any increase in the number of stalls shall require further approval from the City’s Chief Executive Officer (further Planning Approval is not required);
3. This approval for the Outdoor Farmers Market is till 31 March 2014 only, and should the applicant wish to continue the use after this period, it shall be necessary to re-apply to and obtain approval from the Council prior to continuation of the use;
4. Written notification of the outdoor markets shall be provided to all premises within a 200 metre radius of the site. The notification shall be in a letter form and is to include information relating to the opening times and activities of the markets. The letter shall include contact details of a responsible person who can be contacted throughout the operation times, including setup and take down. The letter shall be approved by the City prior to distribution, which shall take place ten (10) days prior to the commencement of the markets.
5. PRIOR TO THE COMMENCEMENT OF THE OUTDOOR MARKET USE, the Applicant shall:
  - 5.1 Apply for Public Building Approval under the Health Act 1911; and
  - 5.2 Submit a Food Safety Plan to the City satisfying requirements of the Food Act 2010.

6. **PRIOR TO THE COMMENCEMENT OF THE OUTDOOR MARKET USE, the Applicant shall:**
  - 6.1 **Submit a Waste Management Plan to the City for approval, to the satisfaction of the City's Director of Technical Services;**
  - 6.2 **Submit a Parking Management Plan to the City for approval, to the satisfaction of the City's Director of Community Services;**
7. **The applicant shall ensure that all the tenants of the Leederville Village Strata Plan will be able to have reasonable access to their tenancies at all times during the market hours;**
8. **The type of stalls shall be limited to those specified in the "*Leederville Farmers Market Operational Guidelines and Market Rules*" (as shown in Appendix 9.1.1.12, Attachment 003);**
9. **A responsible representative of the Farmers Market WA shall be present on-site during the operation of the market (i.e 6.30 am – 1pm) to respond to any complaints or concerns;**
10. **A Complaints and Information "Hot-line" mobile phone number shall be made available to the public and displayed at the markets, to enable persons to seek information or lodge any complaints;**
11. **The applicant shall comply, and also ensure that all stall holders comply at all times with the "*Leederville Farmers Market Operational Guidelines and Market Rules*"; and**
12. **Compliance with all Technical Services, Building and Environmental Health specific requirements, to the satisfaction of the Chief Executive Officer.**

**ADVICE NOTES:**

1. **The Applicant shall;**
  - 1.1 **Ensure full compliance with the provisions of Health Act 1911 (as amended), Health (Food Hygiene) Regulations 1993, and compliance with the FSANZ Food Safety Standards is required for all temporary food stalls/food vans. No food shall be sold to the public unless approved by the City's Health and Compliance Services Section; and**
  - 1.2. **Obtain a Special Events Permit from the City's Health and Compliance Services Section for all temporary food stalls/food vans. Application forms together with the relevant fees shall be submitted at least seven (7) days prior to the commencement of trade;**
  - 1.3. **Ensure that any buskers operating in the market area comply with the following requirements. The buskers must:**
    - 1.3.1 **be in possession of a valid permit obtained from the City when busking (can be passed from one busker to the next, when the first busker finishes their act);**
    - 1.3.2 **not use inappropriate language, material, etc;**
    - 1.3.3 **remain within the subject site while undertaking their act;**
    - 1.3.4 **not impede or prevent any persons or pedestrians from going about their normal business; and**
    - 1.3.5 **not restrict ready access to the premises;**

- 1.4. Ensure that any "A" Frame signage placed on any land under the care control and management of the City will be the subject of a Permit issued pursuant to the City of Vincent Local Government Property Local Law 2008;
2. The market area shall be in a clean and tidy condition during the market hours and will be cleaned to the satisfaction of the City's Environmental Health Officers, by 1:00 pm on market days; and
3. The applicant shall hold a current Public Liability Insurance Cover for not less than \$20 million and shall indemnify the City against any claims, damages, writs, summonses or other legal proceedings and an associated costs, expenses, losses or other liabilities as a result of loss of life, personal injury or damage to property arising from an occurrence in or connected with the outdoor market. A copy of the Certificate of Currency shall be provided to the City at least seven (7) days prior to the commencement of the first Market day. A copy of the Certificate of Currency shall be provided to the City, no later than seven (7) days to the first market day.

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**Moved** Cr Harley, **Seconded** Cr Cole  
That the recommendation be adopted.

**AMENDMENT 1**

**Moved** Cr Harley, **Seconded** Cr McDonald

"That Clause 3 be amended as follows:

3. This approval for the Outdoor Farmers Market is till ~~31 March~~ 17 December 2014 only, and should the applicant wish to continue the use after this period, it shall be necessary to re-apply to and obtain approval from the Council prior to continuation of the use;

Debate ensued.

**AMENDMENT PUT AND CARRIED (6-2)**

**For:** Presiding Member Mayor John Carey, Cr Cole, Cr Harley, Cr McDonald, Cr Topelberg and Cr Wilcox

**Against:** Cr Buckels and Cr Pintabona

Debate ensued.

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

**COUNCIL DECISION ITEM 9.1.11**

That Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Farmers Market W.A. PTY on behalf of the owner The Leederville Village Strata Plan 10630 for Proposed Outdoor Farmers Market (Unlisted Use), at No. 663 (Lot 1 STR: 10630) Newcastle Street, and as shown on plans stamp-dated 18 November 2013 and 5 December 2013, subject to the following conditions:

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  - (b) Public access and sales shall only be conducted between 7.30am and twelve noon; and
  - (c) Stallholder "pack - up" shall cease no later than 1.00pm on market days;

2. A maximum of 40 stalls shall be in operation at any one time. Any increase in the number of stalls shall require further approval from the City's Chief Executive Officer (further Planning Approval is not required);
3. This approval for the Outdoor Farmers Market is till 17 December 2014 only, and should the applicant wish to continue the use after this period, it shall be necessary to re-apply to and obtain approval from the Council prior to continuation of the use;
4. Written notification of the outdoor markets shall be provided to all premises within a 200 metre radius of the site. The notification shall be in a letter form and is to include information relating to the opening times and activities of the markets. The letter shall include contact details of a responsible person who can be contacted throughout the operation times, including setup and take down. The letter shall be approved by the City prior to distribution, which shall take place ten (10) days prior to the commencement of the markets.
5. **PRIOR TO THE COMMENCEMENT OF THE OUTDOOR MARKET USE, the Applicant shall:**
  - 5.1 Apply for Public Building Approval under the Health Act 1911; and
  - 5.2 Submit a Food Safety Plan to the City satisfying requirements of the Food Act 2010.
6. **PRIOR TO THE COMMENCEMENT OF THE OUTDOOR MARKET USE, the Applicant shall:**
  - 6.1 Submit a Waste Management Plan to the City for approval, to the satisfaction of the City's Director of Technical Services;
  - 6.2 Submit a Parking Management Plan to the City for approval, to the satisfaction of the City's Director of Community Services;
7. The applicant shall ensure that all the tenants of the Leederville Village Strata Plan will be able to have reasonable access to their tenancies at all times during the market hours;
8. The type of stalls shall be limited to those specified in the "*Leederville Farmers Market Operational Guidelines and Market Rules*" (as shown in Appendix 9.1.1.12, Attachment 003);
9. A responsible representative of the Farmers Market WA shall be present on-site during the operation of the market (i.e 6.30 am – 1pm) to respond to any complaints or concerns;
10. A Complaints and Information "Hot-line" mobile phone number shall be made available to the public and displayed at the markets, to enable persons to seek information or lodge any complaints;
11. The applicant shall comply, and also ensure that all stall holders comply at all times with the "*Leederville Farmers Market Operational Guidelines and Market Rules*"; and
12. Compliance with all Technical Services, Building and Environmental Health specific requirements, to the satisfaction of the Chief Executive Officer.

**ADVICE NOTES:**

1. **The Applicant shall;**
  - 1.1 **Ensure full compliance with the provisions of Health Act 1911 (as amended), Health (Food Hygiene) Regulations 1993, and compliance with the FSANZ Food Safety Standards is required for all temporary food stalls/food vans. No food shall be sold to the public unless approved by the City's Health and Compliance Services Section; and**
  - 1.2. **Obtain a Special Events Permit from the City's Health and Compliance Services Section for all temporary food stalls/food vans. Application forms together with the relevant fees shall be submitted at least seven (7) days prior to the commencement of trade;**
  - 1.3. **Ensure that any buskers operating in the market area comply with the following requirements. The buskers must:**
    - 1.3.1 **be in possession of a valid permit obtained from the City when busking (can be passed from one busker to the next, when the first busker finishes their act);**
    - 1.3.2 **not use inappropriate language, material, etc;**
    - 1.3.3 **remain within the subject site while undertaking their act;**
    - 1.3.4 **not impede or prevent any persons or pedestrians from going about their normal business; and**
    - 1.3.5 **not restrict ready access to the premises;**
  - 1.4. **Ensure that any "A" Frame signage placed on any land under the care control and management of the City will be the subject of a Permit issued pursuant to the City of Vincent Local Government Property Local Law 2008;**
2. **The market area shall be in a clean and tidy condition during the market hours and will be cleaned to the satisfaction of the City's Environmental Health Officers, by 1:00 pm on market days; and**
3. **The applicant shall hold a current Public Liability Insurance Cover for not less than \$20 million and shall indemnify the City against any claims, damages, writs, summonses or other legal proceedings and an associated costs, expenses, losses or other liabilities as a result of loss of life, personal injury or damage to property arising from an occurrence in or connected with the outdoor market. A copy of the Certificate of Currency shall be provided to the City at least seven (7) days prior to the commencement of the first Market day. A copy of the Certificate of Currency shall be provided to the City, no later than seven (7) days to the first market day.**

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**PURPOSE OF REPORT:**

This proposal requires referral to the Council given the interest of the matter by the community.

**BACKGROUND:**

The Applicant presented the above proposal at the Council Meeting Forum on 10 December 2013.

**DETAILS:**

<b>Landowner:</b>	E. Serrano
<b>Applicant:</b>	Farmers Markets W.A. PTY. LTD.
<b>Zoning:</b>	District Centre
<b>Existing Land Use:</b>	Parking
<b>Use Class:</b>	Unlisted Use (Outdoor Market)
<b>Use Classification:</b>	SA
<b>Lot Area:</b>	7163 Square Meters
<b>Right of Way:</b>	N/A

The proposal is for an Outdoor Market to be conducted within the common car parking area every Sunday morning between 7:30 am and 12 pm (noon). The market area is to cover approximately 1080 square metres and will include forty (40) stalls from various vendors selling mostly fresh produces from temporary marquees.

The Applicant has provided operational guidelines (attached) on how the Framers Market will operate. The guidelines will ensure the orderly operations of the market and will form a condition of approval.

**ASSESSMENT:**

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

<b>Issue/Design Element: Parking</b>	
Car parking requirement (nearest whole number) • Market – 3 Spaces per stall provided ( max of 40 stalls) Total car bays required = 120 car parking bays	120 car bays
Adjustment factors • 0.80 (20%) The development is located within 400 metres of a rail station • 0.80 (20%) The development is located within 400 metres of a bus route. • 0.80 (20%) The development is located within 200 metres of an existing off-street public car park with in excess of 50 car bays;	(0.512)  61.44 car bays
Minus the car parking provided on-site (There are 66 car parking bays on the site of which 52 car parking bays will be unavailable during the proposed market operating time. A balance of 14 car parking bays will remain available)	14 car bays
Resultant shortfall	47.44 car bays

The existing common car parking area includes 66 car parking spaces. Of those car parking spaces, 14 car parking spaces will remain available when the markets are operating, with the rest of the car parking bays being occupied by the stalls.

**Car Parking**

Frame Court and The Avenue car parks

The subject site adjoins the City owned and controlled "Frame Court" car park, which contains 210 car bays, including 6 ACROD bays.

Also within a short walking distance from the subject site is the City owned and controlled "The Avenue" car park which contains 360 car bays (including 7 ACROD bays).

The City's Rangers have provided details about the use of the car parking in the area, where, The Avenue and Frame Court car parks are at approximately forty (40) percent capacity from 7:00 am to 10:00 am due to the early morning cafes. There is an increase in the occupancy of the above two car parks closer towards lunch time.

The Village car park

The privately owned Village car park occupancy rate varies, as vehicles are often left there overnight. It is estimated that this car parking area operates between (30) thirty and (50) fifty per cent capacity during the proposed market operation times.

The information provided by the City's Rangers are generally consistent with the parking study provided by the Applicant (Attached).

Leederville Hotel Car Park

There are approximately 85 bays in the Leederville Hotel car park, accessed of Vincent Street.

Medibank Stadium Car park

There are approximately 100 car bays in the Medibank Stadium car park (behind the grandstand), however, all bays may not be available, as pre-season football training will be in progress and players would require the car bays whilst they attend training.

On-street parking

In the area bounded by Vincent, Loftus, Leederville Parade and the Freeway, there is approximately 150 on street car bays.

Overall availability

The table below provides a summary of the car parking availability in close vicinity of the subject site.

Parking name	No. of car parking bays available	Estimated Occupancy rate during market time (source: Rangers)
Frame Court	210 car parking bays	40 per cent between 10am and 11am – Increasing as closer to midday.
The Avenue Car Park	290 car parking bays	40 per cent between 10am and 11am - Increasing as closer to midday.
On Street car parking on Oxford Street between Leederville Pde, and Vincent Street	Approximately 56 car parking bays (from aerial photo)	To capacity.
On Street car parking on Newcastle Street between Oxford Street and Carr Street	Approximately 15 car parking bays (from aerial photo)	To capacity.

**Bicycle Parking**

Bicycle Parking Requirement	
Market Bicycle Parking Requirement: 1 space per stall ( max of 40 stalls)	Required bays 40 bicycle bays
Minus the bicycle bays provided on-site • "Nil" bicycle bays	"Nil" bicycle bays
Resultant Shortfall	40 bicycle bays

There is bicycle parking available on the verges and in the general vicinity of the site. Considering that it would be un-reasonable to require permanent bicycle parking on-site for a temporary use, the bicycle shortfall is considered acceptable in this instance.



**Waste Management Plan and Litter Control**

A Waste Management Plan will be required to be submitted to the City, prior to the commencement of the use to ensure that waste is appropriately managed.

**CONSULTATION/ADVERTISING:**

A total of 178 letters were posted to owners and occupiers as shown in Attachment 001. Unfortunately a significant number of letters addressed to occupiers were returned as unclaimed by Australia Post. Whilst the extent of the advertising complies with the Council Community Consultation Policy, it is considered that wider consultation perhaps should have been carried out, up to an area of approximately 200metre radius of the site in this instance.

This application has a classification for an “SA” unlisted use “Outdoor Farmers Market”.

**Council Member Forum**

The Applicants made a presentation to the Council Member Forum held on 10 December 2013, where it was well received.

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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<b>Comments Period:</b>	5 November 2013 to 19 November 2013
<b>Comments Received:</b>	24 submissions received (eleven (11) in support and thirteen (13) objecting)

<b>Summary of Comments Received:</b>	<b>Officers Technical Comment:</b>
<p><b>Issue: Un-Fair Commercial Advantage</b></p> <p>The market does not pay rent or rates and casual trading will provide limited on-going social amenity. Direct competition with local shops that provide stable investment in the area will be disadvantaged. The market concept is not fair on the local businesses that have to trade daily in the same environment while contributing to the ongoing fixed costs of the area in which they reside.</p>	<p>Noted – Commercial disadvantage and competition is not a valid planning consideration. The market is a temporary use which has limited operating hours, and which will contribute to the social amenity by increasing the amount of visitors in the Oxford and Newcastle Streets vicinity.</p>
<p><b>Issue: Parking</b></p> <p>The market will exacerbate problems related to the lack of parking in the area.</p>	<p>Not supported- The proposal is for a temporary use only. Furthermore, it is considered that the proximity of public transport, notably, the Leederville train station will compensate for the lack of car parking during this short period. There are also public car parks in the area to accommodate the anticipated increase in car parking demand during the market operating times.</p>
<p><b>Issue: Opening hours</b></p> <p>No guarantee that there will not be further requests for extended hours or additional days.</p>	<p>Not supported – Any planning approval will include a limitation in terms of hours. Any extension of time or changes in the days of operation will require the submission of a new planning application.</p>
<p><b>Issue: Local Employment</b></p> <p>Negative impacts on sales from local businesses, and will impact the ability to offer employment to local residents.</p>	<p>Noted.</p>

<b>Summary of Comments Received:</b>	<b>Officers Technical Comment:</b>
<p><b>Issue: No overall strategy</b></p> <p>No details about the impact on the overall local Farmers Market model within the City. Allowing another market in the area could be detrimental to the ongoing viability of both markets. Council does not have an overall strategy or idea about how many Farmers Markets would be sustainable for the area.</p>	<p>Noted. The city may consider it in the future. It is noted that the other Farmers Market operating within the City of Vincent area is on a different day. When the application is reviewed in six months time, further evidence can be considered.</p>
<p><b>Issue: For profit entity</b></p> <p>It appears that the Leederville Farmers Market is an “enterprise” rather than a community market which could devalue the brand of “community” farmers market by diluting rules on what can or cannot be sold. Of concern is that there is no guarantee about the source of products.</p>	<p>Noted. The concern is not a valid planning consideration. It is noted that the other Farmers Market operating within the City of Vincent area is on a different day. When the application is reviewed in six months time, further evidence can be considered.</p>
<p><b>Issue: Tenant parking</b></p> <p>The proposal will limit parking for the tenants of the Leederville Village. There is no provision for how tenants will access their tenancies during that period.</p>	<p>Supported – A condition has been included to ensure that a reasonable access is maintained at all times.</p>
<p><b>Issue: Waste Management</b></p> <p>No information was provided about waste management.</p>	<p>Noted. A condition has been included to this effect.</p>
<p><b>Issue: Liability</b></p> <p>How potential damage to tenancies of the Leederville village will be addressed. Of concerns are buskers.</p>	<p>Noted. This is a civil matter which the organiser will be responsible for.</p>
<p><b>Issue: Consent of tenants</b></p> <p>Tenants were not contacted by the organiser to give consent.</p>	<p>Noted. The planning application form has been signed by the Strata Manager and a copy of the Strata Minutes was provided, whereby the proposal was unanimously supported.</p>

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

**LEGAL/POLICY:**

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

**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 2013-2017 states:

*'Community Development and Wellbeing*

3.1 *Enhance and promote community development and wellbeing;*

3.1.3 *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 Strategic Plan 2013-2017 states:

*"Promote health and wellbeing in the community".*

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

ENVIRONMENTAL	
Issue	Comment
The Market will be promoting locally produced fruits and vegetables.	

SOCIAL	
Issue	Comment
The Market will be a community event for the residents in the immediate and surroundings area.	

ECONOMIC	
Issue	Comment
The Market will economically benefit local food producers and immediate businesses in the area.	

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS**

Outdoor Farmers Markets are popular throughout Australia. Various Farmers Markets operating in Perth have been reasonably popular and successful – the success depends upon the standards prescribed by the operators. It is considered that the proposed Farmers Market will also be popular, as there is no other similar market operation in Leederville on market day.

There is a potential that if the Farmers Market becomes very popular, car parking will become congested and sparse. Should this occur, it will negatively impact on the already popular businesses operating in Leederville and would give rise to complaints. Despite the car parking shortfall on the site, due to the temporary nature of the event and the proximity to public transport and public car parks, it is recommended that the proposal be supported subject to appropriate conditions.

However, to ensure that the outdoor Farmers Market does not result in a negative impact on the operations of existing businesses, approval is recommended until the 31 March 2014, and should the applicant decide to continue the markets after this period, that the application be advertised to a 200 metres radius of the subject site, with a sign and newspaper advertisement also being carried out.

On the 16 December 2013 the applicants sent an email to the Council Members in response to the Chief Executive Officer's decision concerning this item. The Chief Executive Officer and the Acting Manager of Planning and Building Services, met with Mayor Carey on 16 December 2013.

Mayor Carey requested that a report be issued for consideration and determination by the Council at the Ordinary Meeting of Council to be held on 17 December 2013.

**9.2.5 Policy No 2.2.4 'Verge Treatments, Plantings and Beautification' - Proposed amendment to Incorporate the 'Adopt a Verge' Initiative**

<b>Ward:</b>	Both	<b>Date:</b>	6 December 2013
<b>Precinct:</b>	All	<b>File Ref:</b>	TES0153
<b>Attachments:</b>	<a href="#">001</a> – Proposed Adopt a Verge Application		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	J Parker, Project Officer – Parks and Environment J van den Bok, Manager Parks and Property Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES** the proposed amendment to Policy No 2.2.4 '*Verge Treatments, Plantings and Beautification*' to incorporate the 'Adopt a Verge' initiative, as outlined in the report;
2. **NOTES** that the 'Adopt a Verge' initiative will be made available to interested residents in the City as an extension of the City's 'Greening Plan';
3. **APPROVES BY AN ABSOLUTE MAJORITY** to allocate \$30,000 to fund the initiative in 2013/2014 from the existing 'Greening Plan' budget;
4. **CONSIDERS** a further report on the 'Adopt a Verge' initiative in May 2014; and
5. **LISTS** for consideration appropriate funding in the 2014/2015 budget for the continuation of this initiative following consideration of the further report.

**COUNCIL DECISION ITEM 9.2.5**

**Moved Cr Buckels, Seconded Cr Harley**

That the recommendation be adopted.

Debate ensued.

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

**PURPOSE OF REPORT:**

The purpose of the report is to obtain the Council's approval for an 'Adopt a Verge' program to encourage the greening of street verges, foster biodiversity within the community and assist in establishing biodiversity corridors and greenways within the City as outlined in the proposed 'Greening Plan'.

**BACKGROUND:**

**Greening Plan:**

Ordinary Meeting of Council - 20 December 2011

A Notice of Motion was put forward for the creation of a City wide 'Greening Plan' to include environmental, social and economic elements, such as:

- cooling of the built environment;
- pollution adsorption;
- carbon sinking;
- stormwater and ground water quality improvements;
- increased biodiversity;
- cleaner, more attractive streetscapes; and
- a general increase in visual amenity and community well-being.

The 'Greening Plan' is to include and/or support the following programs and mechanisms to achieve the objectives, as listed above:

- eco-zoning program;
- underground power program;
- Wetlands Interpretative Project;
- planning mechanisms for provision of green space in new developments;
- implementation of selected recommendations of the Vincent Habitat Report (Syrinx Environmental, 2004);
- involvement with community groups;
- partnerships with other local government authorities, non-government authorities, academic institutions and/or private enterprise for research and development into hybridisation of native tree species for streetscaping; and
- provision of advice and support to owners of land with significant trees to ensure long term survival and growth.

#### Ordinary Meeting of Council 19 November 2013

A Notice of Motion was put forward to investigate and prepare an 'Adopt a Verge' program as part of the extended 'Greening Plan', which:

- encourages ratepayers to care for their front or nearby verge, with a focus on revegetating verges with low, waterwise native species;
- provides an incentive program, which may include further minor earth works for verges where multiple residents apply for jointly for the program;
- provides a simple set of guidelines, which makes applying for the program easy, fair and accessible; and
- recommends a budget allocation for the incentive program.

#### **DETAILS:**

##### **Existing Policy – 2.2.4 Verge Treatments, Plantings and Beautification:**

On 14 August 2007 the Council adopted Policy No. 2.2.4 Verge Treatments, Plantings and Beautification which replaced previous Policy 2.2.3 Road Verges – Mowing and Cleaning, Policy 2.2.4 – Levelling of Verges.

Clause 2.1 of Policy No. 2.2.4 is titled "Levelling of Street Verges" which relates to the City undertaking works on a verge where the verge poses a safety risk.

Clause 2.2 of the Policy deals with the City establishing a properly levelled verge by undertaking the grading or filling of verges evenly between the property line and the street kerb following a written request from the adjoining property owner.

Clause 2.3 states that *the service is not provided as a top dressing for street lawns, nor will the City assist with excavating verges below the kerb level to facilitate paving of verges.*

##### **Adopt a Verge Proposal:**

It is recommended that Policy 2.2.4 be amended to incorporate the 'Adopt a Verge' proposal and by adding a new clause 2.4 as follows:

- 2.4 For residents who wish to beautify their verge the City will offer a service in March/April and July/August each year, subject to appropriate funding being allocated in annual budget, to excavate the verge below the kerb level, provide a layer of mulch and provide to the resident a credit for the supply of twenty (20) local native plant species to be redeemed at the City's subsequent Plant Sale, which are usually held in April and August every year. A suitable plant species list will be compiled and provided to residents for consultation when applying for the program.

The applicant must complete the 'Adopt a verge' Application form and submit to the City. All applications received will be assessed on the basis of:

- number of properties involved in the application;
- presence of above ground services;
- presence of known below ground services;

- presence of verge tree/s that may cause difficulty for the verge development; and
- Suitability of verge for development.

Preference will be given where two (2) or more adjoining residents wish to beautify the verge area.

Note: The proposed 'Adopt a Verge' program will be promoted as part of the City's 'Greening Plan' in association with the other programs and mechanisms as listed above.

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

Residents will be invited to apply for the 'Adopt a Verge' program. It is proposed that the program will run indefinitely as part of the City's 'Greening Plan'.

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

The City has a Verge Treatments, Plantings and Beautification Policy, 2.2.4, which must be adhered to and will be provided as part of the application for consideration.

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

**Medium:** Verges may contain above ground and/or underground services. At times, works may be required to be undertaken by service providers, any reinstatement is to be undertaken at the cost of the resident. The verge development will be solely undertaken at the risk of the resident.

#### **STRATEGIC IMPLICATIONS:**

In keeping with the City's *Strategic Plan 2013-2023*:

*"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.*

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

#### **SUSTAINABILITY IMPLICATIONS:**

Fostering biodiversity is an integral part of building a sustainable community. This program will act to engage and educate the community about the importance of biodiversity, the value of using local native plants and contribute to the City's overall 'Greening Plan', including biodiversity corridors and predetermined greenways.

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

Budget Amount:	\$198,500 (Greening Plan)
Expenditure to date:	\$ 83,729
Balance:	\$114,771

It is estimated that the boxing out of the verges, disposal of spoils and supply/spreading of tree mulch will cost in the vicinity of \$1,000 - \$2,000 per verge depending on how many square metres are involved. Council verges adjacent to properties do not vary in range considerably, however the width of a verge can range from around 1.2m to in excess of 3m depending on the location.

#### **COMMENTS:**

The 'Adopt a Verge' initiative will assist the City in meeting many of the objectives of the City's 'Greening Plan'. Engaging and educating the community on critical issues such as biodiversity, is key to fostering, developing and enabling a sustainable community. The City's officers seek to gain the approval for the proposed amendment to Policy No 2.2.4 Verge Treatments, Plantings and Beautification to incorporate the 'Adopt a Verge' initiative as outlined in the report.

**PROCEDURAL MOTION**

**Moved Cr Pintabona, Seconded Cr Harley**

That the item 9.3.4 be BROUGHT forward as there were still people in the Public Gallery waiting for the outcome.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

**9.3.4 244A Vincent Street, Leederville - Lease for Department of Local Government & Communities, Leederville Early Childhood Centre – Approval**

<b>Ward:</b>		<b>Date:</b>	6 December 2013
<b>Precinct:</b>		<b>File Ref:</b>	PRO0885
<b>Attachments:</b>	<a href="#">001</a> – Map of proposed leased area <a href="#">002</a> – Letter from Department of Local Govt. & Communities		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	K Ball, Executive Secretary Corporate Services		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

That the Council:

1. That the Council APPROVES a lease of five (5) years from 1 May 2014 to 30 June 2019 with a five (5) year option, over the premises at 244A Vincent Street, Leederville being granted to the Department of Local Government & Communities, as shown in Appendix 9.3.4, as follows:

No.	ITEM	DETAILS
1.1	Term:	five (5) years plus five (5) year option
1.2	Rent:	\$1 per annum plus GST indexed to CPI
1.3	Outgoings:	to be paid by the Lessee
1.4	Rates & Taxes:	to be paid by the Lessee
1.5	Permitted Use:	Childcare Facility

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

**COUNCIL DECISION ITEM 9.2.11**

**Moved Cr Wilcox, Seconded Cr Topelberg**

That the recommendation be adopted.

Debate ensued.

**AMENDMENT 1**

**Moved Cr Wilcox, Seconded Cr Pintabona**

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

That the Council:

1. APPROVES a lease of five (5) years from 1 May 2014 to 30 June 2019 with a five (5) year option, over the premises at 244A Vincent Street, Leederville being granted to the Department of Local Government & Communities, as shown in Appendix 9.3.4, as follows:

No.	ITEM	DETAILS
1.1	Term:	five (5) years plus five (5) year option
1.2	Rent:	\$1 per annum plus GST indexed to CPI
1.3	Outgoings:	to be paid by the Lessee
1.4	Rates & Taxes:	to be paid by the Lessee
1.5	Permitted Use:	Childcare Facility

subject to final satisfactory negotiations being carried out by the Chief Executive Officer; and

**2. REQUESTS that the Leederville Early Childhood Centre in the priority of access regulations category “any other” for new enrolments give priority to children whose parents reside, work or study in the Local Government.”**

Debate ensued.

**PROCEDURAL MOTION**

**Moved Cr Harley, Seconded Cr Cole**

That Standing Orders be suspended to enable the applicant to speak.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

Ms Carmela Udlo, Director of the Leederville Early Childhood Centre addressed the Council.

**PROCEDURAL MOTION**

**Moved Cr Topelberg, Seconded Cr Wilcox**

That Standing Orders be resumed.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

Debate ensued.

**AMENDMENT 1 PUT AND LOST ON THE CASTING VOTE OF THE PRESIDING MEMBER (4-5)**

**For:** Cr Buckels, Cr McDonald, Cr Pintabona and Cr Wilcox

**Against:** Presiding Member Mayor John Carey (two votes – deliberative and casting vote), Cr Cole, Cr Harley and Cr Topelberg

Debate ensued.

**AMENDMENT 2**

**Moved Cr Harley, Seconded Cr Wilcox**

**“That Clause 1 be amended to allow a lease term of ten (10) years, with an Option of five (5) years.”**

**AMENDMENT 2 PUT AND LOST (3-5)**

**For:** Presiding Member Mayor John Carey, Cr Harley and Cr Wilcox

**Against:** Cr Buckels, Cr Cole, Cr Harley Cr McDonald, Cr Pintabona and Cr Topelberg

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

**Note: Refer to Page 134 – as the Item was recommitted, later in the meeting.**



**PURPOSE OF REPORT:**

The purpose of this report is to provide Council with details of the Department of Local Government and Communities – Leederville Early Childhood Centre lease of the premises at 244A Vincent Street and their request for a new lease.

**BACKGROUND:**

Department of Local Government and Communities – Leederville Early Childhood Centre has held a lease over the premises located at 244A Vincent Street, Leederville for a period of twenty years. The current lease expires on the 30 April 2014.

**DETAILS:**

The Leederville Early Childhood Centre is one of the most popular centres in the area. It currently has one hundred and fifty children (150) enrolled, with an extensive waiting list.

The existing lease was authorised by the City of Perth for a period of twenty one (21) years. It is noted that the current City of Vincent policy states that usually a lease is limited to five (5) years with a five (5) year option, but no more than ten (10).

The City has received a written request from the Department of Local Government and Communities to extend the lease for the Leederville Early Childhood Centre for a period of ten (10) years with a further option of ten (10) years. (As per attachment 002)

It is acknowledged that there are exceptions to this policy which have been approved by the Council in the past. However in light of the proposed amalgamations it is not recommended to approve a ten (10) year plus another ten (10) year option, but to adopt the Council policy for a period of five (5) year plus another five (5) year option which will still give the Centre a reasonable tenure.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

City of Vincent Policy 1.2.1 – Policy Statement:

1. Any new lease granted by the Council shall usually be limited to a five (5) year period, and any option to renew shall usually be limited to no more than a ten (10) 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** The Lessee is a State Government department and have been excellent tenants during their lease period.

**STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2013-2017:

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

(c) *Continue to review leases and commercial contracts to ensure the best return for the City, whilst being cognisant of its community service obligations.*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The Department of Local Government and Communities - Leederville Early Childhood Centre has a peppercorn lease with the City and it is proposed that this is continued in the new lease.

**COMMENTS:**

The Leederville Early Childhood Centre have been excellent tenants for the duration of their lease period and the Administration supports a further lease to 30 June 2019 with a five (5) year option which will provide the Centre with a reasonable length of tenure.

**9.2.11 Right of Way Bounded By Anzac Road, Brentham Street, Britannia Road and Oxford Street, Leederville at rear of No. 359, Oxford Street, Mount Hawthorn – Response to Petition Received – Request for possible Improvements**

<b>Ward:</b>	North	<b>Date:</b>	9 December 2013
<b>Precinct:</b>	Mount Hawthorn (1)	<b>File Ref:</b>	TES0424
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Munyard Senior Technical Officer – Land & Development		
<b>Responsible Officer:</b>	R Lotznicker – Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

**1. NOTES that**

**1.1 a petition was received from residents expressing concerns about the perceived impact on the adjacent Right of Way bounded by Anzac Road, Brentham Street, Britannia Road and Oxford Street, of a recently approved multiple unit development at rear of No. 359 (Lot: 638) Oxford Street, Mount Hawthorn;**

**1.2 The Right of Way is in good condition, paved and drained and is wide enough for two (2) vehicles to pass; and**

**1.3 it is considered that when the new development is occupied, ‘actual’ impacts can be assessed and ‘appropriate’ measures can be considered, if necessary, as deemed appropriate by the City’s Technical Services Directorate;**

**2. INSTALLS speed limitation signage and ‘No Parking’ signage within the Right of Way;**

**3. ADVISES the author of the petition of its decision; and**

**4. RECEIVES a further report once the actions’, as outlined in clause 1.3, have been undertaken.**

---

That the recommendation be adopted.

Cr Cole departed the Chamber at 8.00pm.

Cr Harley departed the Chamber at 8.00pm.

Debate ensued.

Cr Harley returned to the Chamber at 8.01pm.

Debate ensued.

**AMENDMENT**

**Moved Cr Topelberg, Seconded Cr Pintabona**

“That the Council;

**1. NOTES that**

- 1.1 a petition was received from residents expressing concerns about the perceived impact on the adjacent Right of Way bounded by Anzac Road, Brentham Street, Britannia Road and Oxford Street, of a recently approved multiple unit development at rear of No. 359 (Lot: 638) Oxford Street, Mount Hawthorn;**
- 1.2 The Right of Way is in good condition, paved and drained and is wide enough for two (2) vehicles to pass; and**
- 1.3 it is considered that when the new development is occupied, ‘actual’ impacts ~~can~~ will be assessed and ‘appropriate’ measures ~~can~~ will be considered, if necessary, as deemed appropriate by the City’s Technical Services Directorate;**
- 2. INSTALLS speed limitation signage and ‘No Parking’ signage within the Right of Way and a series of Right of Way speed humps in all legs of the Right of Way except the north - south leg (at the rear of the Oxford commercial properties);**
- 3. LISTS an amount of \$15,000 for consideration in the 2014/2015 draft budget for the installation of additional drainage in the Right of Way;**
- 4. AUTHORISES the Mayor to liaise with the developer of 359 Oxford Street, in relation to this decision;**
- 5. ADVISES the author of the petition of its decision; and**
- 6. RECEIVES a further report once the actions’, as outlined in clause 1.3, have been undertaken.”**

Debate ensued.

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

**For:** Presiding Member Mayor John Carey, Cr Harley, Cr McDonald, Cr Pintabona,  
Cr Topelberg and Cr Wilcox  
**Against:** Cr Buckels

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

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

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

**COUNCIL DECISION ITEM 9.2.11**

**That the Council;**

**1. NOTES that**

- 1.1 a petition was received from residents expressing concerns about the perceived impact on the adjacent Right of Way bounded by Anzac Road, Brentham Street, Britannia Road and Oxford Street, of a recently approved multiple unit development at rear of No. 359 (Lot: 638) Oxford Street, Mount Hawthorn;**
- 1.2 The Right of Way is in good condition, paved and drained and is wide enough for two (2) vehicles to pass; and**
- 1.3 it is considered that when the new development is occupied, 'actual' impacts will be assessed and 'appropriate' measures will be considered, if necessary, as deemed appropriate by the City's Technical Services Directorate;**
- 2. INSTALLS speed limitation signage and 'No Parking' signage within the Right of Way and a series of Right of Way speed humps in all legs of the Right of Way except the north - south leg (at the rear of the Oxford commercial properties);**
- 3. LISTS an amount of \$15,000 for consideration in the 2014/2015 draft budget for the installation of additional drainage in the Right of Way;**
- 4. AUTHORISES the Mayor to liaise with the developer of 359 Oxford Street, in relation to this decision;**
- 5. ADVISES the author of the petition of its decision; and**
- 6. RECEIVES a further report once the actions', as outlined in clause 1.3, have been undertaken.**

---

**PURPOSE OF REPORT:**

The purpose of this report is to respond to the queries presented by the petitioners who have written to the Council expressing their concern about the perceived impact on the adjacent Right of Way (ROW), of a recently approved multiple unit development No. 359 (Lot: 638 D/P: 1627) Oxford Street, Mount Hawthorn.

**BACKGROUND:**

At the meeting of the Metro West Joint Development Assessment Panel (DAP) held on 15 August 2013, Development Approval was given for the proposed demolition of the existing commercial building and construction of a four-storey mixed use development comprising two (2) offices, ten (10) multiple dwellings, twelve (12) single bedroom multiple dwellings and associated basement car parking, at 359 Oxford Street, Mount Hawthorn. A petition has been received from concerned residents adjacent to the ROW which will provide access to off-street parking for the development, stating that the condition and geometry of the ROW is inadequate for the additional traffic, and requesting its upgrade.

**DETAILS:**

**The Right of Way:**

The ROW is owned by the City of Vincent, but retains its private status. This means that only those adjacent property owners with implied rights of access in accordance with Section 167A of the Transfer of Land Act 1893, having a legal right of access, together with those who have applied to the City (as owner) for expressed access rights.

Those properties facing Anzac Road, and created on Diagram Plan 1627, do not have implied rights of access, with the exception of one (1), the owner having applied to the City and been granted an expressed right of access.

The ROW is 5.0m in width throughout most of its length, and 5.5m where widening has taken place. Therefore, two (2) vehicles can pass comfortably at low speed, throughout the length of the ROW. The ROW is also sealed and drained, and in fair to good condition. ROW's are low speed environments where vehicle speed is generally limited to 9km per hour.

Currently the development site is occupied by a motor mechanics business. Vehicles left for service are frequently spilling out into the ROW, reducing its functional width.

**The proposed Development:**

A total of forty (40) parking spaces are proposed, however two (2) are not compliant with access requirements and, unless significant modification are made, should be deleted.

A Transport Impact Statement has been prepared by Kleyweg Consulting, and submitted with the Development Application.

**Impact of traffic generation from the development:**

The consultant estimates that the development will generate approximately one hundred and thirty one (131) vehicle movements per day, based on four (4) to five (5) vehicular trips per dwelling per day, and ten (10) vehicular trips per 100 square metres of commercial space. Thirty six (36) of the predicted vehicle trips would take place during the morning and afternoon peak periods.

A bus stop for route No. 15 is directly in front of the subject site, while bus stops for Routes 400 and 402 are within 400m (5 minutes walking distance) from the proposed development. These bus routes provide connectivity to Wellington Street Bus Station, Glendalough, Scarborough and Stirling Station.

Due to the good access to public transport, it is highly likely that the predicted vehicle movements will be considerably lower than this estimated figure.

The easiest and most direct access to the on-site parking appears to be via the 60m long, 5.5m wide ROW from Britannia Road, which leads directly to the access point of the major parking level of the development. This will mean that the majority of the additional traffic within the ROW will be limited to the *eastern* ROW access point from Britannia Road (35m from Oxford Street), extending a further 30m into the ROW in a westerly direction to provide access to the two (2) other parking levels of the development.

***Officers Comments:***

Based on the officers observations and when considering the proposal and the traffic Impact Statement it is considered that the proposed development is unlikely to generate what could be considered a "heavy" increase in traffic volumes, traffic flow problems and risks to safety, all of which are matters of concern for the petitioners.

Design measures have been implemented to ensure that vehicles have easy access to the parking amenities, and will not obstruct the ROW or create safety risks in the process. These include:

- widened garage door openings
- compliant manoeuvring space, and
- good visual truncations.

Further, orderly on-site parking provision for the development will be an improvement of the current circumstances, where vehicles associated with the car maintenance business are frequently parked in the ROW.



The proposed development – (red boarder)

**Condition of the ROW:**

The petitioner's have expressed concern that the ROW is not suitable for increased traffic.

*"The ROW is not currently equipped to take such a large increase in traffic, particularly in regard to its general condition, lack of maintenance, the tight, blind corners towards the Brentham Street end, and poor drainage and the lack of lighting, kerbing and mirrors".*

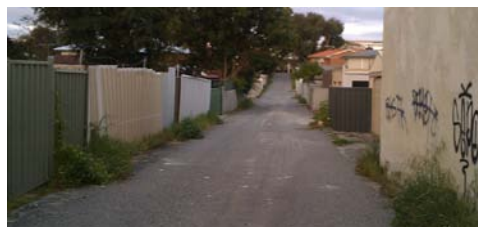
An inspection of the ROW has been undertaken with the Manager of Engineering Operations, who has provided the following assessment of its condition.

Officers Comments:

The surface of ROW is in very good condition, with some minor patching having been undertaken where required. The City has a significant piped drainage system which goes across the ROW at the low point, carrying storm water through to Britannia Road and eventually, Lake Monger. Additional collection points can be installed in the ROW if deemed necessary, however to date there has been no requirement.



ROW: Looking East to the development site (left) and adjacent ROW



ROW: Looking West, from the development site

**CONSULTATION/ADVERTISING:**

Residents will be advised if works are to be undertaken within the ROW.

**LEGAL/POLICY:**

The care and control of the ROW falls under the jurisdiction of the City, and therefore the City may implement what measures it considers warranted to ensure a safe and functional environment.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** It is considered that the proposed development is unlikely to generate what could be considered a "heavy" increase in traffic volumes, traffic flow problems and risks to safety, all of which are matters of concern for the petitioners. Design measures have been implemented to ensure that vehicles have easy access to the parking amenities, and will not obstruct the ROW or create safety risks in the process.

**STRATEGIC IMPLICATIONS:**

Not applicable.

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Should it be considered that any additional works are required within the ROW, such as signage, speed humps etc, this can be undertaken from the annual ROW maintenance budgetary allocation.

**COMMENTS:**

Obviously new multiple-unit and infill development will generate additional traffic within the road and ROW systems, and this may concern existing residents. Consideration has been given to traffic and access matters at the time of assessment of the Development Application, to ensure that the impacts were considered acceptable. The ROW is in good condition and is wide enough for two (2) vehicles to pass. When the new development is occupied, actual impacts can be assessed and measures implemented if necessary, as deemed appropriate by the City's Technical Services Directorate. Speed humps are one (1) option that can be considered at that time. In the meantime, speed limitation signage will be installed within the ROW.



**PROCEDURAL MOTION**

**Moved Cr Harley, Seconded Cr McDonald**

That item 9.3.4 be RECOMMITTED as Cr Cole had indicated that she supported the increased term and there was confusion at the time of the vote.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

**9.3.4 244A Vincent Street, Leederville - Lease for Department of Local Government & Communities, Leederville Early Childhood Centre – Approval**

<b>Ward:</b>		<b>Date:</b>	6 December 2013
<b>Precinct:</b>		<b>File Ref:</b>	PRO0885
<b>Attachments:</b>	<a href="#">001</a> – Map of proposed leased area <a href="#">002</a> – Letter from Department of Local Govt. & Communities		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	K Ball, Executive Secretary Corporate Services		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

That the Council:

- That the Council APPROVES a lease of five (5) years from 1 May 2014 to 30 June 2019 with a five (5) year option, over the premises at 244A Vincent Street, Leederville being granted to the Department of Local Government & Communities, as shown in Appendix 9.3.4, as follows:

No.	ITEM	DETAILS
1.1	Term:	five (5) years plus five (5) year option
1.2	Rent:	\$1 per annum plus GST indexed to CPI
1.3	Outgoings:	to be paid by the Lessee
1.4	Rates & Taxes:	to be paid by the Lessee
1.5	Permitted Use:	Childcare Facility

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

**Moved Cr Wilcox, Seconded Cr Harley**

That the recommendation be adopted, subject to the term in Clause 1 being changed to ten (10) years with an option of five (5) years as follows;

Debate ensued.

That the Council:

- APPROVES a lease of ten (10) years from 1 May 2014 to 30 June 2024 with a further five (5) year option, over the premises at 244A Vincent Street, Leederville being granted to the Department of Local Government & Communities, as shown in Appendix 9.3.4, as follows:

No.	ITEM	DETAILS
1.1	Term:	five (5) years plus five (5) year option
1.2	Rent:	\$1 per annum plus GST indexed to CPI
1.3	Outgoings:	to be paid by the Lessee
1.4	Rates & Taxes:	to be paid by the Lessee
1.5	Permitted Use:	Childcare Facility

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

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

**COUNCIL DECISION ITEM 9.2.11**

**That the Council:**

**That the Council APPROVES a lease of ten (10) years from 1 May 2014 to 30 June 2024, with a further five (5) year option, over the premises at 244A Vincent Street, Leederville being granted to the Department of Local Government & Communities, as shown in Appendix 9.3.4, as follows:**

No.	ITEM	DETAILS
1.1	Term:	five (5) years plus five (5) year option
1.2	Rent:	\$1 per annum plus GST indexed to CPI
1.3	Outgoings:	to be paid by the Lessee
1.4	Rates & Taxes:	to be paid by the Lessee
1.5	Permitted Use:	Childcare Facility

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

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**PURPOSE OF REPORT:**

The purpose of this report is to provide Council with details of the Department of Local Government and Communities – Leederville Early Childhood Centre lease of the premises at 244A Vincent Street and their request for a new lease.

**BACKGROUND:**

Department of Local Government and Communities – Leederville Early Childhood Centre has held a lease over the premises located at 244A Vincent Street, Leederville for a period of twenty years. The current lease expires on the 30 April 2014.

**DETAILS:**

The Leederville Early Childhood Centre is one of the most popular centres in the area. It currently has one hundred and fifty children (150) enrolled, with an extensive waiting list.

The existing lease was authorised by the City of Perth for a period of twenty one (21) years. It is noted that the current City of Vincent policy states that usually a lease is limited to five (5) years with a five (5) year option, but no more than ten (10).

The City has received a written request from the Department of Local Government and Communities to extend the lease for the Leederville Early Childhood Centre for a period of ten (10) years with a further option of ten (10) years. (As per attachment 002)

It is acknowledged that there are exceptions to this policy which have been approved by the Council in the past. However in light of the proposed amalgamations it is not recommended to approve a ten (10) year plus another ten (10) year option, but to adopt the Council policy for a period of five (5) year plus another five (5) year option which will still give the Centre a reasonable tenure.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

City of Vincent Policy 1.2.1 – Policy Statement:

1. Any new lease granted by the Council shall usually be limited to a five (5) year period, and any option to renew shall usually be limited to no more than a ten (10) 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** The Lessee is a State Government department and have been excellent tenants during their lease period.

**STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2013-2017:

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

(c) *Continue to review leases and commercial contracts to ensure the best return for the City, whilst being cognisant of its community service obligations.*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The Department of Local Government and Communities - Leederville Early Childhood Centre has a peppercorn lease with the City and it is proposed that this is continued in the new lease.

**COMMENTS:**

The Leederville Early Childhood Centre have been excellent tenants for the duration of their lease period and the Administration supports a further lease to 30 June 2019 with a five (5) year option which will provide the Centre with a reasonable length of tenure.

**9.2.13 LATE ITEM: Tender No. 482/13 – Oxford Street Reserve Playground Supply and Installation - Approval**

<b>Ward:</b>	South	<b>Date:</b>	13 December 2013
<b>Precinct:</b>	Oxford Centre (4)	<b>File Ref:</b>	TEN0489
<b>Attachments:</b>	001 - Confidential Appendix 9.2.13 (COUNCIL MEMBERS ONLY)		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J van den Bok, Manager Parks and Property Services		
<b>Responsible Officers:</b>	M Rootsey, Director Corporate Services R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **ACCEPTS** the tender submitted by Ecoscape as being the most acceptable to the City for the Supply and Installation of the Oxford Street Reserve Playground, at a total cost of \$225,000 (excluding GST), in accordance with the specifications as detailed in Tender No. 482/13; and
2. **AUTHORISES** the Chief Executive Officer and the Mayor, to approve changes and/or any other works which may arise, become necessary subject to the amount not exceeding the sum specified in Confidential Appendix 9.2.13;

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**COUNCIL DECISION ITEM 9.2.13**

**Moved Cr Buckels, Seconded Cr Harley**

That the recommendation be adopted.

Debate ensued.

Cr McDonald departed the Chamber at 8.11pm

Debate ensued.

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

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

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**PURPOSE OF REPORT:**

The purpose of this report is to obtain the Council's approval for awarding the tender for the Supply and Installation of the Oxford Street Reserve Playground.

**BACKGROUND:**

Request for Tender No. 482/13 – Oxford Street Reserve Playground – Supply and Installation was forwarded to all shortlisted companies on 21 November 2013.

At the close of the tender at 2.00pm on Tuesday 10 December 2013, five (5) tenders were received. Present at the opening were Finance Officer, Gee Wong, Parks Technical Officer, Kim Godfrey and the Manager Parks and Property Services, Jeremy van den Bok.

**DETAILS:**

The details of all tenders received for Tender No. 482/13 are detailed in the Confidential Appendix 9.2.13.

**Tender Evaluation**

Evaluation Criteria

The following weighted criteria were used for the selection of the companies for the tender.

Criteria	Weighting
Relevance to area, quality & uniqueness of design	30%
Past experience in designing/creating exciting & original playgrounds	20%
Feasibility and practicality of design	20%
Tendered price/detailed breakdown	20%
Demonstrated ability to complete work on time and within budget	10%
<b>Total</b>	<b>100%</b>

Tender Evaluation Panel

The Tender Evaluation Panel consisted of Director of Technical Services, Rick Lotznicker, Manager Parks and Property Services, Jeremy van den Bok, Manager Asset and Design Services, Craig Wilson, A/Manager Community Development, Angela Birch and Finance Officer Barbara Wong.

Each tender was assessed using the above evaluation criteria in accordance with the tender documentation.

Tender Summary

	Weighting	Ecoscape	Blackwell & Associates	GHD / Playrope	PlayRight Australia	Form
Relevance to area, quality & uniqueness of design	30%	28.8	26.4	23.4	21.6	24.6
Past experience in designing/creating exciting & original playgrounds	20%	16.8	17.6	15.6	14.8	13.6
Feasibility and practicality of design	20%	16.4	17.2	16.0	15.6	14.0
Tendered price/detailed breakdown	20%	19.6	19.6	19.6	19.6	20.0
Demonstrated ability to complete work on time and within budget	10%	6.8	6.8	6.0	7.4	6.0
<b>Total</b>	<b>100%</b>	<b>88.4</b>	<b>87.6</b>	<b>80.6</b>	<b>79.0</b>	<b>78.2</b>
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>

The Tender Evaluation Panel met on 11 November 2013 to assess the five (5) tender submissions for the project. The tenders were further independently evaluated by each of the Panel members and the final evaluation scores submitted for collation.

Tender Evaluation Panel comments are shown below:

**1. Ecoscape**

Total Weighted Score:	<b>88.4 - First</b>
Relevance to area, quality & uniqueness of design	Ecoscape's design has incorporated various local themes which represent meeting places for aboriginal groups, old transport systems, historical uses and aboriginal artwork. Their submission has satisfied all criteria particularly in terms of the uniqueness of the design presented.
Past experience in designing/creating exciting & original playgrounds	Ecoscape is an established professional consultancy firm providing services in the fields of environmental science, landscape architecture and spatial planning. The company has over 20 years experience in urban projects with extensive experience in preparing playground designs.
Feasibility and practicality of design	Evidence provided within submission that the design presented is feasible, very practicable, sustainable, and meaningful for this area.
Tendered price/detailed breakdown	Provided as requested
Demonstrated ability to complete work on time and within budget	Ecoscape have provided evidence of being capable of completing the project within the timeframe specified by the City in association with DME Contractors.

**2. Blackwell & Associates**

Total Weighted Score:	<b>87.6 - Second</b>
Relevance to area, quality & uniqueness of design	Blackwell's design centres on an "urban jungle" theme focussing on using natural elements. The quality and uniqueness of the design while having been well regarded by the assessment panel is possibly not entirely relevant to the area.
Past experience in designing/creating exciting & original playgrounds	Blackwell's has been involved in many playground designs including the very popular Heathcote site. They have been extensively involved with the Leederville Town Centre and specifically the Oxford Street Reserve project.
Feasibility and practicality of design	Evidence provided within submission that the design presented is feasible and practical.
Tendered price/detailed breakdown	Provided as requested
Demonstrated ability to complete work on time and within budget	Blackwell's have provided evidence of being capable of completing the project within the timeframe specified by the City in association with Landscape Elements.

**3. GHD/Playrope**

Total Weighted Score:	<b>80.6 - Third</b>
Relevance to area, quality & uniqueness of design	GHD's design highlights the cosmopolitan and urban nature of the area. Many of the design components are unique, however supplied via Playrope's various international suppliers of playground equipment.
Past experience in designing/creating exciting & original playgrounds	GHD is an integrated design consultancy in collaboration with Playrope to provide playground design and installation services. A list of similar projects completed include: <ul style="list-style-type: none"> <li>• Cemetery Beach Park, Town of Port Headland;</li> <li>• Stirling Gardens, City of Perth.</li> <li>• Heritage Park, Shire of Manjimup</li> </ul>
Feasibility and practicality of design	Given the design and components being supplied, there is clear evidence provided within the submission that the design presented is feasible and practical.

Tendered price/detailed breakdown	Provided as requested
Demonstrated ability to complete work on time and within budget	GHD have provided evidence of being capable of completing the project within the timeframe specified by the City in association with Playrope.

**4. PlayRight Australia**

Total Weighted Score:	<b>79.0 - Fourth</b>
Relevance to area, quality & uniqueness of design	PlayRight's design takes into account the history, business locality, local lifestyle and surrounding landscapes. Many of the design components are unique, however provided via PlayRight's various international suppliers of playground equipment.
Past experience in designing/creating exciting & original playgrounds	Playright is a Western Australian company which has been designing and installing playgrounds for communities for nearly fourteen (14) years.
Feasibility and practicality of design	Given the design and components being supplied, there is clear evidence provided within the submission that the design presented is feasible and practical.
Tendered price/detailed breakdown	Provided as requested
Demonstrated ability to complete work on time and within budget	PlayRight have provided evidence of being capable of completing the project within the timeframe specified by the City.

**5. Form**

Total Weighted Score:	<b>78.2 - Fifth</b>
Relevance to area, quality & uniqueness of design	Form's design for the park was to create a play environment with an identity that adds and feels at home with the character of Leederville. The design presented was most definitely unique.
Past experience in designing/creating exciting & original playgrounds	Form is an independent not-for-profit cultural organisation who specifically aims to engage with Government, business and the community to provide a range of services including the design and installation of playgrounds.
Feasibility and practicality of design	Some areas of this design were still a work in progress and therefore the feasibility and practicality of this design in this location is questionable.
Tendered price/detailed breakdown	Provided as requested
Demonstrated ability to complete work on time and within budget	Form has provided evidence of being capable of completing the project within the timeframe specified by the City.

Officers Comments:

All of the designs presented were unique in their own way; however it was clearly evident following the assessment process that the design presented by Ecoscape encapsulated best what the City wants to deliver in providing a playground that relates to the area yet is unique and one of a kind.

The design and submission presented by Ecoscape satisfies all the criteria in terms of the evaluation and was the preferred design when presented to members of the Leederville Town Centre Working group.

**CONSULTATION/ADVERTISING:**

Request for Tender No. 482/13 – Oxford Street Reserve Playground – Supply and Installation was forwarded to all shortlisted companies on Thursday 21 November 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 and Purchasing Policy No. 1.2.3.

**RISK MANAGEMENT IMPLICATIONS:**

**Medium-High:** The proposal will improve the amenity and safety aspects for those frequenting the Reserve. If this project is not completed the Reserve is at risk of further deterioration. The Local Government Act 1995 does not permit the awarding of a tender, unless there are sufficient funds allocated to the project.

**STRATEGIC IMPLICATIONS:**

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

*“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:**

With the utilisation of design principles such as Water Sensitive Urban Design (WSUD) and Sustainable Design, it is anticipated that the enhancement of the Oxford Street Reserve will align with the City's sustainability endeavours.

**FINANCIAL/BUDGET IMPLICATIONS:**

Refer Confidential Appendix 9.2.13.

**COMMENTS:**

It is therefore recommended that the tender submitted by Ecoscape is accepted as being the most acceptable to the City for the Oxford Street Reserve Playground – Supply and Installation, at a total cost of \$225,000 in accordance with the specifications as detailed in Tender No. 482/13.



**9.2.14 Tender No.483 /13 – Oxford Street Reserve Redevelopment**

<b>Ward:</b>	South	<b>Date:</b>	13 December 2013
<b>Precinct:</b>	Oxford Centre (4)	<b>File Ref:</b>	TEN0492
<b>Attachments:</b>	001 – Confidential Attachment 9.2.14		
<b>Tabled Items:</b>			
<b>Reporting Officer:</b>	J van den Bok, Manager Parks and Property Services		
<b>Responsible Officers:</b>	M Rootsey, Director Corporate Services R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **ACCEPTS** the tender submitted by Advantearing Civil Engineers (Option A.) as being the most acceptable to the City for the Oxford Street Reserve Redevelopment Project in accordance with the specifications as detailed in Tender No.483/13 and as outlined in the financial implications in the Confidential Attachment 9.2.14;
2. **APPROVES BY AN ABSOLUTE MAJORITY** to reallocate \$275,000 to the Leederville Enhancement Project as outlined in the following table, for the reasons outlined in the Confidential Attachment 9.2.14;

Project	2013/2014 budget
Nature Playground – Location to be determined	\$135,000
Beaufort Street Precinct – Unisex Toilet	\$140,000
<b>TOTAL</b>	<b>\$275,000</b>

3. **AUTHORISES** the Chief Executive Officer, to approve minor changes subject to the amount not exceeding the sum specified in Confidential Attachment 9.2.14;

Moved Cr Harley, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

Cr McDonald returned to the Chamber at 8.15pm.

Debate ensued.

**AMENDMENT**

Moved Cr Buckels, Seconded Cr Harley

That Clause 3 be amended to read as follows:

- “3. **AUTHORISES** the Chief Executive Officer;
- 3.1 to approve minor changes subject to the amount not exceeding the sum specified in Confidential Attachment 9.2.14; and
  - 3.2 to seek and approve of quotations for the additional works, for the raised turf/garden beds and other works as required.

Debate ensued.

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

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

**COUNCIL DECISION ITEM 9.2.14**

That the Council;

1. **ACCEPTS** the tender submitted by Advantearing Civil Engineers (Option A.) as being the most acceptable to the City for the Oxford Street Reserve Redevelopment Project in accordance with the specifications as detailed in Tender No.483/13 and as outlined in the financial implications in the Confidential Attachment 9.2.14;
2. **APPROVES BY AN ABSOLUTE MAJORITY** to reallocate \$275,000 to the Leederville Enhancement Project as outlined in the following table, for the reasons outlined in the Confidential Attachment 9.2.14;

Project	2013/2014 budget
Nature Playground – Location to be determined	\$135,000
Beaufort Street Precinct – Unisex Toilet	\$140,000
<b>TOTAL</b>	<b>\$275,000</b>

3. **AUTHORISES** the Chief Executive Officer;
  - 3.1 to approve minor changes subject to the amount not exceeding the sum specified in Confidential Attachment 9.2.14; and
  - 3.2 to seek and approve of quotations for the additional works, for the raised turf/garden beds and other works as required.

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**PURPOSE OF REPORT:**

The purpose of this report is to obtain the Council's approval for awarding the tender for the Oxford Street Reserve Redevelopment project.

**BACKGROUND:**

Tender No. 483/13 – Oxford Street Reserve Redevelopment was advertised in *The West Australian* newspaper on Saturday 23 November 2013. At the close of the tender at 2.00pm on 10 December 2013, seven (7) tenders were received. Present at the opening were Finance officers, Allan Siapno and Gee Wong and the Manager Parks and Property Services, Jeremy van den Bok.

**DETAILS:**

Detailed costings of all tender submissions received are included in the Confidential Attachment 9.2.14.

It should be noted as part of the project re-scoping, two (2) options were requested as part of Tender No 483/13 and based on the costings provided and the budget allowance, **only Option 'A' has been considered as part of the assessment.**

Option 'A' included the aluminium shade structure over the raised seating area and specific items of Cox park seating/furniture, whereas Option 'B' included the raised turf area, a timber shade structure over the raised seating area and some custom made bench seating.

## Tender Evaluation

### Evaluation Criteria

The following weighted criteria were used for the selection of the companies for the tender.

Criteria	Weighting
Financial Offer/Fee Proposal	50%
Relevant experience, expertise and project team	20%
History and Viability of Organisation	15%
Methodology	10%
Quality Assurance	5%
<b>Total</b>	<b>100%</b>

### Tender Evaluation Panel

The Tender Evaluation Panel consisted of Director of Technical Services, Rick Lotznicker, Manager of Parks and Property Services, Jeremy van den Bok, Projects Officer, Kon Bilyk, Landscape Architect, Stuart McGowan and Accountant, Barbara Wong.

Each tender was assessed using the above evaluation criteria in accordance with the tender documentation.

### Tender Summary

	Weighting	Advanteering	BOS Civil	BCL Group	Le Grove	Curnow	Landscape Elements	Springhurst Enterprises
Financial Offer/Fee Proposal	50%	45.9	50.0	47.4	47.9	43.6	42.9	24.0
Relevant Experience, Expertise and Project Team	20%	16.0	15.2	13.6	12.8	14.4	15.6	10.8
History and Viability of Organisation	15%	12.0	10.5	10.5	9.3	11.1	11.1	9.0
Methodology	10%	7.8	6.2	7.6	7.4	7.2	7.2	7.6
Quality Assurance	5%	4.3	3.5	3.8	3.7	3.8	3.0	3.1
<b>Total</b>	<b>100%</b>	<b>86.0</b>	<b>85.4</b>	<b>82.9</b>	<b>81.1</b>	<b>80.1</b>	<b>79.8</b>	<b>54.5</b>
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>

The Tender Evaluation Panel met on 11 November 2013 to assess the seven (7) tender submissions for the project. The tenders were further independently evaluated by each of the Panel members and the final evaluation scores submitted for collation.

Tender Evaluation Panel comments are shown below:

**1. Advantearing**

Total Weighted Score:	<b>86.0 - First</b>
Financial Offer/Fee Proposal	Advantearing has provided a mid range cost for the project and has completed the pricing schedule as required.
Relevant Experience, Expertise and Project Team	Advantearing has detailed previous experience in their submission. This company successfully undertook the restoration of the Hyde Park Lakes for the City. Information of the project team and their relevant experience has been provided.
History and Viability of Organisation	Evidence has been provided of company history and viability within the submission. Advantearing has demonstrated a sound understanding of the requirements of the tender.
Methodology	Detailed and comprehensive methodology to be applied applied to the project was provided.
Quality Assurance	Advantearing operates under a quality system third party certified to AS/NZS ISO 9001 (certificate provided with tender). To achieve a quality outcome Advantearing prepare a Quality, Environmental, Safety and Traffic (QEST) Plan for each project they undertake to ensure all personnel are focussed on achieving the desired outcomes.

**2. BOS Civil**

Total Weighted Score:	<b>85.4 - Second</b>
Financial Offer/Fee Proposal	BOS Civil has provided the lowest cost for the project and has completed the pricing schedule as required.
Relevant Experience, Expertise and Project Team	BOS Civil has outlined their previous experience within local government and the private sector. They have also completed projects of a similar scope and have identified key personnel to be involved in this project
History and Viability of Organisation	This medium sized company is relatively new being established in 2010 and hence they have not provided a significant amount of detail in their submission. However, BOS Civil has demonstrated a sound understanding of the requirements of the tender.
Methodology	A brief outline was included with the submission.
Quality Assurance	BOS Civil has advised they are currently implementing a Quality management System that is to be structured in accordance with IOS9001:2008

**3. BCL Group**

Total Weighted Score:	<b>82.9 - Third</b>
Financial Offer/Fee Proposal	BCL has provided a mid range cost for the project and has completed the pricing schedule as required.
Relevant Experience, Expertise and Project Team	BCL did not clearly identify any detailed previous experience in their submission; only an overview of recent projects that have been completed was included.
History and Viability of Organisation	Whilst their submission was extensive, the history and viability of the organisation was very briefly touched on and only very general information was provided.
Methodology	Detailed methodology for implementing the project was outlined in the submission including a detailed construction management plan.
Quality Assurance	BCL provided a statement of quality assurance in their generic Integrated project management Plan submitted with their tender

**4. Le Grove**

Total Weighted Score:	<b>81.1 - Fourth</b>
Financial Offer/Fee Proposal	Le Grove has provided a low range cost for the project and has completed the pricing schedule as required.
Relevant Experience, Expertise and Project Team	Le Grove is yet to make its history by way of projects being a new company. They specialise in landscaping projects and have identified various similar scoped projects that key personnel within the company have previously been involved.
History and Viability of Organisation	As noted above they are a new company formed in October 2013 and therefore have limited history.
Methodology	The methodology being applied to this project has been sufficiently detailed within their submission.
Quality Assurance	Le Grove has provided a Quality Management System Plan for this project in their submission.

**5. Curnow**

Total Weighted Score:	<b>80.1 - Fifth</b>
Financial Offer/Fee Proposal	Curnow has provided a mid-high range cost for the project and has completed the pricing schedule as required.
Relevant Experience, Expertise and Project Team	Curnow has detailed previous experience in their submission; whilst most projects contain an element of landscaping, their experience in reserve redevelopment is limited and most projects outlined comprise predominantly of engineering based works. The project team has been identified for this project.
History and Viability of Organisation	Evidence has been provided of company history, viability and relevant experience within the submission. Curnow has demonstrated an understanding of the requirements of the tender.
Methodology	The methodology being applied to this project has been sufficiently detailed within their submission.
Quality Assurance	Curnow has provided a certificate of quality assurance in their submission.

**6. Landscape Elements**

Total Weighted Score:	<b>79.8 - Sixth</b>
Financial Offer/Fee Proposal	Landscape Elements has provided the second highest cost submission and completed the pricing schedule as required.
Relevant Experience, Expertise and Project Team	Landscape Elements have provided evidence of successfully completing many similar projects with local and state governments. The project team has been identified for this project.
History and Viability of Organisation	Evidence has been provided of company history and viability within their submission.
Methodology	The methodology being applied to this project has been sufficiently detailed within their submission.
Quality Assurance	Landscape Elements has internal quality systems in place and are working towards ISO 9001 accreditation.

**7. Springhurst**

Total Weighted Score:	<b>54.5 - Seventh</b>
Financial Offer/Fee Proposal	Springhurst has provided the highest cost for the project and has completed the pricing schedule as required.
Relevant Experience, Expertise and Project Team	Springhurst has detailed previous experience in various local engineering/roads projects; however have minimal experience in completing similar projects of this nature. The project team has not been identified for this project.
History and Viability of Organisation	Insufficient evidence has been provided of company history, viability within their submission; however Springhurst has demonstrated a sound understanding of the requirements of the tender.
Methodology	The methodology being applied to this project has been sufficiently detailed within their submission.
Quality Assurance	Springhurst has provided a statement that a quality assurance management plan will be provided on acceptance of the tender.

Officers Comments:

Following the assessment by the five (5) evaluators, Advantearing Civil Engineers was identified as the most suitable contractor to undertake the Oxford Reserve Redevelopment project having adequately satisfied the majority of requirements of the tender specification.

The City has been involved with this company previously with the completion the Hyde Park Lakes Restoration project. Advantearing's overall performance and quality of work was outstanding and officers are confident the project can be completed within the timeline and on budget.

All other companies providing submissions for this project also satisfied the requirements of the tender specification at different levels.

**CONSULTATION/ADVERTISING:**

Tender No. 483/13 – Oxford Street Reserve Redevelopment was advertised in *The West Australian* newspaper on Saturday 23 November 2013 for a period of eighteen (18) days.

**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 and Purchasing Policy No. 1.2.3.

**RISK MANAGEMENT IMPLICATIONS:**

**Medium-High:** The proposal will improve the amenity and safety aspects for those frequenting the Reserve. If this project is not completed the Reserve is at risk of further deterioration. The Local Government Act 1995 does not permit the awarding of a tender, unless there are sufficient funds allocated to the project.

**STRATEGIC IMPLICATIONS:**

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

*“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:**

With the utilisation of design principles such as Water Sensitive Urban Design (WSUD) and Sustainable Design, it is anticipated that the enhancement of the Oxford Street Reserve will align with the City's sustainability endeavours.

**FINANCIAL/BUDGET IMPLICATIONS:**

Refer to Confidential Attachment 9.2.14.

**COMMENTS:**

It is therefore recommended that the tender submitted by Advantearing Civil Engineers is accepted as being the most acceptable to the City for the Oxford Street Reserve Redevelopment project specifications as detailed in Tender No.483/13 and as outlined in the financial implications in the Confidential Attachment.

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

<b>Ward:</b>	North	<b>Date:</b>	6 December 2013
<b>Precinct:</b>	Mount Hawthorn Centre; P02	<b>File Ref:</b>	PRO0012; 5.2012.379.2
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans <a href="#">002</a> – Additional Information Relating to the Proposal Provided by the Applicant dated 30 November 2013		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Groom, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	P Mrdja, Acting Director Planning Services		

**FURTHER OFFICER RECOMMENDATION:**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by 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, subject to the following conditions:

1. Recording and rehearsal operations being restricted to:
  - 1.1 Three bands on the premises at any one time between 7:00am and 7:00pm Monday to Friday inclusive;
  - 1.2 A maximum of two bands on the premises at any one time from 7:00pm to 10:00pm seven (7) days a week; and
  - 1.3 No recording and rehearsals between 10:00pm and 7:00am seven (7) days a week;
2. The use being conducted in all respects so as not to cause nuisance to the residents/occupiers in the adjoining residential zone;
3. WITHIN SIXTY (60) 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 Acoustic Report

An Acoustic Report in accordance with the City's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken;



**3.2 Parking**

Subject to agreement with the land owner of No. 373 (Lot 2) Oxford Street, Mount Hawthorn, the following is to be provided to the satisfaction of the City;

**3.2.1 Car Bays**

The provision of five (5) car parking bays are to be provided on No. 373 (Lot 2) Oxford Street, Mount Hawthorn to be paved, kerbed, drained, and marked and maintained thereafter by the owner/occupier of Nos. 369-371 (Lot 1) Oxford Street, Mount Hawthorn;

OR

**3.2.2 Cash-in-Lieu**

Pay a cash-in-lieu contribution of \$22,375 for the equivalent value of 4.475 car parking spaces, based on the cost of \$5,000 per bay as set out in the City's 2013/2014 Budget; OR

lodge an appropriate assurance bond/bank guarantee of a value of \$22,375 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:

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

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.

- 4. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City of Vincent.

**ADVICE NOTES:**

- 1. This approval constitutes Planning Approval only, and that a Building Permit must be obtained from the City prior to the commencement of construction works. The nominated builder should be provided with a copy of conditions of this Planning Approval to Undertake Development works. In addition, it is noted that the proposal requires a change of building classification and you may wish to seek the services of a Building Consultant in this respect. The Building Permit application cannot be accepted until all planning conditions are cleared by the City. Accordingly, please ensure that the drawings and information supplied to the City are identical to that approved by the City to avoid delays in the issue of the Permit. It is to be noted that any amendments proposed in the Building Permit application plans, which differ from the Planning Approval plans, may result in the requirement for a new Planning Application to be submitted for assessment and determination;

2. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Oxford Street or Anzac Road; and
3. All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the City prior to the erection of the signage.

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**Moved Cr Harley, Seconded Cr Buckels**

That the recommendation be adopted.

Debate ensued.

**AMENDMENT**

**Moved Cr Harley, Seconded Cr Buckels**

"That Clauses 1.2 and 3.2.1 and the remaining Clauses renumber and Clauses 1.1 and 3.2.2 be amended to read as follows:

"1. Recording and rehearsal operations being restricted to:

1.1 Three bands on the premises at any one time between 7:00am and 7:00pm ~~Monday to Friday inclusive~~ seven days a week;

~~1.2 A maximum of two bands on the premises at any one time from 7:00pm to 10:00pm seven (7) days a week; and~~

~~1.23 No recording and rehearsals between 10:00pm and 7:00am seven (7) days a week;..."~~

"...3.2 Parking

~~Subject to agreement with the land owner of No. 373 (Lot 2) Oxford Street, Mount Hawthorn, the following is to be provided to the satisfaction of the City;~~

~~3.2.1 Car Bays~~

~~The provision of five (5) car parking bays are to be provided on No. 373 (Lot 2) Oxford Street, Mount Hawthorn to be paved, kerbed, drained, and marked and maintained thereafter by the owner/occupier of Nos. 369-371 (Lot 1) Oxford Street, Mount Hawthorn;~~

~~OR~~

~~3.2.12 Cash-in-Lieu~~

~~Is deferred for a period of five (5) years. \*~~

~~Pay a cash-in-lieu contribution of \$22,375 for the equivalent value of 4.475 car parking spaces, based on the cost of \$5,000 per bay as set out in the City's 2013/2014 Budget; OR~~

~~lodge an appropriate assurance bond/bank guarantee of a value of \$22,375 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:~~

~~A. — to the City at the date of issue of the Building Permit for the development, or first occupation of the development, whichever occurs first; or~~

~~B. — to the owner(s)/applicant following receipt by the City of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or~~

~~C. — to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.~~

~~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. ..."~~

\* Cr Topelberg requested that the word 'waived' be changed to "deferred for a period of five (5) years."

Debate ensued.

The Mover Cr Harley and Seconder Cr Buckels agreed to the change of words.

**AMENDMENT PUT AND CARRIED (7-1)**

**For:** Presiding Member Mayor John Carey, Cr Buckels, Cr Cole, Cr Harley, Cr McDonald, Cr Topelberg

**Against:** Cr Pintabona

**MOTION AS AMENDED PUT AND CARRIED (7-1)**

**For:** Presiding Member Mayor John Carey, Cr Buckels, Cr Cole, Cr Harley, Cr McDonald, Cr Topelberg

**Against:** Cr Pintabona

**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 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, subject to the following conditions:

1. Recording and rehearsal operations being restricted to:
  - 1.1 Three bands on the premises at any one time between 7:00am and 10:00pm seven days a week;
  - 1.2 No recording and rehearsals between 10:00pm and 7:00am seven (7) days a week;
2. The use being conducted in all respects so as not to cause nuisance to the residents/occupiers in the adjoining residential zone;

3. **WITHIN SIXTY (60) 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 Acoustic Report**

An Acoustic Report in accordance with the City's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken;

**3.2 Parking**

**3.2.1 Cash-in-Lieu**

Is deferred for a period of five (5) years.

4. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City of Vincent.

**ADVICE NOTES:**

1. This approval constitutes Planning Approval only, and that a Building Permit must be obtained from the City prior to the commencement of construction works. The nominated builder should be provided with a copy of conditions of this Planning Approval to Undertake Development works. In addition, it is noted that the proposal requires a change of building classification and you may wish to seek the services of a Building Consultant in this respect. The Building Permit application cannot be accepted until all planning conditions are cleared by the City. Accordingly, please ensure that the drawings and information supplied to the City are identical to that approved by the City to avoid delays in the issue of the Permit. It is to be noted that any amendments proposed in the Building Permit application plans, which differ from the Planning Approval plans, may result in the requirement for a new Planning Application to be submitted for assessment and determination;
2. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Oxford Street or Anzac Road; and
3. All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the City prior to the erection of the signage.

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**PURPOSE OF REPORT:**

The application is referred to the Council for determination given the proposal relates to an "SA" use.

**BACKGROUND:**

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

The matter was re-considered at the Ordinary Meeting of Council held on 27 August 2013, where the Council resolved as follows:

*“That the Council strongly supports the continued operation of Dream Studios in its current location, and the item be DEFERRED for a period of thirty (30) days, in order to resolve outstanding issues.”*

The outstanding issues that were required to be resolved are as follows:

- Non-compliance relating to Parking and Access;
- Non-compliance to Sound Attenuation; and
- Non-compliance with the previously issued conditional approval granted by the Council at its Ordinary Meeting held on 25 November 1996.

It is noted that the applicant has been making attempts to meet the City’s requirements during this time. This has included: enclosing eaves to prevent further escape of noise, containing roof/gutter leaks; and repairing the ceiling. Further steps will be taken prior to an acoustic report being prepared including the laying of carpet.

Furthermore, the applicant has advised that it would be difficult to provide sufficient parking on site or pay the alternative cash-in-lieu fees. The City’s Planning Services have no objection to waiving the associated cash-in-lieu fees in this instance, however respect that this decision shall be made at the discretion of the Council.

Date	Comment
18 October 1993	The Council resolved to refuse a proposal for the use of Recording and Rehearsal Studio.
22 March 1994	The 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	The Council resolved to refuse a proposal for renewal of the previously approved use of Recording and Rehearsal Studio.
23 September 1996	The 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	The Council resolved to rescind the resolution adopted by the Council at its Ordinary Meeting held on 12 August 1996, rescind the resolution adopted by the Council 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.
23 July 2013	The Council at its Ordinary Meeting held on 23 July 2013 resolved as follows:  <i>“That the item be DEFERRED at the request of the Applicant, in order to consider matters raised in the Officer Report.”</i>

**Previous Reports to Council:**

The minutes of Items 9.1.2 and 9.1.3 from the Ordinary Meeting of Council held on 23 July 2013 and 27 August 2013 respectively relating to the above items are available on the City’s website at the following link:

[http://www.vincent.wa.gov.au/Your\\_Council/Agenda\\_Minutes/Minutes\\_2013](http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes/Minutes_2013)

**DETAILS:**

<b>Landowner:</b>	Estate of Late A B Mack
<b>Applicant:</b>	J B Poole
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
<b>Existing Land Use:</b>	Unlisted Use (Unauthorised Recording and Rehearsal Studio)
<b>Use Class:</b>	Unlisted Use
<b>Use Classification:</b>	"SA"
<b>Lot Area:</b>	460 square metres
<b>Right of Way:</b>	City owned, sealed, 5 metres wide

**ASSESSMENT:**

**Town Planning Scheme/Precinct/Parking and Access Assessment**

Design Element	Complies 'Deemed to Comply' or TPS Clause	OR	'Design Principles' Assessment or TPS Discretionary Clause
Land Use			✓
On-Site Parking			✓

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

Issue/Design Element:	Land Use
Requirement:	Town Planning Scheme No. 1 and Mount Hawthorn Centre Precinct Policy No. 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:	<i>"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 small local business, supplying a service to thousands of musicians, it is considered that it is 'Enhancing our Diverse Community'.</i>  <i>Providing a compliant car park is an issue as the parking arranged as per the previous approval is located on an adjacent lot which is a under a separate owner to the owner of the lot being leased. The applicant is currently making attempts to reduce the noise impacts through specific internal design features. "Some eaves have been enclosed to prevent further escape of noise that has made it into the roof space. A roof/gutter leak seems to have been contained which has allowed a hole in the ceiling to be repaired. This should significantly improve sound escaping in this direction. An extra door has been added to the doorway into the storage area. It is our intention to underlay and carpet this room shortly as this should help reduce noise getting into the floor space. All of this work</i>

Issue/Design Element:	Land Use
	<i>has been concentrated on the most Westerly room as it is nearest the closest neighbour. When carpeting is complete we will have the sound levels tested by an acoustic engineering company and a report given to council."</i>
	<i>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 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>
Officer technical comment:	Supported – It is noted that the City has received numerous letters of support for the Recording and Rehearsal Studio following the last Council Meeting. The proposed application will <i>"cater for the diversity of demands, interests and lifestyles by facilitating and encouraging the provision of a wide range of choices."</i>  The applicant has made it apparent that every attempt is being made to reduce the impacts on the adjoining properties, with sufficient noise reduction schemes being put into place.

Issue/Design Elements	On-Site Parking
<u>Parking and Access Policy No. 3.7.1 and Mount Hawthorn Centre Precinct Policy No. 3.1.2</u> Car parking requirement (nearest whole number) <ul style="list-style-type: none"> <li>• Recreational Facility (1 space per 30m<sup>2</sup> gross floor area)</li> <li>• 183.7m<sup>2</sup> gross floor area = 6.12 car bays</li> <li>• Existing Shop were noted to have a base requirement of four (4) car bays in the most recent council approval.</li> </ul> Total car bays required = 10 car bays	10 car bays
Adjustment factors: <ul style="list-style-type: none"> <li>• 0.85 (The development is located within 400 metres of a bus route)</li> <li>• 0.95 (The development is located within 400 metres of an existing off-street public car park with in excess of 25 car bays)</li> </ul> Total adjustment factor = 0.8075	(0.8075 x 10 car bays)  8.075 car bays
Minus the car parking provided on site	Nil
Minus the previously approved on-site car parking shortfall Previously approved shortfall = 3.6 car bays OMC 25 November 1996	4.475 car bays
<b>Resultant Shortfall</b>	<b>4.475 car bays</b>
Performance Criteria:	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.
Officer comment:	The calculated car parking shortfall under the City's Parking and Access Policy can require cash-in-lieu for this parking shortfall. In this instance the cash-in-lieu should not be viewed as an alternative to providing car parking but as a mechanism to enable otherwise desirable developments to proceed where it can be demonstrated that it is not possible to provide sufficient car parking on site.

Issue/Design Elements	On-Site Parking
	<p>On previous applications it has been shown that parking is provided on an adjoining site, however the applicant has been unable to provide evidence to the City that the adjoining owner of No. 373 (Lot 2) Oxford Street, was willing to agree to the original condition of approval (ii) and (iii) relating to the providing of car bays for the use of both properties being located on the Lot 2 at the applicants cost. Without this agreement the City was unable to accept that this lot is capable of providing any on-site car bays.</p>

**LEGAL/POLICY:**

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

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013-2017 states:

*"Natural and Built Environment*

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

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

**SUSTAINABILITY IMPLICATIONS:**

The City's Strategic Plan 2013-2017 states:

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

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

ENVIRONMENTAL	
Issue	Comment
Not applicable.	

SOCIAL	
Issue	Comment
<p>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.</p>	
<p>Since the last Council Meeting held on 27 August 2013, the City has received numerous submissions supporting the proposed development. The development provides a place for local bands to practice and record their music.</p>	

ECONOMIC	
Issue	Comment
<p>The proposal if approved allows for current business to provide economic opportunities for musicians, through use of the facility provided.</p>	



**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Building Services**

The City's Building Services requires a building permit to be obtained from the City prior to the commencement of construction works, ensuring that the building is upgraded to today's building standards. Furthermore, the proposal requires a change of building classification, as a building classification has never been issued on the property.

**Health Services**

The City's Health and Compliance Services are unable to provide comments regarding the outstanding issues. The reason being that an acoustic consultant needs to submit an acoustic report detailing the sound attenuation for the property before assessment can be undertaken determining whether or not they comply with the Noise Regulations.

**CONCLUSION:**

Whilst the proposed use is non-compliant with the requirements of the City, it does *"cater for the diversity of demands, interests and lifestyles by facilitating and encouraging the provision of a wide range of choices"*.

The applicant has shown that they are making every attempt to meet the City's requirements, specifically through reducing noise levels and parking overflow from the site. It is anticipated that approval to recommence operation of the Studio will not pose an issue to the surrounding land uses, and as such the application is recommended for approval by the Council.

**9.1.5 No. 448 (Lot 1 STR: 10630) Fitzgerald Street, Corner Wasley Street, Perth – Proposed Change of Use To Ground Floor Office to Recreational Facility (Gym) to Existing Four (4) Storey Mixed Use Development including Offices and Eating House**

<b>Ward:</b>	South	<b>Date:</b>	6 December 2013
<b>Precinct:</b>	North Perth Centre, P09	<b>File Ref:</b>	PRO1047; 5.2013.534.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans <a href="#">002</a> – Parking Demand Study		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J Giguere, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	P Mrdja, Acting Director Planning Services		

**OFFICER RECOMMENDATION:**

That the Council

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Home 4 Me on the behalf of the owner Innocento Tizzano for Proposed Change of Use to Ground Floor Office to Recreational Facility (Gym) to Existing Four (4) Storey Mixed Use Development Including Offices and Eating House, at No. 448 (Lot 1 STR: 10630) Fitzgerald Street, Corner Wasley Street, Perth and as shown on plans stamp-dated 23 August 2013, subject to the following conditions:

1. Doors, windows and adjacent floor areas facing Fitzgerald Street and Wasley Street shall maintain an active and interactive relationship with these streets;
2. The maximum gross floor area of the new Recreational Facility (Gym) shall be limited to 249.54 square metres. Any increase in floor space or change of use of the Recreational Facility (Gym) shall require Planning Approval to be applied to and obtained from the City. Any change of use shall be assessed in accordance with the relevant Planning Policy including the City's Policy No. 3.7.1 relating to Parking and Access;
3. The maximum number of patrons for the recreational facility at any one time shall be limited to 50 persons;
4. This approval for Recreational Facility (Gym) is for a period of thirty six (36) 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;
5. **Operating Time**
  - 5.1 The proposed use of the Recreation Facility (Health Studio-Gym) is allowed to operate 24 hours, seven days a week; and
6. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City.

**ADVICE NOTES:**

1. 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 Building Permit 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(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Fitzgerald Street and Wasley Street;

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

**COUNCIL DECISION ITEM 9.1.5**

**Moved Cr Topelberg, Seconded Cr Buckels**

That the recommendation be adopted.

Debate ensued.

**PROCEDURAL MOTION**

**Moved Cr Topelberg, Seconded Cr Buckels**

That the item be DEFERRED for further discussion with the Applicant and the Property Owner.

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

**For:** Presiding Member Mayor John Carey, Cr Buckels, Cr Cole, Cr Harley, Cr McDonald, Cr Pintabona and Cr Wilcox

**Against:** Cr Topelberg

**REASONS FOR DEFERRAL:**

**Issues relating to carparking use, the consultation in relation to the 24 hour gym is not being wide enough to ascertain its true impact on the area.**

**PURPOSE OF REPORT:**

The application is referred to Council for determination, given it is likely to be of significant interest to the community. It involves a change of use of the ground floor office to a recreational facility (gym) which is to operate 24 hours, and seven (7) days a week.

**BACKGROUND:**

There is also a current retrospective Application for Alterations and Additions being assessed for the above site.

**History:**

Date	Comment
9 August 2002	Planning approval granted under delegated authority for a change of Use from Shop to Consulting rooms.
8 May 2007	Council refuses and Application for Partial Demolition of Existing Single Storey Commercial Building and Construction of Four (4) Storey Mixed Use Development.
26 June 2007	Council approved and Application for Partial Demolition of Existing Single Storey Commercial Building and Construction of Four (4) Storey Mixed Use Development.
26 September 2011	Planning approval is granted under delegated authority for Alteration and Additions to Approved application for Windows Modifications and Additions.
15 January 2013	Planning approval is granted under delegated authority for a change of Use from Consulting Rooms and Office to Office.
17 October 2013	Planning approval is granted under delegated authority for a change of Use from shop to Office.
Current	An Application for Alterations and Additions is being considered by the Planning Department.

**DETAILS:**

<b>Landowner:</b>	Innocento Tizzano
<b>Applicant:</b>	Home 4 Me
<b>Zoning:</b>	District Centre
<b>Existing Land Use:</b>	Office and Eating House
<b>Use Class:</b>	Recreational Facility
<b>Use Classification:</b>	"AA"
<b>Lot Area:</b>	1089 square meters
<b>Right of Way:</b>	Not applicable

The present application under consideration is for a Change of Use from Office to Recreational Facility (Gym). The Gym is to occupy 249.54 square metres on the ground floor of an existing four (4) storey building. The ground floor is also occupied by an Eating house (cafe). The upper floors are occupied by offices.

A total of 24 car parking spaces are provided on-site. The site adjoins the Wasley Street public car parking which includes 42 car parking bays. The View Street public car parking area is located nearby, which has 41 car parking bays. No additional car parking is proposed on site, as part of this proposal. The Applicant has provided a Parking Demand Study (attached). The study is not site specific, and is based on other gyms operating elsewhere to support the number of required car parking spaces.

The Gym will operate 24 hours a day and 7 days a week. The Gym will not be permanently staffed. No group fitness classes will be conducted in the premises. The entrance will be on Fitzgerald Street.

**Health Services**

Under the Health (Public Buildings) Regulations 1992, as the premises only has one designated exit, the maximum number of patrons permitted to occupy the building at any one time is 50. The designated exit is the limiting factor in this instance as other factors such as the floor area and the toilets resulted in higher numbers.

**ASSESSMENT:**

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

<b>Issue/Design Element: Parking</b>	
Proposed: Car parking requirement (nearest whole number): <ul style="list-style-type: none"> <li>• Office 1 space per 50 square metres of Gross Floor Area Gross Floor Area: (Existing 2349 square metres) – (Proposed: Less 249.54 square metres) = 2099. 46 square metres Total 41.989 car parking bays required</li> <li>• Recreational Facility (gym) 1 Space per 30 square metre of Gross Floor Area Gross Floor Area ( 249.54 square metres) = 8.318</li> <li>• Eating House (Cafe) 1 car parking space per 4.5 square metres of Public floor Area 55 square metres (as per previous approval) 12.22 car parking spaces</li> </ul> Total car bays required = 62.52 car parking bays	63 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> <li>• 0.85 (The proposed development is within 400 metres of a bus stop/station)</li> <li>• 0.85 (The proposed development is within 400 metres of one or more existing public car parking places with in excess of a total of 75 car parking bays)</li> <li>• 0.9 (provision of "end-of-trip" facilities for bicycle users)</li> <li>• 0.9 (The proposed development is within a District Centre zone).</li> </ul>	(0.5852)    36.87 car bays

Issue/Design Element: Parking	
Minus the number of car parking spaces	24
Minus the most recently approved on-site car parking shortfall	16.96
Resultant Surplus	4.09 bays

Considering that the original application was lodged, on 31 August 2013, prior to the New Parking and Access Policy coming into force 8 October 2013, the proposal was not assessed using the current Car Parking and Access Policy. In this instance, the car parking number is considered to be compliant. Furthermore, considering the gym's peak usage will be outside the office hours, the proposal is not considered to be detrimental to the area.

Bicycle Parking	
Proposed Bicycle parking requirement (nearest whole number):	28.15 bicycle spaces
<ul style="list-style-type: none"> <li>• Office 1 space per 100 square metres of Gross Floor Area Gross Floor Area: (Existing 2349 square metres) – (Proposed: Less 249.54 square metres) = 2099.46 square metres = 20.9946 bicycle bays</li> <li>• Recreational Facility (gym) 1 space per 60 square metres Gross Floor Area 249.54/60 = 4.159</li> <li>• Eating House (Cafe) 3 bicycle spaces as per previously approved</li> </ul>	
Total: 24 bicycle spaces required.	
Provided on site as per the previous approval	16 bicycle spaces
Shortfall	12.15 bicycle spaces

A previous condition of approval is as below:

*“(xiii) Prior to the first occupation of the development, nine (9) class 1 or 2 and seven (7) class 3 bicycle parking facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the side and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities.”*

Considering that the building was recently constructed and that there would be no possibilities to include additional bicycle rack, it is recommended that the proposal be approved with the above bicycle shortfall.

**CONSULTATION/ADVERTISING:**

Required by legislation:	No	Required by City of Vincent Policy:	Yes
<b>Comments Period:</b>	20 November 2013 to 4 December 2013.		
<b>Comments Received:</b>	Three (3) comments were received: One (1) submission in support and two (2) objecting to the proposal.		

Summary of Comments Received:	Officers Technical Comment:
<p><u>Parking</u></p> <p>There is already parking issues in the area and the gym will increase the problem. The expected occupancy number of 12 people is not realistic.</p> <p>The proposal will result in an increased usage of the Wasley Street Council Car Parking located at the rear of the premises during the night, which will create disturbances to the adjoining residential properties during the night. The gym should not be allowed to operate 24 hours a day.</p>	<p>Noted. When the application was advertised, the assessment was based on the current Parking and Access Policy No. 3.7.1. As outlined in the above car parking calculation, under the old Parking and Access Policy No. 3.7.1, the proposal is compliant with the parking requirements.</p> <p>The Wasley Street Council Car Parking is already accessible 24 hours a day. Any increase in usage is expected to be minimal as peak hours for gyms are generally early in the morning or after business hours.</p>

**Design Advisory Committee:**

Referred to Design Advisory Committee: No

**LEGAL/POLICY:**

The following legislation and policies apply to the proposed change of uses to Recreational Facilities at No. 448 Fitzgerald Street, Perth:

- City of Vincent Town Planning Scheme No. 1,
- Parking and Access Policy No. 3.7.1; and
- North Perth Centre Precinct Policy No. 3.1.9.

**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 2013-2017 states:

*"Natural and Built Environment*

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

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

**SUSTAINABILITY IMPLICATIONS:**

The City's Strategic Plan 2013-2017 states:

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

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

ENVIRONMENTAL	
Issue	Comment
Usage of an existing building.	

SOCIAL	
Issue	Comment
The proposal will provide an alternative Recreational Facility to the Community.	

ECONOMIC	
Issue	Comment
The proposal will contribute to the economic diversity of the area.	

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS & CONCLUSION:**

The subject site is located within a Commercial Zone, along an activity corridor (Fitzgerald Street). It is considered that the recreational facility (gym) will provide a service for the recreational needs of local and surrounding residents 24 hours a day.

The subject site and uses are currently serviced by 24 car bays, with a historical approved shortfall in car parking approved previously of 16.96 car parking bays. The site is well serviced by public transport, is adjacent to the City's Public Car Park (Wasley Street) and is in close proximity of the View Street Public Car Park.

With regard to noise emanating from the recreational facility use, it is not proposed to conduct group classes and as such the noise will be restricted. The use will be limited to a thirty six (36) months trial to ensure that the proposal will not create an adverse impact on the locality.

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

**9.1.6 Nos. 65-67 (Lots: 12, 13 &14 D/P: 2456) Brewer Street, Perth – Proposed Temporary Viewing Platform Associated with Approved Partial Demolition of Existing Building and Construction of Six (6) Storey Multiple Dwellings Building Comprising of Sixteen (16) One Bedroom Multiple Dwelling, Eighteen (18) Two Bedroom Multiple Dwellings, One (1) Three Bedroom Multiple Dwelling and Associated Car Parking**

<b>Ward:</b>	South	<b>Date:</b>	3 December 2013
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	PRO5709; 5.2013.498.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans <a href="#">002</a> – Previous Approval – for Information Only		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J Giguere, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	P Mrdja, Acting Director Planning Services		

**OFFICER RECOMMENDATION:**

That Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Andrew Bouhlas on the behalf of the owner Brewer Street Pty. Ltd, for a Proposed Temporary Viewing Platform Associated with Approved Partial Demolition of Existing Building and Construction of Six (6) Storey Multiple Dwellings Building Comprising of Sixteen (16) One Bedroom Multiple Dwelling, Eighteen (18) Two Bedroom Multiple Dwellings, One (1) Three Bedroom Multiple Dwelling and Associated Car parking, at Nos. 65-67 (Lots 12, 13 &14 D/P: 2456) Brewer Street, and as shown on plans stamp-dated 30 October 2013, subject to the following conditions:

1. The temporary viewing platform is to be open to the public only on Saturdays and Sundays between 1:00pm and 5:00pm, excluding Public Holidays;
2. No promotional signage is permitted on the temporary viewing platform;
3. The temporary viewing platform is to be securely locked outside the above permitted viewing times;
4. The Right-Of-Way shall remain open to vehicular and pedestrian traffic at all times and not be obstructed in any way. This includes the period of construction and the dismantling of the temporary viewing platform;
5. The surface of the Right-of-Way shall be maintained in a trafficable condition at all times. Should any damage or deterioration of the surface of the Right-of-Way occur, or that it becomes impassable due to the works or usage relating to the temporary viewing platform, the applicant/developer shall make good the surface to the full satisfaction of the City's Technical Services Directorate. The cost of those repairs is to be fully borne by the applicant/developer;
6. The temporary viewing platform and associated security fencing must be removed 2 (two) months from the date of the issue of the Building Permit; and
7. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City.

**ADVICE NOTES:**

1. A Building Permit shall be obtained prior to commencement of any works on the site. The applicant will be required to have the temporary viewing platform certified by a registered structural engineer prior to the issuing of the Building Permit;
2. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning; and
3. In relation to Condition 2 above, safety related signage can be attached to the temporary viewing platform.

**Moved Cr Topelberg, Seconded Cr Buckels**

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

That Council;

- 1.** in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Andrew Bouhlas on the behalf of the owner Brewer Street Pty. Ltd, for a Proposed Temporary Viewing Platform Associated with Approved Partial Demolition of Existing Building and Construction of Six (6) Storey Multiple Dwellings Building Comprising of Sixteen (16) One Bedroom Multiple Dwelling, Eighteen (18) Two Bedroom Multiple Dwellings, One (1) Three Bedroom Multiple Dwelling and Associated Car parking, at Nos. 65-67 (Lots 12, 13 & 14 D/P: 2456) Brewer Street, and as shown on plans stamp-dated 30 October 2013, subject to the following conditions:
  - 1.1** The temporary viewing platform is to be open to the public only on Saturdays and Sundays between 1:00pm and 5:00pm, excluding Public Holidays;
  - 1.2** No promotional signage is permitted on the temporary viewing platform;
  - 1.3** The temporary viewing platform is to be securely locked outside the above permitted viewing times;
  - 1.4** The Right-Of-Way shall remain open to vehicular and pedestrian traffic at all times and not be obstructed in any way. This includes the period of construction and the dismantling of the temporary viewing platform;
  - 1.5** The surface of the Right-of-Way shall be maintained in a trafficable condition at all times. Should any damage or deterioration of the surface of the Right-of-Way occur, or that it becomes impassable due to the works or usage relating to the temporary viewing platform, the applicant/developer shall make good the surface to the full satisfaction of the City's Technical Services Directorate. The cost of those repairs is to be fully borne by the applicant/developer;
  - 1.6** The temporary viewing platform and associated security fencing must be removed 2 (two) months from the date of the issue of the Building Permit; and
  - 1.7** The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City; and
- 2.** **AUTHORISES the Chief Executive Officer to develop a Local Planning Policy that provides requirements and standards for temporary viewing platforms.**



**ADVICE NOTES:**

1. A Building Permit shall be obtained prior to commencement of any works on the site. The applicant will be required to have the temporary viewing platform certified by a registered structural engineer prior to the issuing of the Building Permit;
2. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning; and
3. In relation to Condition 2 above, safety related signage can be attached to the temporary viewing platform.”

Debate ensued.

Cr Pintabona departed the Chamber at 8.55pm.

Debate ensued.

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

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

**COUNCIL DECISION ITEM 9.1.6**

That Council;

1. in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Andrew Bouhlias on the behalf of the owner Brewer Street Pty. Ltd, for a Proposed Temporary Viewing Platform Associated with Approved Partial Demolition of Existing Building and Construction of Six (6) Storey Multiple Dwellings Building Comprising of Sixteen (16) One Bedroom Multiple Dwelling, Eighteen (18) Two Bedroom Multiple Dwellings, One (1) Three Bedroom Multiple Dwelling and Associated Car parking, at Nos. 65-67 (Lots 12, 13 & 14 D/P: 2456) Brewer Street, and as shown on plans stamp-dated 30 October 2013, subject to the following conditions:
  - 1.1 The temporary viewing platform is to be open to the public only on Saturdays and Sundays between 1:00pm and 5:00pm, excluding Public Holidays;
  - 1.2 No promotional signage is permitted on the temporary viewing platform;
  - 1.3 The temporary viewing platform is to be securely locked outside the above permitted viewing times;
  - 1.4 The Right-Of-Way shall remain open to vehicular and pedestrian traffic at all times and not be obstructed in any way. This includes the period of construction and the dismantling of the temporary viewing platform;
  - 1.5 The surface of the Right-of-Way shall be maintained in a trafficable condition at all times. Should any damage or deterioration of the surface of the Right-of-Way occur, or that it becomes impassable due to the works or usage relating to the temporary viewing platform, the applicant/developer shall make good the surface to the full satisfaction of the City's Technical Services Directorate. The cost of those repairs is to be fully borne by the applicant/developer;
  - 1.6 The temporary viewing platform and associated security fencing must be removed 2 (two) months from the date of the issue of the Building Permit; and
  - 1.7 The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City; and
2. AUTHORISES the Chief Executive Officer to develop a Local Planning Policy that provides requirements and standards for temporary viewing platforms.

**ADVICE NOTES:**

1. **A Building Permit shall be obtained prior to commencement of any works on the site. The applicant will be required to have the temporary viewing platform certified by a registered structural engineer prior to the issuing of the Building Permit;**
2. **No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning; and**
3. **In relation to Condition 2 above, safety related signage can be attached to the temporary viewing platform.**

**PURPOSE OF REPORT:**

This proposal requires referral to the Council as it is considered likely to be of significant interest to the community and set a precedent for other similar developments. Furthermore, it is the first Planning Application for a viewing platform to be formally considered within the City of Vincent.

**History:**

Date	Comment
5 September 2013	Application determined by the Development Assessment Panel (DAP) for the Partial Demolition of Existing Building and Construction of Six (6) Storey Multiple Dwellings Building Comprising of Sixteen (16) One Bedroom Multiple Dwelling, Eighteen (18) Two Bedroom Multiple Dwellings, One (1) Three Bedroom Multiple Dwelling and Associated Car parking.

**DETAILS:**

<b>Landowner:</b>	Brewer Street Pty Ltd
<b>Applicant:</b>	Andrew Bouhlas
<b>Zoning:</b>	RC80
<b>Existing Land Use:</b>	Warehouse
<b>Use Class:</b>	Viewing Platform (Unlisted Use)
<b>Use Classification:</b>	"SA"
<b>Lot Area:</b>	1160 square meters
<b>Right of Way:</b>	Southern side, 3 metres in width, privately owned, sealed.

The proposal is for a metal Scaffolded Temporary Viewing Platform to be located on the South-West corner of the site, facing the Right-of-Way. Landings will be installed on the first, second, third, fourth, fifth and sixth level of the approved Multiple Dwelling, which is yet to be constructed. The structure will have a maximum height of 21.5 metres.

The applicant has advised that it will be used as a promotional tool for the marketing of the approved apartments. The Temporary Viewing Platform will be open to the public only on Saturdays and Sundays between 1:00 PM and 5:00 PM. The base of the structure will be enclosed by 1.8 metres in height security fence around the base. The security fence will be locked outside viewing times.

It is noted that there is no specific car parking rate associated with a viewing platform. There is adequate street car parking available in the vicinity to cater for the above viewing periods.

Other than safety signage, no promotional advertisement will be permitted on the temporary viewing platform.

Technical Services

The Right-Of-Way shall remain open at all times and not be obstructed in any way, including during the construction and the dismantling of the temporary viewing platform. The surface of the Right-of-Way shall be maintained in a trafficable condition at all times. Should any damage or deterioration of the surface of the Right-of-Way occur, or that it becomes impassable due to the works or usage of viewing platform, the applicant/developer shall make good the surface to the full satisfaction of the City's Technical Services Directorate. The cost of those repairs is to be fully borne by the applicant/developer.

**ASSESSMENT:**

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

Not Applicable.

**CONSULTATION/ADVERTISING:**

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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<b>Comments Period:</b>	9 November 2013 to 3 December 2013
<b>Comments Received:</b>	A letter was sent to all properties within a 200m radius of the site. A total of 5 (five) submissions were received. All comments were in support of the proposal.

**Design Advisory Committee:**

Referred to Design Advisory Committee: No

**LEGAL/POLICY:**

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

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2011-2017 states:

"Economic Development

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:**

Due to the temporary nature of the proposal, the proposal is not considered to be detrimental to the City's Strategic Plan 2013-2017.

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

ENVIRONMENTAL	
Issue	Comment
Not applicable.	

SOCIAL	
Issue	Comment
Not applicable.	

ECONOMIC	
Issue	Comment
The proposal is considered to assist in the sales of the approved apartments.	

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS & CONCLUSION:**

This application is the second Planning Application received by the City of Vincent for a temporary viewing platform in relation to an approved multi-storey development. The first Planning Application was withdrawn by the applicant, prior to the City determining the matter. This application will thus constitute the first application to be determined within the City of Vincent, and is likely to open the door for similar type applications in the future for multi-storey developments.

In this particular instance, the temporary viewing tower is considered to have a negligible impact, due to its temporary nature and its location, being accessed via the Right-of-Way. Any potential issues regarding overlooking will be temporary in nature. A two (2) months time limit with viewing times being only on Saturdays and Sundays between 1:00pm and 5:00pm is considered appropriate in this instance.

The community was extensively consulted as a letter was sent to properties within a 200 metres radius of the site. There was a low response rate from the community and no objections were received against the proposal.

Considering that this is a temporary use, and that the impact on the locality will be negligible, the proposal is supported subject to relevant Conditions.

**9.1.7 No. 159 (Lot 25) Claisebrook Road, corner Coolgardie Terrace, Perth – Demolition of Existing Building and Construction of Four (4) Storey Mixed-Use Development Comprising of Nine (9) Two Bedroom Multiple Dwellings, Six (6) One Bedroom Multiple Dwellings, Shop and Associated Car Parking**

<b>Ward:</b>	South	<b>Date:</b>	6 December 2013
<b>Precinct:</b>	East Perth Redevelopment Authority- Precinct 15	<b>File Ref:</b>	PRO5979; 5.2013 265.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plan <a href="#">002</a> – Application Report		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	R Narroo, Acting Co-ordinator Statutory Planning		
<b>Responsible Officer:</b>	P Mrdja, Acting Director Planning Services		

**OFFICER RECOMMENDATION:**

That the Council;

in accordance with the provisions and powers of both the Local Government (Change of Districts Boundaries) Order 2007 and the Local Government (Constitution) Regulations 1998, allowing the City of Vincent to, in effect, administer the East Perth Redevelopment Authority Scheme No. 1 as if it were its own Scheme and the Metropolitan Region Scheme, APPROVES the application submitted by DDC Architects on behalf of the owner, Youth With A Mission, for Proposed Demolition of Existing Building and Construction of Four (4) Storey Mixed-Use Development Comprising of Nine (9) Two Bedroom Multiple Dwellings, Six (6) One Bedroom Multiple Dwellings, Shop and Associated Car Parking at No. 159 (Lot 25) Claisebrook Road, corner Coolgardie Terrace, Perth, in accordance with the plans stamp dated 22 October 2013, amended plans stamp-dated 25 November 2013 and 28 November 2013, subject to the following conditions:

1. **Boundary/Retaining Walls**

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls retaining walls facing No. 5 Coolgardie Terrace, East Perth, and No. 157 Claisebrook Road, East Perth, in a good and clean condition. The finish of the boundary/retaining walls is to be fully rendered or face brickwork;

2. **Street Walls and Fences**

Any fencing provided at the ground floor level along Claisebrook Road and Coolgardie Terrace shall comply with the East Perth Redevelopment Scheme No. 1 – Planning Policy No. 2.15 Precinct 15: Claisebrook Road North;

3. **Street Interaction**

Doors, windows and adjacent floor areas facing Claisebrook Road shall maintain active and interactive relationships with these streets;

4. **On-Site Parking Provision**

A minimum of eleven (11) car bays and two (2) car bays are to be provided on site for the residents and visitors of the residential component of the development;

5. **Commercial Uses – Floor Area**

The maximum gross floor area of the offices shall be limited to 40 square metres. Any increase in floor space or change of use of the offices shall require Planning Approval to be applied to and obtained from the City. Any change of use shall be assessed in accordance with the relevant Planning Policy including the East Perth Redevelopment Scheme No. 1;

**6. Car Parking and Accessways**

- 6.1 The on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;
- 6.2 The car park shall be used only by residents, employees, tenants, and visitors directly associated with the development;
- 6.3 Car parking aisles shall comply with the minimum width in accordance with the requirements of AS2890; and
- 6.4 The car park area for visitors shall be shown as common property on any strata plan; and

**7. Prior to the submission of a Building Permit application, the following shall be submitted to and approved by the City:**

**7.1 Schedule of External Finishes**

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

**7.2 Landscape and Reticulation Plan**

A detailed landscape and reticulation plan in accordance with the requirements of the East Perth Redevelopment Scheme No. 1 for the development site and adjoining road verge shall be submitted to the City for assessment and approval.

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

- 7.2.1 The location and type of existing and proposed trees and plants;
- 7.2.2 All vegetation including lawns;
- 7.2.3 Areas to be irrigated or reticulated;
- 7.2.4 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 7.2.5 Separate soft and hard landscaping plans (indicating details of plant species and materials to be used).

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

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

**7.3 Acoustic Report**

An Acoustic Report in accordance with the City's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted. 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;

**7.4 Construction Management Plan**

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

**7.5 Section 70 A Notification under the Transfer of Land Act**

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

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

7.5.2 the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or shop. The on-site car parking was in accordance with the requirements of the Residential Design Codes, the East Perth Redevelopment Scheme.

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

**7.6 Balconies**

Plans to be submitted and approved by the City showing all balconies complying with the minimum area of 10 square metres and minimum dimension of 2.4 metres;

**7.7 Stores**

Plans to be submitted and approved by the City showing all stores complying with the minimum area of 4 square metres and minimum dimension of 1.5 metres;

**7.8 Bond**

A bond for the sum of \$5,000 is required to be paid to the City for the upgrading of the footpaths adjacent to the subject land which includes the landscaping of the Claisebrook Road verge area. The developer is required to liaise with the City's Technical Services in this respect;

**7.9 Design Features**

Two design features using colour and/or relief being incorporated on the visible portions of the north face of the building wall at ground floor level facing Coolgardie Terrace, to reduce the visual impact of that wall;

8. **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:**

8.1 **Percent for Public Art**

The owner(s), or the applicant on behalf of the owner(s), shall comply with the East Percent Redevelopment Scheme No. 1 for Public Art Planning Policy No. 1.9 and the Percent for Public Art Guidelines for Developers, including:

8.1.1 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 \$34,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development \$3,400,000; and

- 8.2 in conjunction with the above chosen option;

8.2.1 **Option 1**

Prior to the submission of a Building Permit for the development, obtain approval for the Public Art Project and associated Artist; and

prior to the submission of an Occupancy Permit, install the approved public art project, and thereafter maintain the art work;  
OR

8.2.2 **Option 2**

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

9. **PRIOR TO THE SUBMISSION OF AN OCCUPANCY PERMIT, the following shall be completed to the satisfaction of the City;**

9.1 **Clothes Drying Facility**

Each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;

9.2 **Car Parking**

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

9.3 **Bicycle Bays**

A minimum of five (5) residential bicycle bays, and two (2) visitor bicycle bays be provided on-site. Bicycle bays for the residents must be located within the development, and bicycle bays for visitors must be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3;



**9.4 Management Plan-Vehicular Entry Gates**

Any proposed vehicular entry gates to the car parking area shall have a minimum 50 per cent visual permeability and shall be either open at all times or a plan detailing management measures for the operation of the vehicular entry gates, to ensure access is readily available for residents/visitors to the residential and commercial units at all times, shall be submitted to and approved by the City; and

**9.5 Underground Power**

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

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the City's Policies; and

10. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City:

**ADVICE NOTES:**

1. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Claisebrook Road and Coolgardie Terrace;
2. No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning;
3. With regard to condition 1, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls/retaining walls;
4. A bin store is required to be provided, of sufficient size to accommodate the City's maximum bin requirement, as assessed by the City's Technical Services Directorate;
5. All signage that does not comply with the East Perth Redevelopment Scheme No. 1 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;
6. A demolition permit shall be obtained from the City prior to commencement of any works on the site; and
7. The City is not responsible for the relocation of any services that may be required as a result of the development.

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**COUNCIL DECISION ITEM 9.1.7**

**Moved Cr Topelberg, Seconded Cr Buckels**

**That the recommendation be adopted.**

**MOTION PUT AND CARRIED (6-1)**

**For:** Presiding Member Mayor John Carey, Cr Buckels, Cr Cole, Cr Harley,  
Cr McDonald and Cr Wilcox

**Against:** Cr Topelberg

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

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**PURPOSE OF REPORT:**

This proposal is for a four storey mixed-use development and requires the Council's determination.

**BACKGROUND:**

Nil.

**DETAILS:**

The subject site is within the former East Perth Redevelopment Authority area, and has been assessed under the East Perth Redevelopment Authority Scheme No. 1, Residential Design Codes (R-Codes) 2013, Planning Policy No. 2.15 Precinct 15: Claisebrook Road North, Claisebrook Road North Design Guidelines and Perth Parking Policy 2012.

The application is for Proposed Demolition of Existing Building and Construction of a Four (4) Storey Mixed Use Development Comprising of Nine (9) Two Bedroom Multiple Dwellings, Six (6) One Bedroom Multiple Dwellings, Shop and Associated Car Parking.

<b>Landowner:</b>	Youth With A Mission (Perth) Inc
<b>Applicant:</b>	DDC Architects
<b>Zoning:</b>	East Perth Redevelopment Scheme No. 1: Residential R80
<b>Existing Land Use:</b>	Commercial building
<b>Use Class:</b>	Shop and Multiple Dwellings
<b>Use Classification:</b>	Preferred Uses
<b>Lot Area:</b>	782 square metres
<b>Right of Way:</b>	Nil

**ASSESSMENT:**

**East Perth Redevelopment Scheme/R Codes Assessment**

Design Element	Deem-to-comply or TPS Clause	OR	Design Principles or TPS Discretionary Clause
Density/Plot Ratio			✓
Front Setback			✓
Building Setbacks			✓
Boundary Wall			✓
Building Height	✓		
Building Storeys	✓		
Open Space	N/A		
Bicycles	✓		
Access & Parking			✓
Privacy	✓		
Solar Access			✓
Site Works			✓
Utilities and Facilities			✓
Surveillance	✓		
Outdoor Living Area			✓

**East Perth Redevelopment Scheme/R Codes Assessment**

Issue/Design Element:	Plot Ratio
Requirement:	East Perth Redevelopment Scheme No. 1 Plot Ratio=1.5= 1173 square metres
Applicants Proposal:	Plot Ratio= 1.54= 1204.28 square metres
Performance Criteria:	R-Codes Clause 6.1.1- Development of the building is at a bulk and scale indicated in the local planning scheme and is consistent with the existing or future desired built form of the locality.
Applicant justification summary:	<i>"It is generally considered that the design of the facade and overall building speaks for itself. The building provides an elegant form with a high level of interest in an urban area being redeveloped. It is also considered that the building form is appropriate for the corner site with an angled street corner. This building form will also serve to assist in defining street legibility. Strong vertical elements and varied setbacks also break up the masonry elements of the facade and create a high level of interest in the overall design."</i>
Officer technical comment:	Supported. The variation to the plot ratio is minimal, (31.28 square metres) and therefore it is considered that there will be no impact on the surrounding area in terms of bulk. The Design Advisory Committee (DAC) has supported the proposed development.

Issue/Design Element:	Front Setback – Claisebrook Road
Requirement:	East Perth Redevelopment Scheme No. 1 Residential= 1.5 metres Commercial = Nil
Applicants Proposal:	Residential-First, Second and Third Floors- 'Nil' to 4 metres Commercial- Ground Floor= 0.25 metre to 7.5 metres
Performance Criteria:	R-Codes Clause 6.1.3- Buildings are set back from street boundaries (primary and secondary) an appropriate distance to ensure they:

<b>Issue/Design Element:</b>	<b>Front Setback – Claisebrook Road</b>
	<ul style="list-style-type: none"> <li>• contribute to the desired streetscape;</li> <li>• provide articulation of the building on the primary and secondary streets;</li> <li>• allow for minor incursions that add interest and reflect the character of the street without impacting on the appearance of bulk over the site;</li> <li>• are appropriate to its location, respecting the adjoining development and existing streetscape; and</li> <li>• facilitate the provision of weather protection where appropriate.</li> </ul>
Applicant justification summary:	<p><i>“Particular effort has been given to providing a strong ‘visual interest’ to the two street frontages to this site. This is done primarily with the strong vertical wall elements and ground floor use of recycled timber. It is considered that the overall design is very attractive and provides a tremendous corner treatment in an area which is seeking to attract a wide range of different uses. It is already very eclectic in nature and it is highly likely that this will continue as the precinct is refurbished. Attractive garden areas also provide opportunities for planting, which will provide a strong green element to both streets. Balconies have been primarily focused towards the north and the south and these are located within the vertical fin-walls. To the east, three balconies are proposed but are slightly more obscured with screens to create an attractive presentation to Claisebrook Road. It is considered that a high level of passive surveillance will be provided to all street frontages.”</i></p>
Officer technical comment:	<p>Supported. Generally the existing street setbacks vary along Claisebrook Road which shows no consistency in the existing streetscape. It is considered the site allows for the development to more closely address the street corner and provide a greater use of the street area. The street setback allows for landscaping which complements the development. The proposed setback would not adversely affect the existing streetscape in this area, as there is no existing consistent streetscape along Claisebrook Road.</p>

<b>Issue/Design Element:</b>	<b>Secondary Street Setback – Coolgardie Terrace</b>
Requirement:	East Perth Redevelopment Scheme No. 1 1 metre
Applicants Proposal:	Ground Floor= 1.705 metres to 3.1 metres First, Second and Third Floors=0.556 metres to 1.2 metres
Performance Criteria:	<p>R-Codes Clause 6.1.3 - Buildings are set back from street boundaries (primary and secondary) an appropriate distance to ensure they:</p> <ul style="list-style-type: none"> <li>• contribute to the desired streetscape;</li> <li>• provide articulation of the building on the primary and secondary streets;</li> <li>• allow for minor incursions that add interest and reflect the character of the street without impacting on the appearance of bulk over the site;</li> <li>• are appropriate to its location, respecting the adjoining development and existing streetscape; and</li> </ul>

Issue/Design Element:	Secondary Street Setback – Coolgardie Terrace
	<ul style="list-style-type: none"> <li>facilitate the provision of weather protection where appropriate.</li> </ul>
Applicant justification summary:	<p><i>Particular effort has been given to providing a strong 'visual interest' to the two street frontages to this site. This is done primarily with the strong vertical wall elements and ground floor use of recycled timber. It is considered that the overall design is very attractive and provides a tremendous corner treatment in an area which is seeking to attract a wide range of different uses. It is already very eclectic in nature and it is highly likely that this will continue as the precinct is refurbished. Attractive garden areas also provide opportunities for planting, which will provide a strong green element to both streets. Balconies have been primarily focussed towards the north and the south and these are located within the vertical fin-walls. To the east, three balconies are proposed but are slightly more obscured with screens to create an attractive presentation to Claisebrook Road. It is considered that a high level of passive surveillance will be provided to all street frontages."</i></p>
Officer technical comment:	<p>Supported. It is considered the site allows for the development to address the street corner and provide a greater use of the street area. The street setback allows for landscaping which complements the development. The proposed setback would not adversely affect the existing streetscape along this street, as the other existing buildings along Coolgardie Terrace have a greater street setback than proposed by this development.</p>

Issue/Design Element:	Lot boundary setbacks
Requirement:	<p><u>Ground Floor</u> South and West boundaries= 4 metres <u>First, Second and Third Floors</u> South and West= 4 metres</p>
Applicants Proposal:	<p><u>Ground Floor</u> South and West boundaries= Nil-Boundary Walls <u>First, Second and Third Floors</u> South= 2.533 metres to 3.5 metres West= 3 metres</p>
Performance Criteria:	<p>R-Codes Clause 6.1.4 - Buildings set back from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> <li>ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them;</li> <li>moderate the visual impact of building bulk on a neighbouring property;</li> <li>ensure access to daylight and direct sun for adjoining properties; and</li> <li>assist with the protection of privacy between adjoining properties.</li> </ul> <p>In mixed use development, in addition to the above:</p> <ul style="list-style-type: none"> <li>side boundary setbacks to a retail/commercial component of a development is in accordance with the existing street context, subject to relevant local planning scheme provisions;</li> </ul>

<b>Issue/Design Element:</b>	<b>Lot boundary setbacks</b>
	<ul style="list-style-type: none"> <li>• retail/commercial development adjoining residential is designed to minimise the potential impacts between the two uses.</li> </ul>
Applicant justification summary:	<p><i>“The proposal is not responsible for any adverse overshadowing, privacy, and noise or view loss impacts. At the street level, residential services such as letterboxes, garbage bin access and unit numbers are provided. The careful consideration of site planning avoids areas that are not overlooked. Living rooms, bedrooms and balconies of the majority of units overlook the street therefore providing passive surveillance. This feature enhances the passive surveillance to the street.”</i></p>
Officer technical comment:	<p>Supported. The existing building has boundary walls on both the western and southern boundaries, and as such the proposed new boundary walls at ground floor level along the above two boundaries will not have an undue impact on the adjoining neighbours. With regard to the upper floors setbacks along western and southern boundaries, it is considered that the proposed setbacks will provide adequate ventilation and direct sun to the adjoining properties. This will also moderate the visual impact of building bulk on neighbouring properties.</p>
<b>Issue/Design Element:</b>	<b>Boundary Wall</b>
Requirement:	<p>One (1) boundary wall: Western Boundary- Permitted Length= 21.44 metres Southern Boundary- Permitted Length=21 metres</p>
Applicants Proposal:	<p>Two (2) boundary walls: Western Boundary- Proposed Length=30.5 metres Southern Boundary- Permitted Length=24 metres</p>
Performance Criteria:	<p>R-Codes Clause 6.1.4 - Buildings set back from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> <li>• ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them;</li> <li>• moderate the visual impact of building bulk on a neighbouring property;</li> <li>• ensure access to daylight and direct sun for adjoining properties; and</li> <li>• assist with the protection of privacy between adjoining properties.</li> </ul> <p>P4.2 In mixed use development, in addition to the above:</p> <ul style="list-style-type: none"> <li>• side boundary setbacks to a retail/commercial component of a development is in accordance with the existing street context, subject to relevant local planning scheme provisions.</li> <li>• retail/commercial development adjoining residential is designed to minimise the potential impacts between the two uses.</li> </ul>
Applicant justification summary:	<p><i>“The proposal is not responsible for any adverse overshadowing, privacy, and noise or view loss impacts. At the street level, residential services such as letterboxes, garbage bin access and unit numbers are provided. The careful consideration of site planning avoids areas that are not overlooked. Living rooms, bedrooms and balconies of the majority of units overlook the street therefore providing passive surveillance. This</i></p>

Issue/Design Element:	Boundary Wall
	<i>feature enhances the passive surveillance to the street.”</i>
Officer technical comment:	Supported- The existing building has boundary walls on both the western and southern boundaries, therefore the proposed new boundary walls at ground floor level along these two boundaries will not have an undue impact on the adjoining neighbours. The proposed heights of the two boundary walls comply with the required heights for an R-80 coding.

Issue/Design Element:	Car Parking
Requirement:	Residents car bays= 14 car bays Visitors= 4 car bays
Applicants Proposal:	Residents= 13 car bays Visitors= Nil car bays
Performance Criteria:	<p>R-Codes Clause 6.3.3 - Adequate car and bicycle parking provided on-site in accordance with projected need related to:</p> <ul style="list-style-type: none"> <li>• the type, number and size of dwellings;</li> <li>• the availability of on-street and other offsite parking; and</li> <li>• the location of the proposed development in relation to public transport and other facilities.</li> </ul> <p>In mixed use development, in addition to the above:</p> <ul style="list-style-type: none"> <li>• Parking areas associated with the retail/commercial uses are clearly separated and delineated from residential parking.</li> </ul>
Applicant justification summary:	<p><i>“The site is presently intended to be owned and operated by YWAM Perth and very few of their residents and workers drive cars.</i></p> <p><i>YWAM also have several other major facilities in the area which also provide parking and visitors and residents typically don’t use more than one car; in fact most YWAM residents don’t use a car at all. The mixed use nature of the locality will also result in a ‘spread’ of parking throughout the day. In a mixed use zone, some cars will be present during office hours and then leave while resident vehicles may be away in the day and present in the evenings. The mixed-use nature of the zone means there is a more manageable and even spread of on-street parking rather than significant peak occurrences.</i></p> <p><i>The proposal does in fact comply with minimum parking controls in Section 2 of the EPRA Guidelines.</i></p> <p><i>The variation is extremely minor and ample off street parking currently exists within the locality.</i></p> <p><i>The site is located approximately 150m to Lord Street buses.</i></p> <p><i>The site is located approximately 450m from the free-city train service.</i></p> <p><i>The overall vision for ‘Precinct 15 – Claisebrook Road North’ is for a wide range of residential, commercial and</i></p>

<b>Issue/Design Element:</b>	<b>Car Parking</b>
	<p><i>industrial uses. Specifically this encourages the location of "local shops and other services, probably on Claisebrook Road, which would give the area its own local 'neighbourhood' focus." This is clearly aiming for a sustainable precinct where residents can ultimately access services without needing to travel great distances. This vision indirectly reduces the reliance on the motor vehicle as the primary means of transport.</i></p> <p><i>In terms of sustainable cities, Perth has made tremendous advances in public transport and a lesser reliance on the motor vehicle must underpin such cities.</i></p> <p><i>While, this situation can be argued to be more than appropriate for the current owners, the long term impact must also be assessed; assuming that all units are sold to private interests. Given the site's proximity to the city and to good public transport nodes, this is considered acceptable in terms of impact given the arguments raised above. Cities around Australia and the world have a strong demand for units with modest parking provisions and such demand only increases as cities grow and increase in vitality. Indeed Sydney in NSW has a strong demand for inner-city housing without any parking at all. Increasingly there are some city residents who chose not to own a car."</i></p>
Officer technical comment:	Supported in part. The proposed development is located within 200 metres from the train station and 100 metres from Lord Street, and therefore the site is easily accessible by public transport. The parking for the shop can be used by the visitors after business hours. However, the City Officers are of the view that at least two (2) car bays out of the thirteen (13) car bays for the residents shall be provided for visitors, so as to ensure there is minimum number of visitor bays being provided on-site.

<b>Issue/Design Element:</b>	<b>Site Works</b>
Requirement:	Retaining wall= 0.5 metre in height Setback= 1.5 metres
Applicants Proposal:	Southern Boundary Retaining wall= 1.1 metres in height Setback= Nil
Performance Criteria:	R-Codes Clause 6.3.6 - Development that retains the visual impression of the natural level of a site, as seen from the street or other public place, or from an adjoining property. Retaining walls designed or set back to minimise the impact on adjoining properties.
Applicant justification summary:	None provided.
Officer technical comment:	Supported. There will be no impact on the streetscape or the adjoining neighbour, as the retaining wall will retain the visual impression of the natural level as seen from the street and from the adjoining neighbour.

<b>Issue/Design Element:</b>	<b>Outdoor Living Area</b>
Requirement:	Minimum area of 10 square metres and a minimum dimension of 2.4 metres
Applicants Proposal:	Area= 6.63 square metres to 7 square metres



<b>Issue/Design Element:</b>	<b>Outdoor Living Area</b>
Performance Criteria:	R-Codes Clause 6.3.7 - Balconies or equivalent outdoor living areas capable of use in conjunction with habitable room of each dwelling, and if possible, open to winter sun.
Applicant justification summary:	None provided.
Officer technical comment:	Not Supported. The applicant will be required to comply with the minimum area and dimension for the balconies. A condition has been recommended to this effect.

<b>Issue/Design Element:</b>	<b>Utilities and Facilities</b>
Requirement:	Minimum dimension of 1.5 metres
Applicants Proposal:	Dimension= 1.2 metres Units 1.01,2.01 and 3.01
Performance Criteria:	R-Codes Clause 6.4.6 – External location of storeroom, rubbish collection/bin areas, and clothes drying areas where these are: <ul style="list-style-type: none"> <li>• convenient for residents;</li> <li>• Rubbish collection areas which can be accessed by service vehicles;</li> <li>• Screened from view; and</li> <li>• Able to be secured and managed.</li> </ul>
Applicant justification summary:	None provided.
Officer technical comment:	Not Supported. The applicant will be required to comply with the minimum dimension for stores. A condition has been recommended to this effect.

<b>Issue/Design Element:</b>	<b>Solar Access</b>
Requirement:	Not applicable.
Applicants Proposal:	Overshadowing
Performance Criteria:	R-Codes Clause 6.4.2 – Effective solar access for the proposed development. Development designed to protect solar access for neighbouring properties taking account the potential to overshadow existing: <ul style="list-style-type: none"> <li>• outdoor living areas;</li> <li>• north facing major openings to habitable rooms, within 15 degrees of north in each direction; or</li> <li>• roof mounted solar collectors</li> </ul>
Applicant justification summary:	None provided.
Officer technical comment:	The existing development is already overshadowing the existing house on the southern property in relation to the outdoor living area, and a north facing major opening. The outdoor living area of the southern property will not be totally overshadowed by the proposed development as demonstrated in the attached overshadowing diagram. Given the adjoining southern site is a narrow east-west oriented site, and at a lower level to the subject site; in such an instance, even a relatively low building will cast overshadowing over a greater portion of the adjoining site. Under the Draft Town Planning Scheme No. 2, the subject site and adjoining southern site is proposed to be rezoned to commercial use and overshadowing is not likely to be an issue.

**Car Parking**

The East Perth Area remains within the Perth Parking Management Act 1999 area and any parking requirement is to be assessed against the Perth Parking Policy 2012. The car parking required for the residential component is calculated as per the 2013 R-Codes.

<b>Residential Car Parking</b>	
Small Multiple Dwelling (75 square metres)- 0.75 bay per dwelling (6 dwellings)= 4.5 car bays or 5 car bays Medium Multiple Dwelling (75-110 square metres)-1 bay per dwelling (9 dwellings)= 9 car bays Visitors= 0.25 per dwelling (15 dwellings) = 3.75 car bays or 4 car bays  Total=17.25 car bays= 18 car bays	13 car bays provided
<b>Shortfall</b>	<b>5 car bays</b>

For the non-residential use, the Perth Parking Policy stipulates maximum parking allowed on a site; there is no requirement for minimum car parking. In this instance, the maximum car parking allowed on this site is 16 car bays. Given that there is no minimum, the proposal complies with the parking requirements as 1 car bay for persons with a disability is provided.

It is acknowledged that the proposed development is located within 200 metres from the Claisebrook Train Station and East Perth Train Station, which contributes to accessibility to the site. The car parking for the shop can be used after opening hours. The City Officers are of the view that two (2) car bays are to be provided for the residential visitors to ensure that visitors have access to the site. As such 11 car bays will be allocated for the residential component. It is considered that the variation to the residential car parking can be supported in this instance, given the proximity of the site to the public transport.

<b>Bicycle Parking</b>		
<b>Bicycle Parking</b>	Residential component (as per the R-Codes- 1 bicycle space to each 3 dwellings for residents and 1 bicycle space to each 10 dwellings for visitors):  Five (5) bicycle bays for the residents and two (2) bicycle bays for the visitors.  Commercial component – Claisebrook Road North area Guidelines requires the provisions of bicycle parking, but does not specify the numbers of bicycle spaces required.	Fourteen (14) bike racks proposed.

**CONSULTATION/ADVERTISING:**

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
<b>Comments Period:</b>	2 August 2013 to 23 August 2013.		
<b>Comments Received:</b>	Three submissions were received objecting to the development.		

<b>Summary of Comments Received:</b>	<b>Officers Technical Comment:</b>
Issue: Street Setbacks  The required street setbacks from Coolgardie Road and Coolgardie Terrace should be maintained to prevent the proposed building from impacting on the streetscape and allow for landscaping areas that create a desired streetscape.	Not supported. For the reasons outlined in the Assessment Table above.
Issue: Rear/Side Setbacks  The building setbacks and boundary walls will impact on the adjoining properties in terms of ventilation and sunlight.	Not supported. For the reasons outlined in the Assessment Table above.

<b>Summary of Comments Received:</b>	<b>Officers Technical Comment:</b>
<p>Issue: Outdoor Living Areas</p> <p>If this application does not comply with the required area and dimension for outdoor living area, the future residents will not have an effective outdoor living area which will reduce visual surveillance to the street.</p>	<p>Supported. Should the application be approved, a condition has been recommended that the applicant be required to comply with the required area and dimension for balconies.</p>
<p>Issue: Design of Building</p> <p>The design of the building lacks visual articulation and does not reflect the quality of design that the City of Vincent is aspiring towards.</p>	<p>Noted. The plans were considered acceptable and supported by the Design Advisory Committee.</p>
<p>Issue: Impacts during Construction</p> <p>Concerns about the impact on adjoining properties during construction in relation to traffic, parking, noise dust, waste, vibration, subsidence and closure of emergency exit lane.</p>	<p>Noted. All these matters will be addressed as part of the Construction Management Plan, which is required to be submitted and approved by the City, prior to a Building Permit being issued.</p>
<p>Issue: Parking and Traffic</p> <p>The parking at ground level is not acceptable and the traffic should have entrance from Claisebrook Road and exit from Coolgardie Terrace or vice versa.</p>	<p>Supported. The applicant has a right to have parking at the ground level, as long the City is satisfied there will be no impact on the adjoining properties. The City's Technical Services have advised that the traffic should not ingress or egress from Coolgardie Terrace and that only Claisebrook Road should be used.</p>
<p>Issue: Shop</p> <p>The proposed shop is not part of the streetscape and no disabled access bay is provided.</p>	<p>Not supported. This area contains a mix of commercial and residential uses. A shop is an acceptable use for this area and therefore is part of the streetscape. A disabled access car bay is provided.</p>
<p>Issue: Tourist/Commercial business</p> <p>This area is becoming popular for work for example office building, restaurants, backpackers building and others. The residential development will be out of context with these uses.</p>	<p>Not supported. There are currently mixed-use developments being built in the area; for example at the at the corner of Lord Street and Summers Street. Residential development is an acceptable use for this area and will not be out of character.</p>
<p>Issue: Concrete Batching Plants</p> <p>The future residents will not be able to use the balconies as they will be impacted by dust from the operations of the batching plants.</p>	<p>Not supported. The onus is on any future buyer/occupier to be aware that there are existing batching plants not far from the proposed development site.</p>
<p>Issue Privacy</p> <p>There will be a privacy impact on the adjoining southern property.</p>	<p>Supported in part. The balconies facing the southern property were not screened when the application was advertised. However, the applicant has amended the plans to show privacy screening of the balconies on the southern elevation. The windows to the bedrooms comply with the privacy setback of 3 metres as required by 2013 R-Codes.</p>

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

**Design Advisory Committee:**

Referred to Design Advisory Committee: Yes

Summary of Design Advisory Committee Comments:

The proposal was referred to the DAC meeting held on 20 March 2013. The following comments were provided:

*“Discussion:*

- *Shortfall of 2 visitor bays.*
- *Possibly lower car park as site slopes from north to south.*
  - *This will bring balconies facing north closer to street level which will aid in activating the street.*
  - *Potential to help reduce overshadowing to the adjoining southern property.*
- *Staircase/lobby stairwell to be outward and have glazing.*
  - *This would result in BCA variation which will need fire engineer to sign off on the proposal as greater than 6m from all doors/entries to dwellings to the stairs.*

*Recommendation:*

- *Encourage retention of retail, yet better interaction.*
- *Move retail up to corner.*
- *Retail next to foyer rather than the driveway.*
- *Retail component is encouraged to stay, if not more provided.*
- *Corner aspect of site could be more appropriate location for the retail use.*

*Mandatory:*

- *Entry foyer to be covered and identify entry.*
- *Ensure materials add to the aesthetics of the building not detract from the building- eg. High quality face concrete not painted concrete.*
- *Jarrah podium – clarify material quality.*
- *Improve entry (pedestrian and cars) juxtaposition.*
- *Lobby, lift well flip for stair outboard and glaze (BCA).*
- *Reduce balcony to north side to reduce shadow to southern neighbour.*
- *Overshadowing diagram to be provided.”*

The proposal was again referred to the DAC meeting held on 7 August 2013. The following comments were provided:

*“Discussion:*

- *The plans do not reflect the recommendations from the first presentation.*
- *Check balconies conform to the requirements of the TPS and R-Codes.*
- *Introduce north light into the top floor to south facing apartments with clerestory windows or similar (303, 304 and 305).*
- *Adjust balconies to comply with R-Codes to apartments 105, 205 and 305.*
- *Redesign fixed louvre screens for better engagement with the street.*
- *Relocate the location of the car entrance.*
- *Provide greater separation of pedestrian and vehicular traffic to avoid conflict.*

*Mandatory:*

- *Relocate the vehicle entry away from the middle of the property to reduce the impact on the street engagement. This will enable the retail to be grouped with the pedestrian entry, separate the pedestrian entry from the vehicle access and improve the street engagement. Relocate to the south or off the minor street (subject to the City Engineering Department approval).*
- *Re-design the balcony louvres on Claisebrook Road to improve the relationship with the street.*
- *Provide a schedule confirming final material selection and treatment of material.*

*Design Considerations:*

- *Introduce north light to the living spaces of apartments 303, 304 and 305 with the use of clerestory or similar windows.*

*Technical:*

- *Review balcony sizes with the R-Code requirements and City Policy and adjust as required."*

The proposal was re-considered by the DAC at its meeting held on 6 November 2013. The following comments were provided:

*"Discussion:*

- *Most items from previous recommendation have been addressed.*
- *Consider where windows are placed for natural light and cross ventilation.*

*Recommendation:*

- *The proposal does not need to be presented to another DAC meeting.*

*Mandatory:*

- *Move Unit 1.05 window to the North.*
- *Provide window/natural light to staircase.*

*Design Considerations:*

*Technical:*

- *Confirm paint colours.*
- *Confirm selection of timber."*

The applicant has amended the plans to comply with the mandatory requirement.

**LEGAL/POLICY:**

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2013;
- East Perth Redevelopment Scheme No. 1;
- Claisebrook Road North area (Precinct 15) Guidelines; and
- Sound Attenuation Policy No. 3.5.21.

**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 2013-2017 states:

*"Natural and Built Environment*

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

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

**SUSTAINABILITY IMPLICATIONS:**

The City's Strategic Plan 2013-2017 states:

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

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

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

SOCIAL	
Issue	Comment
The proposal provides for an increase in housing diversity and provides housing for smaller households within the City.	

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS & CONCLUSION:**

**Demolition**

The subject single-storey brick and iron workshop/factory was constructed circa 1967 in the Post-war Functionalist Workshop/Factory style.

The WA Post Office Directories indicates that Henry F Nurse lived at the brick dwelling at No. 159 Claisebrook Road between 1948 and 1949. Since then the subject dwelling has been transferred several times to new owners and occupiers.

A full heritage assessment, including an external inspection undertaken on 9 August 2013, indicates that the place has little aesthetic, historic, scientific or social heritage significance. The place is not rare and does not represent any aspect of cultural heritage of the City of Vincent that may be endangered. In accordance with the City's Policy No. 3.6.2 relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the City's Municipal Heritage Inventory. It is therefore considered that approval should be granted for demolition subject to standard condition.

**Strategic Planning**

No. 159 Claisebrook Road is located within the Claisebrook Road North Precinct. The area was transferred to the City of Vincent in July 2007 from the City of Perth. The City currently applies the *East Perth Redevelopment Authority Scheme 1992 as at Stage 1 Normalisation 2002* to properties in the area bounded by Lord Street, Summers Street, the Railway Reserve and the Graham Farmer Freeway Reserve. The current Scheme has a zoning of Residential R80 for this area and allows a mix of uses.

The City is currently in the process of reviewing its Town Planning Scheme No. 1. As part of this process, the City will incorporate the Claisebrook Road North Precinct into the City of Vincent Town Planning Scheme No. 2. Once Gazetted, the City's Scheme will apply to the area. The Draft Town Planning Scheme No. 2 has received consent to advertise from the Minister for Planning. The Minister required the following modification be made to the City's Draft Scheme prior to advertising, *'Modify Scheme Map 4 by rezoning the area south of Summers Street from "Residential-Commercial" to "Commercial", and deleting the R100 and R160 density codes.'* It is noted that in the Council report of 8 October 2013, that the City did not support this modification to the Scheme, however was required to make the changes prior to advertising, by the Minister.

In addition, the Minister requested the following new clause be added to the Draft Town Planning Scheme text.

#### *'4.16 RESIDENTIAL DEVELOPMENTS AND USES*

*"aged or dependant persons dwelling", "grouped dwelling", "single house", "residential building", "multiple dwelling" and "short term accommodation" are not permitted on lots with direct frontage to Edward Street east of Lord Street, Caversham Street, and Claisebrook Road between Chelsea Street and Murchison Terrace."*

It is noted that this does not apply to No. 159 Claisebrook Road. The Minister has also requested that the two concrete batching plant sites within the precinct be zoned as 'Special use – Concrete Batching Plant' which the City does not support.

The City's vision for the precinct is to be a high density mixed use precinct and has been identified as a planned urban growth area in the City's Draft Local Planning Strategy that was considered by the Council on 3 December 2013, as well as in the Western Australian Planning Commission's Draft Central Metropolitan Perth Sub-regional Strategy (August 2010).

#### **Planning**

The proposed development is considered to generally improve the streetscape and surrounding area through the redevelopment of under-utilised sites, which will provide a catalyst for other sites to be developed.

The proposed design treatments (articulation, detailing and colour) to the building and street/side/rear setbacks are considered to mitigate the bulkiness of the building on the surrounding area. Given the close proximity to public transport (East Perth Train Station, Claisebrook Train Station, bus route along Lord Street) and the Central Business District, the variation to the residential car parking requirements is supported. However, the City Officers recommend that 2 car bays out of the 13 car bays provided for the residents shall be allocated for visitors, so as to ensure visitors have access to the site, which will minimise any impact on the amenity of the area.

It is considered that the area is currently underdeveloped and presents an opportunity for intensification and regeneration. Strategically, the immediate and surrounding areas have significant potential as regeneration areas alongside the recent redevelopment of 'Nib' Stadium. It is considered the significance of this development will provide an impetus for future high density mixed-use development throughout this area. Under the Draft Town Planning Scheme No. 2 the site will be zoned commercial.

#### **Conclusion**

In light of the above, it is considered that the proposed development will not impact on the amenity of the area. The proposed development will provide an impetus for regeneration of the area. It is therefore recommended that the application be supported subject standard and appropriate conditions.

**9.1.10 FURTHER REPORT: Heritage Protection Areas and Design Guidelines – Appointment of Consultant and Reallocation of Funds**

<b>Ward:</b>	Both	<b>Date:</b>	9 December 2013
<b>Precinct:</b>	Cleaver Precinct (P5); Hyde Park Precinct (P12)	<b>File Ref:</b>	PLA0263
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	C Smith, Planning Officer (Strategic) M Rootsey, Director Corporate Services		
<b>Responsible Officer:</b>	P Mrdja, Acting Director Planning Services – Project John Giorgi JP, Chief Executive Officer – Governance		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES** the quotation submitted by Now Then Architects at a cost of \$23,590 as being the most acceptable quotation and the preferred consultant to carry out the 'Identification of Heritage Areas and Preparation of Design Guidelines for Development within a Heritage Area';
2. **APPROVES BY AN ABSOLUTE MAJORITY** the reallocation of funds from the following accounts:
  - 2.1 \$10,000 from the Strategic Planning and Heritage Services Operating Budget 'Consultants' Account;
  - 2.2 \$10,000 from Heritage Programmes Project Costing 'Aboriginal Monitoring' Account; and
  - 2.3 \$6,000 from the Strategic Planning Programmes Project Costing 'Strategic Planning & Heritage Publicity and Promotion' Account,

for the Identification of Heritage Areas and Preparation of Design Guidelines for Development within a Heritage Area;
3. **AUTHORISES** the Chief Executive Officer to advise the landowners of those properties within the twenty identified Heritage Areas, of the process the City is undertaking.

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**Moved Cr Topelberg, Seconded Cr Buckels**

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

- “4. **INVESTIGATES** the potential to restrict Multiple Dwellings in the areas zoned Residential R30 in the Draft Town Planning Scheme No. 2 Mount Hawthorn Precinct.”

Debate ensued.

Cr Pintabona returned to the Chamber at 8.56pm.

Debate ensued.



**AMENDMENT**

**Moved Cr Buckels, Seconded Cr Cole**

“That Clause 4 be amended to read as follows:

- “4. INVESTIGATES the potential to restrict Multiple Dwellings in the areas zoned Residential R30 in the Draft Town Planning Scheme No. 2 Mount Hawthorn, North Perth and Leederville Precinct.”

Debate ensued.

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

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

**COUNCIL DECISION ITEM 9.1.10**

That the Council;

1. APPROVES the quotation submitted by Now Then Architects at a cost of \$23,590 as being the most acceptable quotation and the preferred consultant to carry out the ‘Identification of Heritage Areas and Preparation of Design Guidelines for Development within a Heritage Area’;
2. APPROVES BY AN ABSOLUTE MAJORITY the reallocation of funds from the following accounts:
  - 2.1 \$10,000 from the Strategic Planning and Heritage Services Operating Budget ‘Consultants’ Account;
  - 2.2 \$10,000 from Heritage Programmes Project Costing ‘Aboriginal Monitoring’ Account; and
  - 2.3 \$6,000 from the Strategic Planning Programmes Project Costing ‘Strategic Planning & Heritage Publicity and Promotion’ Account,for the Identification of Heritage Areas and Preparation of Design Guidelines for Development within a Heritage Area;
3. AUTHORISES the Chief Executive Officer to advise the landowners of those properties within the twenty indentified Heritage Areas, of the process the City is undertaking; and
4. INVESTIGATES the potential to restrict Multiple Dwellings in the areas zoned Residential R30 in the Draft Town Planning Scheme No. 2 Mount Hawthorn, North Perth and Leederville Precinct.

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**PURPOSE OF REPORT:**

The purpose of this report is to obtain the Council’s approval of the preferred quotation for the Identification of Heritage Areas and Preparation of Design guidelines for Development within a Heritage Area, and to reallocate funds from three (3) accounts in order to complete the project.

**BACKGROUND:**

This item was included in the Agenda for the Ordinary Meeting of Council held on 3 December 2013. However, the Chief Executive Officer withdrew the Item to further assess the Request for Quotation. The further assessment was carried out independently by the Director Corporate Services and the Chief Executive Officer.

The Heritage Areas project originated as a result of the Western Australian Planning Commissions review of State Planning Policy No. 3.1, the Residential Design Codes (R Codes). The reviewed R Codes were gazetted on 2 August 2013 and came into effect on the same day. One of the major amendments considered to significantly impact on the character of some areas within the City is the introduction of reduced average and minimum site area requirements for Residential R80 zoned areas within the City. This is considered to have a possible detrimental impact on areas within the City with significant heritage character.

In response, the City conducted a Community Forum on Saturday 3 August 2013. Invitations were sent to all residents/landowners of lots located within the Cleaver, Hyde Park and Forrest Precincts, which are zoned R80 and previously, were not able to subdivide.

Discussion at the Forum focused on 3 options. The options were:

- Create Heritage Areas;
- Rezone from Residential R80 to Residential R50; and
- Do nothing.

Overall, it appeared that Option 1 was the preferred option at the Community Forum. Creating a Heritage Area would be a faster process than a scheme amendment to rezone from R80 to R50. Additionally, Heritage Areas allow specific design guidelines for specific streets and areas, further enhancing and conserving heritage.

On 27 August 2013, the Council resolved to further investigate the creation of Heritage Areas in the Hyde Park and Cleaver Precincts.

As a result, a Request for Quotation was prepared and sent to twenty-five (25) consultancies. The request for quotations document was also displayed on the City's website.

**History:**

Date	Comment
2 June 2013	The WAPC released a media statement stating the R-Codes have been amended and will be gazetted on 2 August 2013.
9 July 2013	Report to the Council outlining the changes to the R-Codes and the possible impacts for the City.
16 July 2013	City Officers presented to a council member forum explaining the changes to the R-Codes.
2 August 2013	Revised R-Codes gazetted and in effect.
3 August 2013	The City held a community forum explaining the impacts of the R-Codes changes. The majority of community participants were in favour of pursuing the introduction of Heritage Areas in the City.
27 August 2013	The outcomes of the forum were presented to the Council and further investigation of Heritage Areas was endorsed.
4 October 2013	The City's Officers sent out a request for quotation (RFQ) to twenty-five (25) consultancies. The Project brief was placed on the City's website for four (4) weeks.
1 November 2013	Submissions closed for the RFQ.

**Previous Reports to Council:**

This matter was previously reported to the Council on 27 August 2013.

The Minutes of Item 9.1.6 from the Ordinary Meeting of Council held on 27 August 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](http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes).

**DETAILS:**

**Scope of Works**

The broad objectives of the Heritage Areas project have been identified as follows:

- Assess previously identified areas to determine whether the places meet the criteria to be identified as Heritage Areas in accordance with State Planning Policy 3.5 – Historic Heritage Conservation;
- Undertake assessment by a team comprising of at least a heritage architect/planner;
- Undertake site inspections for assessment of possible Heritage Areas;
- Provide a Local Planning Policy – Development design Guidelines, or a similar framework for the assessment of development applications within the identified Heritage Areas;
- Provide a description of predominant architecture styles that are to be retained within each Heritage Area; and
- Provide a set of objectives that the design guidelines aim to achieve.

**Evaluation Criteria**

Evaluation Criteria	Weighting
<p><b>Financial offer/fee proposal</b></p> <ul style="list-style-type: none"> <li>• This contract is offered on a lump sum (fixed price) fee basis. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST).</li> <li>• Represents the "best value" for money.</li> </ul>	<b>20%</b>
<p><b>Relevant experience, expertise and project team</b></p> <p>Demonstrate your:</p> <ul style="list-style-type: none"> <li>• Experience, expertise and project team.</li> <li>• Role and credentials of the key persons in the provision of the service (i.e. qualifications and experience).</li> <li>• Ability to provide ongoing availability of sufficient skilled persons capable of performing the tasks consistent with the required standards.</li> <li>• Understanding of the requirements associated with delivering the services to the City.</li> <li>• Experience and success in the sphere of recent similar facilities.</li> </ul>	<b>40%</b>
<p><b>History and viability of Company</b></p> <ul style="list-style-type: none"> <li>• Detail your history, viability and experience.</li> <li>• Include any comments received from referees.</li> <li>• Demonstrate your capacity and depth to effectively address the range of requirements of the City.</li> <li>• Demonstrate the financial capacity of the organisation to carry out works for this project including evidence of stability and experience.</li> </ul>	<b>20%</b>

Evaluation Criteria	Weighting
<b>Methodology, key issues and risks</b> Demonstrate your: <ul style="list-style-type: none"> <li>• Proposed methodology for this project to be completed on time and within budget.</li> <li>• Evidence of successful results.</li> <li>• Ability to provide a high level of:                             <ul style="list-style-type: none"> <li>○ Site management</li> <li>○ Finish</li> <li>○ Practices regarding industrial relations</li> <li>○ Practices regarding environmental protection</li> <li>○ Practices providing a safe working environment.</li> </ul> </li> <li>• Understanding of the required service by identifying the key issues and risk associated with delivering the project.</li> </ul>	<b>10%</b>
<b>References</b> <ul style="list-style-type: none"> <li>• Submission of contact details of referees for similar projects.</li> </ul>	<b>10%</b>
<b>TOTAL</b>	<b>100%</b>

### Quotations Received

The quotation was advertised on the City's Website for a period of four (4) weeks. In addition, requests for quotation were invited from twenty-five (25) consultancies. At the close of the quotation period (1 November 2013), nine (9) submissions were received. During the assessment period, one consultant withdrew their submission. The eight (8) submissions assessed were as follows:

NO	Consultant	Price (Excluding GST)
1	Hocking Heritage Studio	\$18,600
2	Now Then Architects	\$23,590
3	Stephen Carrick Architects	\$29,500
4	Palassis Architects	\$30,000
5	Ian Molyneux	\$32,750
6	TPG Town Planning, Urban Design and Heritage	\$45,440
7	Archaeological Heritage Management Solutions	\$49,879
8	Gavin Jackson Cultural Resources Management	\$56,358

### Evaluation

Most of the quotations received were of a high calibre, with the key variations between the quotations relating to methodologies and the level of understanding of the City's needs. The assessment for each of the quotations, based on the above evaluation criteria, is summarised below.

Evaluation Criteria	Weighting %	Now Then Architects	Stephen Carrick Architects	TPG	Hocking Heritage Studio	Palassis Architects	AHMS	Gavin Jackson Resource Mgt	Ian Molyneux
<b>Fee Proposal</b>	20%	18.2	16.1	10.5	20.0	16.0	8.9	6.6	15.0
<b>Relevant Experience, Expertise of Project Item</b>	40%	29.3	31.3	34.7	28.0	26.7	25.3	12.3	12.7
<b>History and Viability of</b>	20%	13.3	14.0	17.3	15.0	15.0	7.7	7.0	6.0

Evaluation Criteria	Weighting %	Now Then Architects	Stephen Carrick Architects	TPG	Hocking Heritage Studio	Palassis Architects	AHMS	Gavin Jackson Resource Mgt	Ian Molyneux
<b>Organisation</b>									
<b>Methodology, Key Issues and Risks</b>	10%	9.7	7.8	6.3	7.7	7.3	6.3	2.7	0.3
<b>References</b>	10%	10.0	10.0	9.0	6.0	5.0	10.0	10.0	0.0
<b>TOTAL</b>	<b>100%</b>	<b>80.5</b>	<b>79.2</b>	<b>77.8</b>	<b>76.7</b>	<b>70.0</b>	<b>58.2</b>	<b>38.6</b>	<b>34.0</b>

**1. Now Then Architects**  
15 Vera Street, Cottesloe WA 6011

Total Score	80.6 (highest ranking)
<p><b>Relevant Experience, Expertise of Project Team</b></p> <p>Demonstrate your:</p> <ul style="list-style-type: none"> <li>• Experience, expertise and project team.</li> <li>• Role and credentials of the key persons. (i.e. qualifications and experience).</li> <li>• Ability to provide ongoing availability of sufficient skilled persons capable of performing the tasks. Consistent with the required standards.</li> <li>• Understanding of the requirements associated with delivering the services.</li> <li>• Experience and success in the sphere of recent similar facilities.</li> </ul>	<ul style="list-style-type: none"> <li>• Well credentialed team including two heritage architects.</li> <li>• Comprehensive and well documented CV's provided. Both directors previously employed at Griffiths Architects.</li> <li>• Relevant Experience includes Heritage Impact Statements and Assessments, Heritage Inventories and Heritage Planning Advice.</li> <li>• Significant experience in the Perth or Western Australian region.</li> </ul>
<p><b>History and Viability of Organisation:</b></p> <ul style="list-style-type: none"> <li>• Detail your history, viability and experience.</li> <li>• Demonstrate your capacity and depth to effectively address requirements of the City.</li> <li>• Demonstrate the financial capacity of the organisation to carry out works for this project including evidence of stability and experience.</li> </ul>	<ul style="list-style-type: none"> <li>• Now Then is a relatively new company.</li> <li>• The directors have significant experience in the field of architectural heritage, heritage reports and heritage interpretation.</li> </ul>
<p><b>Methodology, Key Issues and Risks:</b></p> <p>Demonstrate your:</p> <ul style="list-style-type: none"> <li>• Proposed methodology for this project to be completed on time and within budget.</li> <li>• Evidence of successful results.</li> <li>• Ability to provide a high level of: <ul style="list-style-type: none"> <li>○ Site management</li> <li>○ Finish</li> <li>○ Practices regarding industrial relations</li> <li>○ Practices regarding environmental protection</li> <li>○ Practices providing a safe working environment.</li> </ul> </li> <li>• Understanding of the required service by identifying the key issues and risk associated with delivering the project.</li> </ul>	<ul style="list-style-type: none"> <li>• Comprehensive and well documented methodology provided.</li> <li>• Methodology is extensive and extremely in depth for the Heritage Area assessment as well as the subsequent development of the Design Guidelines.</li> <li>• Detailed task list provided with proposed realistic completion dates.</li> <li>• Will provide weekly progress reports and meet fortnightly with the City of Vincent officers.</li> <li>• Project templates used for the delivery of the project to ensure the progress is recorded and tracked.</li> <li>• Identifies the potential risks and key issues with the project and how these can be solved.</li> </ul>

<p><b>References and Credentials:</b></p> <ul style="list-style-type: none"> <li>• Submission of contact details of referees for similar projects.</li> <li>• Include any comments received from referees.</li> </ul>	<ul style="list-style-type: none"> <li>• 3 references provided</li> <li>• Architect – City of Swan</li> <li>• Manager Planning Services – City of Kalgoorlie Boulder</li> <li>• Historian – Robert Chinnery Historians</li> </ul>
<p><b>Financial Offer/Fee Proposal (weighting 20%)</b></p> <ul style="list-style-type: none"> <li>• This contract is offered on a lump sum (fixed price) fee basis. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST).</li> <li>• Represents the “best value” for money.</li> </ul>	<ul style="list-style-type: none"> <li>• <del>\$25,949</del> \$23,590– second lowest fee.</li> <li>• Number of hours required for project not specified.</li> <li>• Detailed breakdown of fees provided.</li> </ul> <p><u>Financial History/Viability</u></p> <ul style="list-style-type: none"> <li>• No profit and loss statements provided as the company was established in April 2013.</li> <li>• Line of credit provided with statement from Westpac Bank.</li> <li>• Insurance coverage provided.</li> </ul>
<p><b>Summary Comments: -</b> Now Then Architects is a newly formed company directed by two experienced architects with a strong history and understanding of Heritage Management. They have provided a very well thought out and detailed methodology for the delivery of the project, which will provide a detailed planning framework for the City to use. The quotation provided presents value for money, as they have provided one of the most detailed quotation documents, within the expected price range. Very well received references.</p>	

**2. Stephen Carrick Architects**  
44 Lewin Way, Scarborough WA 6019

<p>Total Score</p>	<p>79.3 (second highest ranking)</p>
<p><b>Relevant Experience, Expertise of Project Team</b> Demonstrate your:</p> <ul style="list-style-type: none"> <li>• Experience, expertise and project team.</li> <li>• Role and credentials of the key persons. (i.e. qualifications and experience).</li> <li>• Ability to provide ongoing availability of sufficient skilled persons capable of performing the tasks. Consistent with the required standards.</li> <li>• Understanding of the requirements associated with delivering the services.</li> <li>• Experience and success in the sphere of recent similar facilities.</li> </ul>	<ul style="list-style-type: none"> <li>• Project team consists of Stephen Carrick as the lead consultant and Heritage Architect and Chris Antill from Chris Antill Planning and Urban Design as the Town Planner.</li> <li>• Stephen Carrick has over 25 years experience in assessing and indentifying heritage places.</li> <li>• Chris Antill has over 40 years experience in professional planning.</li> <li>• Detailed and comprehensive CV’s provided.</li> <li>• Stephen Carrick – Significant experience in identification and assessment of Heritage Places and Areas.</li> <li>• Chris Antill – Significant experience in the development of design guidelines. Recent experience includes, Kershaw Street Conservation Area (City of Subiaco), Design Guidelines (Shire of York), King Street and Barrack Street Conservation Area (City of Perth), East Fremantle Residential Design Guidelines (Town of East Fremantle) and several more.</li> <li>• Significant experience in the Perth or Western Australian region.</li> </ul>
<p><b>History and Viability of Organisation:</b></p> <ul style="list-style-type: none"> <li>• Detail your history, viability and experience.</li> <li>• Demonstrate your capacity and depth to</li> </ul>	<ul style="list-style-type: none"> <li>• Stephen Carrick Architects operates as an architectural practice specialising in heritage and building conservation.</li> </ul>

<p>effectively address requirements of the City.</p> <ul style="list-style-type: none"> <li>• Demonstrate the financial capacity of the organisation to carry out works for this project including evidence of stability and experience.</li> </ul>	
<p><b>Methodology, Key Issues and Risks:</b> Demonstrate your:</p> <ul style="list-style-type: none"> <li>• Proposed methodology for this project to be completed on time and within budget.</li> <li>• Evidence of successful results.</li> <li>• Ability to provide a high level of: <ul style="list-style-type: none"> <li>○ Site management</li> <li>○ Finish</li> <li>○ Practices regarding industrial relations</li> <li>○ Practices regarding environmental protection</li> <li>○ Practices providing a safe working environment.</li> </ul> </li> <li>• Understanding of the required service by identifying the key issues and risk associated with delivering the project.</li> </ul>	<ul style="list-style-type: none"> <li>• Specific roles of Stephen and Chris outlined.</li> <li>• Demonstrates an understanding of the project.</li> <li>• Comprehensive and well documented methodology provided.</li> <li>• Detailed task list provided with proposed realistic completion dates.</li> <li>• Will provide weekly progress reports and meet fortnightly with the City of Vincent officers.</li> <li>• No potential risks and issues indentified.</li> </ul>
<p><b>References and Credentials:</b></p> <ul style="list-style-type: none"> <li>• Submission of contact details of referees for similar projects.</li> <li>• Include any comments received from referees.</li> </ul>	<ul style="list-style-type: none"> <li>• 4 references provided for Stephen Carrick</li> <li>• Heritage Councillor – Heritage Council of WA</li> <li>• Manager Assessment and Registration – State Heritage Office</li> <li>• Manager Planning – Shire of Bridgetown-Greenbushes</li> <li>• Property Owner for Heritage Assessment</li> <li>• 4 references provided for Chris Antill</li> <li>• Heritage Officer – City of Subiaco</li> <li>• Director Planning and Development Services – Shire of Kalamunda</li> <li>• Executive Manager Development and Environmental Services – Town of Cambridge</li> <li>• Heritage Councillor – Heritage Council of WA</li> </ul>
<p><b>Financial Offer/Fee Proposal (weighting 20%)</b></p> <ul style="list-style-type: none"> <li>• This contract is offered on a lump sum (fixed price) fee basis. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST).</li> <li>• Represents the “<i>best value</i>” for money.</li> </ul>	<ul style="list-style-type: none"> <li>• \$ 29,500 – third lowest fee.</li> <li>• Number of hours required for project not specified.</li> <li>• Detailed breakdown of fees provided.</li> <li>• Hourly rates for project team provided if additional work is required.</li> </ul> <p><u>Financial History/Viability</u></p> <ul style="list-style-type: none"> <li>• No profit and loss statements provided.</li> <li>• Financial references provided.</li> <li>• Insurance coverage provided.</li> </ul>

**Summary Comments:**

Well rounded project team including architect and sub-contracted town planner;  
The town planner has experience with Heritage Design Guidelines, recently assisting with the City of Subiaco Heritage Area Design Guidelines;  
Methodology provided is succinct and logical, proposed final product will satisfy the City's requirements; and  
Quotation price provided is slightly higher than the expected price range.

**3. TPG Town Planning, Urban Design and Heritage**  
Level 7, 182 St Georges Terrace, Perth 6000

Total Score	77.8 (third highest ranking)
<p><b>Relevant Experience, Expertise of Project Team</b></p> <p>Demonstrate your:</p> <ul style="list-style-type: none"> <li>• Experience, expertise and project team.</li> <li>• Role and credentials of the key persons. (i.e. qualifications and experience).</li> <li>• Ability to provide ongoing availability of sufficient skilled persons capable of performing the tasks. consistent with the required standards.</li> <li>• Understanding of the requirements associated with delivering the services.</li> <li>• Experience and success in the sphere of recent similar facilities.</li> </ul>	<ul style="list-style-type: none"> <li>• Project team consists of Principal Heritage Architect and Senior Heritage Planner. Other staff of TPG readily available eg urban designers, graphic designers, draftsman.</li> <li>• Profiles of the project team provided. Not as detailed as a CV.</li> <li>• Significant experience relating to the project. Recent experience includes, Heritage Advice (City of Stirling), South Perth Streetscape Policy (City of South Perth), Heritage Strategic Plan (City of Swan), Local Planning Strategy and Local Planning Scheme Review (Shire of Cue).</li> <li>• Significant experience in the Perth or Western Australian region.</li> </ul>
<p><b>History and Viability of Organisation:</b></p> <ul style="list-style-type: none"> <li>• Detail your history, viability and experience.</li> <li>• Demonstrate your capacity and depth to effectively address requirements of the City.</li> <li>• Demonstrate the financial capacity of the organisation to carry out works for this project including evidence of stability and experience.</li> </ul>	<ul style="list-style-type: none"> <li>• TPG have been operating for 20 years.</li> <li>• Recently created a heritage team.</li> </ul>
<p><b>Methodology, Key Issues and Risks:</b></p> <p>Demonstrate your:</p> <ul style="list-style-type: none"> <li>• Proposed methodology for this project to be completed on time and within budget.</li> <li>• Evidence of successful results.</li> <li>• Ability to provide a high level of: <ul style="list-style-type: none"> <li>○ Site management</li> <li>○ Finish</li> <li>○ Practices regarding industrial relations</li> <li>○ Practices regarding environmental protection</li> <li>○ Practices providing a safe working environment.</li> </ul> </li> <li>• Understanding of the required service by identifying the key issues and risk associated with delivering the project.</li> </ul>	<ul style="list-style-type: none"> <li>• Demonstrates an understanding of the project and the reasons behind the initiation of the project.</li> <li>• Task list provided, but with no proposed completion dates.</li> <li>• Provides very limited details for the methodology.</li> <li>• Potential risks and issues indentified.</li> </ul>



<p><b>References and Credentials:</b></p> <ul style="list-style-type: none"> <li>• Submission of contact details of referees for similar projects.</li> <li>• Include any comments received from referees.</li> </ul>	<ul style="list-style-type: none"> <li>• 3 references provided</li> <li>• Director Planning and Development – City of Stirling</li> <li>• Coordinator Local Area Planning and Policy – City of Swan</li> <li>• Director Development and Community Services – City of South Perth</li> </ul>
<p><b>Financial Offer/Fee Proposal (weighting 20%)</b></p> <ul style="list-style-type: none"> <li>• This contract is offered on a lump sum (fixed price) fee basis. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST).</li> <li>• Represents the "best value" for money.</li> </ul>	<ul style="list-style-type: none"> <li>• \$ 45,440 – third highest fee.</li> <li>• Number of hours required for project not specified.</li> <li>• Breakdown of fees provided.</li> <li>• Hourly rates for project team provided if additional work is required.</li> </ul> <p><u>Financial History/Viability</u></p> <ul style="list-style-type: none"> <li>• No profit and loss statements provided.</li> <li>• Share structure of company provided.</li> <li>• Insurance coverage provided.</li> </ul>
<p><b>Summary Comments:</b> Well credentialed Project team comprised of two (2) Heritage Architects, a Graphics Team and a senior Heritage Planner; Extensive experience with other Heritage Area projects and giving advice; Completed the City of Stirling Heritage Protection Area guidelines and is still the City's Heritage Consultant; A logical framework provided in the methodology, however no specific timeframes were outlined; and Quotation price provided is significantly higher than the expected price range.</p>	

**4. Hocking Heritage Studio**  
156 Onslow Road, Shenton Park WA 6008

<p>Total Score</p>	<p>76.7 (fourth highest ranking)</p>
<p><b>Relevant Experience, Expertise of Project Team</b> Demonstrate your:</p> <ul style="list-style-type: none"> <li>• Experience, expertise and project team.</li> <li>• Role and credentials of the key persons. (i.e. qualifications and experience).</li> <li>• Ability to provide ongoing availability of sufficient skilled persons capable of performing the tasks. Consistent with the required standards.</li> <li>• Understanding of the requirements associated with delivering the services.</li> <li>• Experience and success in the sphere of recent similar facilities.</li> </ul>	<ul style="list-style-type: none"> <li>• Well credentialed staff members including heritage architects, historians and draftsman. All with varying experience.</li> <li>• Does not specifically indentify who will be working on the project.</li> <li>• Comprehensive and well documented CV's provided.</li> <li>• Relevant Experience including Rawson Street Heritage Area (City of Subiaco), Municipal Inventory, Heritage Policy and Design Guidelines (Shire of Harvey), Claremont Residential Design Guidelines (Town of Claremont), Municipal Inventory, Heritage Policy and Design Guidelines (Town of Mosman Park) and Municipal Inventory and District Survey (Town of Vincent).</li> <li>• Significant experience in the Perth or Western Australian region.</li> </ul>
<p><b>History and Viability of Organisation:</b></p> <ul style="list-style-type: none"> <li>• Detail your history, viability and experience.</li> <li>• Demonstrate your capacity and depth to effectively address requirements of the City.</li> <li>• Demonstrate the financial capacity of the organisation to carry out works for this project including evidence of stability and experience.</li> </ul>	<ul style="list-style-type: none"> <li>• Company founded in 1991.</li> <li>• Share structure of company provided.</li> </ul>

<p><b>Methodology, Key Issues and Risks:</b> Demonstrate your:</p> <ul style="list-style-type: none"> <li>• Proposed methodology for this project to be completed on time and within budget.</li> <li>• Evidence of successful results.</li> <li>• Ability to provide a high level of: <ul style="list-style-type: none"> <li>○ Site management</li> <li>○ Finish</li> <li>○ Practices regarding industrial relations</li> <li>○ Practices regarding environmental protection</li> <li>○ Practices providing a safe working environment.</li> </ul> </li> <li>• Understanding of the required service by identifying the key issues and risk associated with delivering the project.</li> </ul>	<ul style="list-style-type: none"> <li>• Comprehensive and well documented methodology provided.</li> <li>• Detailed task list provided with proposed realistic completion dates.</li> <li>• Will provide weekly progress reports and meet fortnightly with the City of Vincent officers.</li> <li>• No potential risks and issues indentified.</li> </ul>
<p><b>References and Credentials:</b></p> <ul style="list-style-type: none"> <li>• Submission of contact details of referees for similar projects.</li> <li>• Include any comments received from referees.</li> </ul>	<ul style="list-style-type: none"> <li>• 6 references provided</li> <li>• Executive Manager Regulatory Services – Town of Mosman Park</li> <li>• Chief Executive Officer – Shire of Katanning</li> <li>• Director Planning – Shire of Kalamunda</li> <li>• Manager Planning Services – Shire of Harvey</li> <li>• Manager Community Development – Shire of Toodyay</li> <li>• Planning Officer – City of Subiaco</li> </ul>
<p><b>Financial Offer/Fee Proposal (weighting 20%)</b></p> <ul style="list-style-type: none"> <li>• This contract is offered on a lump sum (fixed price) fee basis. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST).</li> <li>• Represents the “best value” for money.</li> </ul>	<ul style="list-style-type: none"> <li>• \$18,600 – lowest fee.</li> <li>• Number of hours required for project not specified.</li> <li>• Detailed breakdown of fees provided.</li> <li>• Hourly rates for project team provided if additional work is required.</li> </ul> <p><u>Financial History/Viability</u></p> <ul style="list-style-type: none"> <li>• Profit and loss statements provided.</li> <li>• No identified problems or issues.</li> <li>• Insurance coverage provided.</li> </ul>
<p><b>Summary Comments:</b> Quotation does not outline the project team. Have recently undertaken projects of a similar nature. Completed the City of Vincent Municipal Heritage Inventory in 2004. Methodology presented included a clear understanding of the project. Reference check provided some negative comments.</p>	

**5. Palassis Architects**

Level 1, 353 Rokeby Road, Subiaco WA 6008

Total Score	70.0 (fifth highest ranking)
<p><b>Relevant Experience, Expertise of Project Team</b> Demonstrate your:</p> <ul style="list-style-type: none"> <li>• Experience, expertise and project team.</li> <li>• Role and credentials of the key persons. (i.e. qualifications and experience).</li> <li>• Ability to provide ongoing availability of sufficient skilled persons capable of performing the tasks. Consistent with the required standards.</li> <li>• Understanding of the requirements associated with delivering the services.</li> <li>• Experience and success in the sphere of recent similar facilities.</li> </ul>	<ul style="list-style-type: none"> <li>• Project team consists of Principal Architect, Project Leader, Senior Heritage Professional and a Project Support Officer.</li> <li>• Provides detailed summary of the roles of each of the members of the project team.</li> <li>• Profiles of the project team provided. Not as detailed as a CV.</li> <li>• Significant experience relating to the project. Recent experience includes, William Street Conservation Area Design Guidelines (City of Perth), Heritage Study for the Creation of a New Heritage List (City of Nedlands), Municipal Heritage Inventory Review (City of Stirling).</li> <li>• Relevant Experience relating to the creation of Design Guidelines for the following: Ocean Mia Design Guidelines, City Beach; Midland &amp; Central Area Design Guidelines, Midland; and Sunset Hospital Master Plan and Design Guidelines, Dalkeith.</li> <li>• Significant experience in the Perth or Western Australian region.</li> </ul>
<p><b>History and Viability of Organisation:</b></p> <ul style="list-style-type: none"> <li>• Detail your history, viability and experience.</li> <li>• Demonstrate your capacity and depth to effectively address requirements of the City.</li> <li>• Demonstrate the financial capacity of the organisation to carry out works for this project including evidence of stability and experience.</li> </ul>	<ul style="list-style-type: none"> <li>• One of the longest running architectural practices specialising in heritage and conservation.</li> <li>• Extremely familiar with the legislation and guidelines that apply.</li> </ul>
<p><b>Methodology, Key Issues and Risks:</b> Demonstrate your:</p> <ul style="list-style-type: none"> <li>• Proposed methodology for this project to be completed on time and within budget.</li> <li>• Evidence of successful results.</li> <li>• Ability to provide a high level of: <ul style="list-style-type: none"> <li>○ Site management</li> <li>○ Finish</li> <li>○ Practices regarding industrial relations</li> <li>○ Practices regarding environmental protection</li> <li>○ Practices providing a safe working environment.</li> </ul> </li> <li>• Understanding of the required service by identifying the key issues and risk associated with delivering the project.</li> </ul>	<ul style="list-style-type: none"> <li>• Demonstrates an understanding of the project.</li> <li>• Sound methodology provided.</li> <li>• Detailed task list provided with proposed realistic completion dates.</li> <li>• Potential risks and issues indentified.</li> </ul>
<p><b>References and Credentials:</b></p> <ul style="list-style-type: none"> <li>• Submission of contact details of referees for similar projects.</li> <li>• Include any comments received from referees.</li> </ul>	<ul style="list-style-type: none"> <li>• 2 references provided</li> <li>• Manager Strategic Planning – City of Nedlands</li> <li>• Chief Executive Officer – Town of Mosman Park</li> </ul>

<p><b>Financial Offer/Fee Proposal (weighting 20%)</b></p> <ul style="list-style-type: none"> <li>This contract is offered on a lump sum (fixed price) fee basis. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST).</li> <li>Represents the “best value” for money.</li> </ul>	<ul style="list-style-type: none"> <li>\$ 30,000 – fourth lowest fee.</li> <li>Number of hours required for project not specified.</li> <li>No breakdown of fees provided.</li> <li>Hourly rates for project team provided if additional work is required.</li> </ul> <p><u>Financial History/Viability</u></p> <ul style="list-style-type: none"> <li>No profit and loss statements provided.</li> <li>Financial reference provided.</li> <li>No Insurance coverage provided.</li> </ul>
<p><b>Summary Comments:</b> Project team comprised of a Senior Architect, Project Professional, Project Leader; Extensive and recent experience with similar projects including the City of Perth ‘William Street Conservation Area Design Guidelines’; Provided a simple, logical and clear methodology, including several key risks and issues identified; Quotation price supplied was slightly higher than the expected price range; and Reference check provided some negative comments.</p>	

**6. Archaeological Heritage Management Solutions (AHMS)**

13/336 Churchill Avenue, Subiaco WA 6008

<p>Total Score</p>	<p>58.2 (third lowest ranking)</p>
<p><b>Relevant Experience, Expertise of Project Team</b> Demonstrate your:</p> <ul style="list-style-type: none"> <li>Experience, expertise and project team.</li> <li>Role and credentials of the key persons. (i.e. qualifications and experience).</li> <li>Ability to provide ongoing availability of sufficient skilled persons capable of performing the tasks. Consistent with the required standards.</li> <li>Understanding of the requirements associated with delivering the services.</li> <li>Experience and success in the sphere of recent similar facilities.</li> </ul>	<ul style="list-style-type: none"> <li>Well credentialed team including Senior Heritage Consultant, Heritage Planner, Historian, and Heritage Consultant/GIS.</li> <li>Comprehensive and well documented CV’s provided.</li> <li>Relevant Experience includes Heritage Impact Statements and Assessments, Heritage Inventories and Heritage Planning Advice.</li> <li>No relevant experience in the Perth or Western Australian region.</li> </ul>
<p><b>History and Viability of Organisation:</b></p> <ul style="list-style-type: none"> <li>Detail your history, viability and experience.</li> <li>Demonstrate your capacity and depth to effectively address requirements of the City.</li> <li>Demonstrate the financial capacity of the organisation to carry out works for this project including evidence of stability and experience.</li> </ul>	<ul style="list-style-type: none"> <li>Heritage and archaeological consultants in operation since 1998.</li> <li>Offices in Sydney, Melbourne and Perth.</li> <li>Western Australian branch in operation since 2009.</li> </ul>
<p><b>Methodology, Key Issues and Risks:</b> Demonstrate your:</p> <ul style="list-style-type: none"> <li>Proposed methodology for this project to be completed on time and within budget.</li> <li>Evidence of successful results.</li> <li>Ability to provide a high level of: <ul style="list-style-type: none"> <li>Site management</li> <li>Finish</li> <li>Practices regarding industrial relations</li> <li>Practices regarding environmental protection</li> <li>Practices providing a safe working environment.</li> </ul> </li> <li>Understanding of the required service by</li> </ul>	<ul style="list-style-type: none"> <li>Comprehensive and well documented methodology provided.</li> <li>Methodology is extensive and extremely in depth for the Heritage Area assessment.</li> <li>Methodology for the Design Guidelines and intended output does not clearly satisfy the requirement for a Local Planning Policy.</li> <li>Similar project experience is minimal.</li> <li>The proposed timetable is very brief and does not clearly demonstrate when each task is proposed to be completed.</li> </ul>

identifying the key issues and risk associated with delivering the project.	
<b>References and Credentials:</b>	<ul style="list-style-type: none"> <li>• 1 reference provided</li> <li>• External Affairs Officer – Chevron Australia.</li> </ul>
<ul style="list-style-type: none"> <li>• Submission of contact details of referees for similar projects.</li> <li>• Include any comments received from referees.</li> </ul>	
<b>Financial Offer/Fee Proposal (weighting 20%)</b>	<ul style="list-style-type: none"> <li>• \$49,879 – second highest fee.</li> <li>• Number of hours specified as 267 hours.</li> <li>• Hourly rates for project team specified</li> </ul>
<ul style="list-style-type: none"> <li>• This contract is offered on a lump sum (fixed price) fee basis. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST).</li> <li>• Represents the “best value” for money.</li> </ul>	<u>Financial History/Viability</u> <ul style="list-style-type: none"> <li>• No demonstrated problems identified.</li> <li>• Profit and Loss statements provided.</li> </ul>
<b>Summary Comments:</b>	
Overall AHMS provided a strong project team to deliver the HPA project, however they lack local experience and the proposed the methodology relating to the Preparation of the Design Guidelines does not address the City’s project brief.	

**7. Gavin Jackson Cultural Resource Management**  
1/12 Hammond Road, Cockburn Central WA 6164

Total Score	38.6 (second lowest ranking)
<b>Relevant Experience, Expertise of Project Team</b> Demonstrate your: <ul style="list-style-type: none"> <li>• Experience, expertise and project team.</li> <li>• Role and credentials of the key persons. (i.e. qualifications and experience).</li> <li>• Ability to provide ongoing availability of sufficient skilled persons capable of performing the tasks. Consistent with the required standards.</li> <li>• Understanding of the requirements associated with delivering the services.</li> <li>• Experience and success in the sphere of recent similar facilities.</li> </ul>	<ul style="list-style-type: none"> <li>• Does not indentify a specific project team.</li> <li>• Detailed CV’s of all technical staff provided.</li> <li>• One relevant project provided – Archeological Watching Brief (Water Corporation).</li> </ul>
<b>History and Viability of Organisation:</b> <ul style="list-style-type: none"> <li>• Detail your history, viability and experience.</li> <li>• Demonstrate your capacity and depth to effectively address requirements of the City.</li> <li>• Demonstrate the financial capacity of the organisation to carry out works for this project including evidence of stability and experience.</li> </ul>	<ul style="list-style-type: none"> <li>• Founded in 1999.</li> <li>• Products and Services include: Archaeological and Anthropological Survey; Archaeological site recording, excavating, site salvage and monitoring; Prepare section 18 submissions.</li> <li>• Specialises in Aboriginal Management Services.</li> </ul>

<p><b>Methodology, Key Issues and Risks:</b> Demonstrate your:</p> <ul style="list-style-type: none"> <li>• Proposed methodology for this project to be completed on time and within budget.</li> <li>• Evidence of successful results.</li> <li>• Ability to provide a high level of: <ul style="list-style-type: none"> <li>○ Site management</li> <li>○ Finish</li> <li>○ Practices regarding industrial relations</li> <li>○ Practices regarding environmental protection</li> <li>○ Practices providing a safe working environment.</li> </ul> </li> <li>• Understanding of the required service by identifying the key issues and risk associated with delivering the project.</li> </ul>	<ul style="list-style-type: none"> <li>• Sound methodology provided.</li> <li>• Task list provided with proposed realistic completion dates.</li> <li>• The potential for risks and issues was recognised, however specific risks and issues were not identified.</li> </ul>
<p><b>References and Credentials:</b></p> <ul style="list-style-type: none"> <li>• Submission of contact details of referees for similar projects.</li> <li>• Include any comments received from referees.</li> </ul>	<ul style="list-style-type: none"> <li>• 3 references provided</li> <li>• Director of Research – Yamatji Marlpa Aboriginal Corporation</li> <li>• Superintendent of Heritage East Pilbara – Rio Tinto</li> <li>• Principal Advisor Communities and Cultural Heritage – Rio Tinto</li> </ul>
<p><b>Financial Offer/Fee Proposal (weighting 20%)</b></p> <ul style="list-style-type: none"> <li>• This contract is offered on a lump sum (fixed price) fee basis. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST).</li> <li>• Represents the “<i>best value</i>” for money.</li> </ul>	<ul style="list-style-type: none"> <li>• \$ 56,358 – highest fee.</li> <li>• Number of hours required for project not specified.</li> <li>• Breakdown of fees provided.</li> <li>• Hourly rates for project team not provided.</li> </ul> <p><u>Financial History/Viability</u></p> <ul style="list-style-type: none"> <li>• Profit and loss statements provided.</li> <li>• Financial reference provided.</li> <li>• No identified problems or concerns.</li> <li>• Insurance coverage provided.</li> </ul>
<p><b>Summary Comments:</b> Quotation does not include a project team outline; Most project experience is of a geo-technical nature; No experience with project similar to Heritage Areas; Methodology was not extensive with only very basic milestones provided; and Quotation price supplied was significantly higher than the expected price range.</p>	

**8. Ian Molyneux and Associates**  
PO Box 354, Balingup WA 6253

Total Score	34.0 (lowest ranking)
<p><b>Relevant Experience, Expertise of Project Team</b> Demonstrate your:</p> <ul style="list-style-type: none"> <li>• Experience, expertise and project team.</li> <li>• Role and credentials of the key persons. (i.e. qualifications and experience).</li> <li>• Ability to provide ongoing availability of sufficient skilled persons capable of performing the tasks. consistent with the required standards.</li> <li>• Understanding of the requirements associated with delivering the services.</li> <li>• Experience and success in the sphere of recent similar facilities.</li> </ul>	<ul style="list-style-type: none"> <li>• Project Team consists of Ian Molyneux (Architect) only.</li> <li>• Comprehensive and well documented CV provided for Ian Molyneux.</li> <li>• Relevant Experience includes cultural heritage identification and assessment, town planning conservation policy, assisting land owners with development approvals.</li> <li>• Completed many Conservation Works projects, Conservations Plans and Assessments of Cultural Heritage Significance in Perth and WA.</li> <li>• Completed some landscape architecture and streetscape projects in Perth and WA.</li> </ul>
<p><b>History and Viability of Organisation:</b></p> <ul style="list-style-type: none"> <li>• Detail your history, viability and experience.</li> <li>• Demonstrate your capacity and depth to effectively address requirements of the City.</li> <li>• Demonstrate the financial capacity of the organisation to carry out works for this project including evidence of stability and experience.</li> </ul>	<ul style="list-style-type: none"> <li>• Business operating for 30 years.</li> <li>• No other details provided.</li> </ul>
<p><b>Methodology, Key Issues and Risks:</b> Demonstrate your:</p> <ul style="list-style-type: none"> <li>• Proposed methodology for this project to be completed on time and within budget.</li> <li>• Evidence of successful results.</li> <li>• Ability to provide a high level of: <ul style="list-style-type: none"> <li>○ Site management</li> <li>○ Finish</li> <li>○ Practices regarding industrial relations</li> <li>○ Practices regarding environmental protection</li> <li>○ Practices providing a safe working environment.</li> </ul> </li> <li>• Understanding of the required service by identifying the key issues and risk associated with delivering the project.</li> </ul>	<ul style="list-style-type: none"> <li>• No methodology provided.</li> <li>• Caution provided in cover letter relating to Heritage Areas and that they should have the same legal standing as the MHI.</li> <li>• No timeframes provided.</li> </ul>
<p><b>References and Credentials:</b></p> <ul style="list-style-type: none"> <li>• Submission of contact details of referees for similar projects.</li> <li>• Include any comments received from referees.</li> </ul>	<ul style="list-style-type: none"> <li>• No references provided.</li> </ul>
<p><b>Financial Offer/Fee Proposal (weighting 20%)</b></p> <ul style="list-style-type: none"> <li>• This contract is offered on a lump sum (fixed price) fee basis. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST).</li> <li>• Represents the "best value" for money.</li> </ul>	<ul style="list-style-type: none"> <li>• \$32,750 – fourth highest fee</li> <li>• Number of hours required for project not specified.</li> <li>• Breakdown of fees provided.</li> </ul> <p><u>Financial History/Viability</u></p> <ul style="list-style-type: none"> <li>• No financial statements provided.</li> <li>• No insurance coverage provided.</li> </ul>
<p><b>Summary Comments:</b> Ian Molyneux is the sole proprietor in the company and the only consultant proposed to be working on the project. The submission provided an extensive resume, however no details of a methodology or references were provided. Therefore these aspects were unable to be assessed.</p>	

### **Indicative Timeline**

- 27 August 2013 – The Council resolved to investigate the protection of streets through the concept of Heritage Areas and to engage a consultant to assist in this process.
- 4 October 2013 – The City sent out a Request for Quotation (RFQ) project brief.
- 1 November 2013 – Submissions for the RFQ closed. Nine (9) submissions received.
- November 2013 – The City's Officers assessed all nine (9) submissions and prepared a report to the Council for 3 December 2013 OMC.
- 3 December 2013 – The Council will consider a report which resolves to appoint a consultant and allocate funds to the project.
- By 10 December 2013 – Ordinary Council meeting minutes released; letter of engagement delivered to appointed consultant; and preparation of rejection letters to other consultants.
- Mid December 2013 – Inception meeting with consultant.
- Mid February 2014 – Consultant to identify which of the 20 streets should be considered as a Heritage Area and to provide ideas and suggestions for the Design Guidelines.
- March 2014 – City's Officers to present chosen Heritage Areas and ideas for Design Guidelines to a Council Member Forum.
- April – May 2014 – City's Officers to conduct a community visioning process prior to any formal design guidelines being drafted. The community visioning process has not yet been finalised, however it is anticipated that they City will hold a separate workshop for the landowners and occupiers of each street identified as a Heritage Area. Some streets may be combined, depending on the size. The City's Officers may require the services of an external facilitator for this visioning process.
- Late May 2014 – City's Officers provide community feedback to consultant.
- Late June 2014 – Consultant provides draft design guidelines for all identified Heritage Areas.
- July 2014 – City Officer's to provide feedback on draft guidelines and consultant to make amendments.
- August 2014 – September 2014 – City's Officers prepare reports to the Council to formally initiate the Heritage Area and associated Design Guidelines. This process may be run over 3-4 Council reports, depending on the number of Heritage Areas. It is considered that a maximum of 5 Heritage Areas be presented per Council Meeting.
- October 2014 – November 2014 – Formal community consultation in accordance with TPS1 (minimum of 28 days).
- February 2014 – April 2014 – Report back to the Council to formally adopt the Heritage Areas and Design Guidelines.

### **CONSULTATION/ADVERTISING**

The quotation was placed on the City's website on 4 October 2013 and submissions closed on 1 November 2013.

In addition, requests for quotation were sent to twenty-five (25) consultants.

### **LEGAL/POLICY:**

- City of Vincent Town Planning Scheme No. 1 and associated Policies;
- Residential Design Codes 2013; and
- Planning and Development Act 2005.

The Chief Executive Officer is satisfied that this Request for Quotation has been assessed in accordance with the City of Vincent Policy No. 1.2.2 – Code of Tendering and Policy No. 1.2.3 – Purchasing Policy.



**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 there are an additional 578 lots in the City that will be able to be subdivided, where previously they were unable to. 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 2013-2017* states:

"Natural and Built Environment:

*Objective 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.*

Leadership, Governance and Management:

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

*4.1.4 Plan effectively for the future.*

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

**SUSTAINABILITY IMPLICATIONS:**

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

ENVIRONMENTAL	
Issue	Comment
The Amendment will assist in preserving lot sizes. As a result, environmental impacts as a result of use intensification, (such as increased hardstand area) will be minimal. Additionally, streetscape character, including landscaping and verge plantings, will be maintained.	

SOCIAL	
Issue	Comment
The Amendment will facilitate the City's intention to protect and promote housing and precinct character, and assist in providing a diverse housing choice within the municipality.	

ECONOMIC	
Issue	Comment
The Amendment may assist in preserving and enhancing property values in the precincts, by promoting the retention of architectural character of properties in the area.	

**FINANCIAL/BUDGET IMPLICATIONS:**

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

Consultants

*Budget Amount: \$10,000*

*Spent to Date: \$ 0*

*Balance: \$10,000*

It is recommended that \$10,000 come from the 'Consultants' budget, which has not been used this financial year.

Strategic Planning Publicity and Promotion

Budget Amount: \$15,000  
Spent to Date: \$ 4,873  
Balance: \$10,127

It is also recommended that \$6,000 be used from the 'Strategic Planning Publicity and Promotion' budget. This \$6,000 is considered excess as all publicity and promotion for the rest of the financial year is presumed to cost approximately \$4,000.

Aboriginal Monitoring

Budget Amount: \$10,000  
Spent to Date: \$ 0  
Balance: \$10,000

It is recommended that \$10,000 be used from the 'Aboriginal Monitoring' budget. This budget is set aside for section 18 applications under the *Aboriginal Heritage Act 1972* as they come in. However, the City has received no section 18 applications this financial year and does not envisage any for the remainder of the financial year.

**COMMENTS & CONCLUSION:**

The City's Officers, Council Members and the community, are concerned that the introduction of the R80 requirements for average and minimum site area may have detrimental impacts to some areas of the City. An additional 578 lots are now able to subdivide as a result of the R Codes changes. The Community Forum held on 3 August 2013 confirmed that the new R80 standards are also a point of concern for residents and landowners, with the implementation of Heritage Areas being the preferred response to the R Code changes.

Therefore, it is recommended that Council engage Now Then Architects to carry out the Identification of Heritage Areas and preparation of Design Guidelines within Heritage Areas as the preferred quotation received.

**9.2.1 Newcastle Street – Carr Street to Loftus Street, Leederville Road Rehabilitation**

<b>Ward:</b>	South	<b>Date:</b>	6 December 2013
<b>Precinct:</b>	Oxford Centre (4)	<b>File Ref:</b>	TES0174
<b>Attachments:</b>	<a href="#">001</a> – Current Proposal Plan No. 3105-CP-01 <a href="#">002</a> – Previous Proposal Plan No. 2597-CP-1A		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	R Lotznicker, Director Technical Services; and		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **NOTES that;**
  - 1.1 the Water Corporation has advised that their proposed redevelopment has been indefinitely delayed by the WA State Government and is unlikely to proceed for a number of years; and
  - 1.2 a total of \$260,000 has been allocated in the 2013/2014 Capital Works Budget for the Rehabilitation of Newcastle Street from the Metropolitan Regional Road Funding allocation whereby the State contributes two-thirds ( $\frac{2}{3}$ ) and the City funds the remaining one-third ( $\frac{1}{3}$ ) of the cost of the project;
2. **APPROVES** the proposed Rehabilitation and Streetscape Improvements of the section of Newcastle Street between Carr Street and Loftus Street, as shown on attached Plan No 3105-CP-01 as follows;
  - 2.1 the rehabilitation component of the project estimated to cost \$260,000 to be funded from the existing Metropolitan Regional Road Funding Allocation in the 2013/2014 Capital Works Budget; and
  - 2.2 the Streetscaping improvement component of the project comprising the centrally planted trees estimated to cost \$15,000 to be funded from the 2013/2014 Greening Plan Budget; and
3. **ADVISES** the Water Corporation and the adjoining residents/businesses of its decision.

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**COUNCIL DECISION ITEM 9.2.1**

**Moved Cr Topelberg, Seconded Cr Cole**

That the recommendation be adopted.

Debate ensued.

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

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**PURPOSE OF REPORT:**

The purpose of this report is to obtain the Council's approval to proceed with the Road Rehabilitation of Newcastle Street between Oxford Street and Loftus Street, Leederville.

**BACKGROUND:**

In 2010 the City received funding from Main Roads WA (MRWA) from the Metropolitan Local Road Project Grant funding Pool for the rehabilitation of a portion of Newcastle Street. 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 ( $\frac{1}{3}$ ).

The project has been on hold since then pending the Water Corporation's plans to redevelop their site.

**DETAILS:**

**Original Streetscape Upgrade Proposal:**

In 2004 the Council indicated that its preferred option for Newcastle Street was one that would provide a higher level of streetscape upgrade as a gateway into the Oxford Centre and would possibly need to be staged over several financial years, depending on the availability of funding:

The upgrade option would comprise the following elements:

- Embayed parking
- Centrally planted trees (Cut Leaf Plane, Spotted Gum or Apple Gum), Verge plantings (Chinese Tallow, Apple Gum or Bradford Pear)
- Double outreach Central road lighting, Street furniture
- Brick paved paths/urban stone mix
- Bore/Reticulation
- Road rehabilitation/New Kerbing
- Entry Statements, line marking, signage
- Undergrounding of power

**Proposed Water Corporation Redevelopment:**

In 2009 the Council considered a report on the Water Corporation Masterplan Development whereby at the time it was advised that the project was at the "Request for Proposal" stage and that the Water Corporation were tentatively proposing to submit an application to commence development in early 2010.

In September 2009, the Council received a progress report on the proposed *Concept Plan for Streetscape Improvements to Newcastle Street between Loftus Street and Carr Place for the upgrade of Newcastle Street*.

The report discussed the Water Corporation's progress of their Masterplan and how it would address Newcastle Street. Given that approximately 208 metres of the Water Corporation land directly fronts Newcastle Street (total length of Newcastle Street, from Loftus Street to Carr Place, is 365metres), the Water Corporation agreed that it was in their interest to ensure that the Newcastle Street upgrade complimented their redevelopment plans.

In July 2012 a report considered by the Council indicated that..."it has been agreed between the parties that a 50 per cent contribution to the upgrade of Newcastle Street (excluding underground power reasonably relates to the development. The City's Technical Services advises the indicative cost of any reasonable upgrade of the subject portion of Newcastle Street is unlikely to exceed a total cost of \$1.3 million and that on this basis, a fixed contribution of 50 per cent of the total cost, not exceeding \$675,000, and indexed to CPI, by the Water Corporation is considered appropriate".

The Water Corporation recently (November 2013) advised the City via email to an officer that their redevelopment has been “*indefinitely delayed by the WA State Government and is unlikely to go ahead in the current economic climate which could mean a potential delay of a number of years...*”

**Metropolitan Regional Road Funding:**

The upgrade of Newcastle Street was to occur as part of the Water Corporation redevelopment and the City’s Officers subsequently applied for MRRG Funding for the rehabilitation of Newcastle Street to coincide with the Water Corp redevelopment in 2010. As the funds were allocated to the City in 2010 there was requirement for the City to undertake the works and expend the funds in the 2010/2011 financial year.

Due to the delays with the Water Corporation redevelopment, an extension of time was granted to the City by MRWA until 2011/2012 and then further extended until 2012/2013

As we are now into 2013/2014 and the Water Corporation redevelopment has been *indefinitely delayed* it is considered that the City should proceed with the rehabilitation works or potentially lose the MRWA funding.

**Possible revised Upgrade Proposal:**

The MRRG funding is for rehabilitation which includes re-kerbing, drainage improvements and removal of the existing asphalt layer and laying new asphalt i.e. road rehabilitation. The City has no additional funds allocated for Newcastle Street in 2013/2014

The revised upgrade proposal compared with the original proposal is outlined below.

Previous Proposal (50% Water Corporation Contribution) Plan No 2597-CP-01 (\$1,300,000 excluding underground power)	Current Proposal Plan No. 3105-CP-01 (\$275,000)
<ul style="list-style-type: none"> <li>• Embayed parking</li> <li>• Centrally planted trees (Cut Leaf Plane, Spotted Gum or Apple Gum)</li> <li>• Verge plantings (Chinese Tallow, Apple Gum or Bradford Pear)</li> <li>• Double outreach Central road lighting</li> <li>• Street furniture</li> <li>• Brickpaved paths/urban stone mix</li> <li>• Bore/Reticulation</li> <li>• New Kerbing</li> <li>• Road Resurfacing</li> <li>• Entry Statements</li> <li>• Line marking, signage</li> <li>• Undergrounding of power</li> </ul>	<ul style="list-style-type: none"> <li>• Red asphalt parking bays (MRRG Funded)</li> <li>• Red asphalt central flush treatment (MRRG Funded)</li> <li>• New Kerbing (MRRG Funded)</li> <li>• Line marking, signage (MRRG Funded)</li> <li>• Centrally planted trees (Spotted Gum or Apple Gum) Funded from the greening plan</li> </ul>

**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:**

**Medium/High:** It is important to maintain the road infrastructure to a high level of service.

**STRATEGIC IMPLICATIONS:**

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

*"Natural and Built Environment"*

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

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

**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 Works Budget includes funds of \$260,000 for the Road Rehabilitation of Newcastle Street between Loftus Street and Oxford Street. The additional estimated cost to plant mature trees in the road centre is \$15,000.

**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. It is requested that the officer recommendation be adopted.

**9.2.2 Public Transport Authority – New 950 High Frequency Beaufort Street Bus Service - Bus Stop Rationalisation Program, Progress Report No.1**

<b>Ward:</b>	Both	<b>Date:</b>	6 December 2013
<b>Precinct:</b>	Mount Lawley Centre (11), Forrest (14), Beaufort (13), Hyde Park (12)	<b>File Ref:</b>	TES0178
<b>Attachments:</b>	<a href="#">001</a> – Proposed Bus Stop Relocations/Changes		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	C Wilson, Manager Asset and Design Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **NOTES** the;
  - 1.1 **Public Transport Authority’s proposal for the new ‘950’ high frequency bus service in Beaufort Street, to commence 27 January 2014;**
  - 1.2 **impact of the proposed changes to the existing bus stops on the streetscape and amenity of the precinct;**
  - 1.3 **proposal to relocate the existing ‘Art’ shelter near Broome Street to the western side of Beaufort Street adjacent 467/469 Beaufort Street;**
  - 1.4 **Public Transport Authority will;**
    - 1.4.1 **submit design drawings to the City of the boarding areas for the City’s consideration and comments;**
    - 1.4.2 **be responsible for any costs incurred;**
    - 1.4.3 **advise the City of any future developments with respect to the 950 bus service including branding, route specific shelters and scheduling; and**
    - 1.4.4 **Beaufort Street Enhancement Working Group were advised of the proposal at its Meeting held on 5 November 2013;**
2. **REQUESTS** the Public Transport Authority to consult with all the affected property and business owners and provide a copy of any correspondence to the City;
3. **RECEIVES** a further report when Public Transport Authority has submitted design drawings for the bus stops to be changed and/or relocated as part of this proposal and including the impact upon the on-road parking with recommendations for new or amended parking restrictions.

**Moved Cr Buckels, Seconded Cr Cole**

That the recommendation be adopted.

Debate ensued.

**AMENDMENT**

**Moved Cr Cole, Seconded Cr McDonald**

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

**3. ENDORSES a unique design of bus shelters for Beaufort Street Town Centre.**

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

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

**COUNCIL DECISION ITEM 9.2.2**

That the Council;

1. **NOTES** the;
    - 1.1 **Public Transport Authority’s proposal for the new ‘950’ high frequency bus service in Beaufort Street, to commence 27 January 2014;**
    - 1.2 **impact of the proposed changes to the existing bus stops on the streetscape and amenity of the precinct;**
    - 1.3 **proposal to relocate the existing ‘Art’ shelter near Broome Street to the western side of Beaufort Street adjacent 467/469 Beaufort Street;**
    - 1.4 **Public Transport Authority will;**
      - 1.4.1 **submit design drawings to the City of the boarding areas for the City’s consideration and comments;**
      - 1.4.2 **be responsible for any costs incurred;**
      - 1.4.3 **advise the City of any future developments with respect to the 950 bus service including branding, route specific shelters and scheduling; and**
      - 1.4.4 **Beaufort Street Enhancement Working Group were advised of the proposal at its Meeting held on 5 November 2013;**
  2. **REQUESTS** the Public Transport Authority to consult with all the affected property and business owners and provide a copy of any correspondence to the City;
  3. **ENDORSES** a unique design of bus shelters for Beaufort Street Town Centre; and
  4. **RECEIVES** a further report when Public Transport Authority has submitted design drawings for the bus stops to be changed and/or relocated as part of this proposal and including the impact upon the on-road parking with recommendations for new or amended parking restrictions.
-



**PURPOSE OF REPORT:**

To advise the Council of the Public Transport Authority's proposal to introduce the new 950 High Frequency Bus Service in Beaufort Street to connect the Morley Bus Station to QEII Medical Centre and UWA via the Perth CBD.

**BACKGROUND:**

As the Council is aware the Public Transport Authority (PTA) has on two (2) occasions in the past year given a presentation at a Councillor Forum on the proposed Peak Period bus lanes in Beaufort Street between Walcott and Brisbane Streets.

Further, the City in conjunction with the PTA and City of Perth, converted Beaufort Street, from Brisbane Street to Newcastle Street, to two-way traffic, incorporating peak period bus lanes, in the first half of 2013.

While the Council is yet to formally endorse the peak period bus lanes from Walcott Street to Brisbane Street the PTA has recently held a public consultation session (13 November 2013) at Forrest Park Croquet Club in an endeavour to engage the wider community.

In addition to the above the PTA is currently finalising plans to introduce a new high frequency bus service, the 950, to Beaufort Street, connecting Morley Bus Station to QEII Medical Centre and UWA via the Perth CBD.

**DETAILS:**

**Meeting with PTA - September 2013:**

The PTA initially met with the Director of Technical Services and Manager Asset and Design Services to outline a proposal for a new high frequency Beaufort Street bus service connecting the Morley Bus Station to QEII Medical Centre and UWA via the Perth CBD. It was indicated at the meeting that the new service had been given a 'high priority' by the PTA and Department of Transport.

**Letter from PTA – October 2013:**

PTA outlined plans for the '950' service and the likely changes required to the spacing of the existing bus stops to accommodate the new service as follows:

*"The introduction of this new route will coincide with Beaufort Street becoming the first of the new High Frequency transit corridors. The criterion for the High Frequency corridors is still to be formalised but is expected to be along the lines of 5 minute peak period frequency, 10 minutes between peaks, 15 minutes after peak until 9pm, hourly after 9pm and 15 and 30 minute frequency of weekends.*

*Prior to the introduction of route 950 the PTA is also planning to upgrade the boarding area of all bus stops along this route in accordance with disability standards. As a consequence the PTA has undertaken a review of all bus stops along this route taking into consideration access requirements but also the requirement to place bus stops after traffic signals where it is expected bus priority will be provided in the future, which is a policy of the Transport Portfolio (PTA, Department of Transport, and Main Roads WA).*

*Attached is a map and spreadsheet detailing the bus stops along the section of Beaufort Street located within the City of Vincent and shows current bus stop locations and indicates where changes are proposed.*

*The City of Vincent's feedback is sought, in particular the locations where it is planned to relocate and/or delete bus stops.*

*All costs associated with this work will be at the cost of the PTA as part of its Bus Stop Accessibility Works Program (BSAWP).*

*The next stage for the PTA is to have each of the locations surveyed and drawings produced detailing the work necessary to upgrade the boarding areas. A copy of these drawings will be provided to the City of Vincent for comment. This will be undertaken for the bus stops within the City of Vincent once the agreement is reached with regard locations.*

*The PTA is also developing branding concepts for the High Frequency Corridor and is considering options with regard signage and bus shelters. The PTA accepts that if it wishes to implement stylised bus shelters specifically for use on this and any other high frequency corridors that it will have to assume ownership of and undertake ongoing maintenance of the bus shelters. Any progress in this direction will include dialogue with the City of Vincent.*

*It would be appreciated if feedback could be provided as soon as possible to enable the necessary work to be scheduled in time for the new service commencing".*

**Meeting with PTA - November 2013:**

The City's Manager Asset and Design Services met with the PTA's Project Officer to assess the impact of the changes and in particular the section through the Highgate and Mount Lawley entertainment precinct (St Albans Avenue to Walcott Street).

The proposed changes will affect seven (7) of the ten (10) bus stops between Bulwer and Walcott Streets, as discussed in the body of the report, resulting in a mix of both positive and negative outcomes for the City.

The PTA will be responsible for any costs incurred as a result of these changes.

Note: PTA has since advised the City that the start of the service has been bought forward to 27 January 2014 and will proceed irrespective of any changes to the bus stops.

**Proposed relocations, additions and deletions to the bus stops along Beaufort Street:**

The table below outlines the proposed relocations, additions and deletions to the bus stops starting from Walcott Street and heading south toward the city. The officer's comments are in *italics*.

Potentially the most contentious change is deletion of the city bound stop (no. 12171) near Broome Street which is where one of the two (2) Beaufort Street 'art' shelters is located.

Location	Stop No.	Proposal	Officers Comments
1	12169	<b>To be relocated</b> to after the traffic signals at Walcott Street. Stop location to be maintained as close as possible to traffic signals to encourage people to cross at the signals. Stop to be positioned so that the rear of buses stopped at the bus stop will be no closer than 25 metres. This exceeds requirements under the Road Traffic Code 2000 but is a guideline the PTA typically applies.	<i>City bound stop currently located north of Walcott Street (within the City of Stirling).</i>  <i>Proposed location adjacent Planet Books and requires the removal of a street tree adjacent the proposed boarding area. Should not result in the loss of any parking.</i>

2	12139	<b>To be relocated</b> to after the traffic signals at Walcott Street. Stop location to be maintained as close as possible to traffic signals to encourage people to cross at the signals. This location has received support from the City of Stirling.	<i>Out bound stop currently located outside IGA Supermarket corner Grosvenor Road, will be relocated to the north of Walcott Street (within the City of Stirling). Will result in the creation of three (3) additional parking bays.</i>
3	12170	<b>No change</b> proposed to this location.	<i>City bound stop corner Harold Street and the location of the red 'art' bus shelter.</i>
4	12138	<b>No change</b> proposed to this location.	<i>Out bound stop located near corner Vincent Street (Priority One Reality).</i>
5	12171	<b>To be deleted.</b>	<i>City bound stop corner Broome Street and location of the 'grey' 'art' bus shelter. <b>The shelter to be relocated to location suggested below.</b> Will result in the creation of three (3) additional parking bays.</i>
6	12137	<b>To be deleted.</b>	<i>Out bound stop located north of Chatsworth Road (Jackson's restaurant). Will result in the creation of three (3) additional parking bays, would suggest a 'loading zone' to service the immediate businesses and 2 x 1/4P.</i>
7	12172	<b>No change</b> proposed to this location.	<i>City bound stop north of Lincoln Street and currently an Adshel shelter.</i>
8	12136	<b>To be relocated</b> to before Chatsworth Rd (adjacent 467/469 Beaufort Street) to provide a more even stopping pattern in relation to other bus stops in this direction	<i>Also a replacement for stop 12137. Replaces out bound stop before St Albans Avenue (Anglican Church), will result in the creation of three (3) additional parking bays at his location.  Suggested location for 'grey' art shelter, will result in the loss of three (3) parking bays (see photographs below).</i>
9	New Bus Stop	<b>Proposed new bus stop.</b> Opposing bus stop for an existing bus stop on the west side of Beaufort St. (12135).	<i>City bound stop adjacent Civic Rise Development and before Bulwer Street. Will result in the loss of three (3) parking bays but area currently under utilised.</i>
10	12135	<b>No change</b> proposed to this location.	

A site meeting held on 20 November 2013 with the City's Manager Asset and Design Services and the PTA's Project Officer assessed each stop/location resulting in the following conclusions and points requiring further discussion.

**Surplus Street Furniture:**

At the deleted stops, numbers 12169 (north of Chatsworth Road) and 12137 (before Grosvenor Road), there will be three (3) bench seats that can be relocated elsewhere in Beaufort Street.

**Boarding Areas:**

Part of the PTA's proposal is to install a 'standard' boarding area within the footpath at each bus stop. Typically this would be a cast in-situ concrete pad 3-4 metres wide (by the depth of the path) with tactile indicators as requirement of disability access.

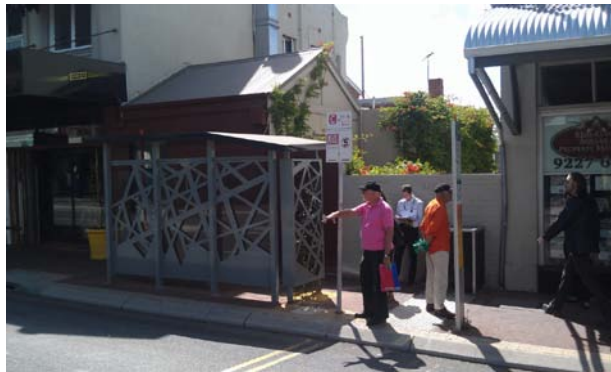
*Note: PTA has been advised that this not likely to be supported by the Council as it is not in keeping with the existing streetscape (the full length of Beaufort Street is brick paved).*

PTA has given an undertaking to consider other materials and finishes (for the boarding area) which they will submit to the City for consideration before finalising the design drawings.

**Relocation of the Broome Street 'Art' shelter to new stop 467/469 Beaufort Street:**

PTA has acknowledged that they will be responsible for all costs incurred. Having assessed both the proposed and existing stops, and on the understanding that the 'art' shelter forms part of the Beaufort Street Streetscape Enhancement Project that shelter is to remain within the bounds of the project area.

Therefore it is proposed to install the shelter on the western side of Beaufort Street before Chatsworth Road and adjacent 467/469 as shown on the *second* photograph below.



Shelter to be relocated (near Broome Street)



467/469 Beaufort Street (before Chatsworth Road)

*Note: this was to be the location of an additional street tree as part of the Beaufort Street Tree Species Report approved by the Council at its Ordinary Meeting of 19 November 2013.*

**New stop adjacent Civic Rise 378 Beaufort Street:**

With the recent completion of the Civic Rise Development the building was set-back in accordance with the Metropolitan Region Scheme (MRS) road widening requirements. The area shown in the photograph below (to the left of Wall Candy) is the location of the proposed bus stop.



378 Beaufort Street

**CONSULTATION/ADVERTISING:**

The PTA to be requested to consult with all the affected property and business owners and to provide the City with copies of all correspondence.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** As all risk will be borne by the Public Transport Authority.

**STRATEGIC IMPLICATIONS:**

In keeping with the City's *Strategic Plan 2013-2023*:

*“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:**

There are minimal financial implications for the City as the PTA has given an undertaking to fully fund the cost of the changes.

However there will be minor adjustments to on-road ticket parking which is likely to result in more paid parking spaces than currently exists.

**COMMENTS:**

The new Beaufort Street 950 High Frequency bus service has been mooted for some considerable time. However its implementation appears to have been a rushed decision resulting in a very short time frame before it commences service on 27 January 2014. As a result the infrastructure changes, such as the relocation of the 'art' shelter is unlikely to be completed by this date and will be the subject of further discussions with the PTA.

**9.2.3 Water Playground – Potential Location(s) In the City – Community Consultation - Progress Report No. 1**

<b>Ward:</b>	North	<b>Date:</b>	6 December 2013
<b>Precinct:</b>	Various	<b>File Ref:</b>	RES0039
<b>Attachments:</b>	<a href="#">001</a> – Potential Locations		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J van den Bok, Manager Parks and Property Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **NOTES** that;
  - 1.1 The number of potential suitable locations in the Mount Hawthorn, North Perth and northern part of Leederville for a water playground is minimal;
  - 1.2 there are a number of issues associated with the construction/installation of a 'Water Playground' in all of the possible locations investigated for the reasons as outlined in the report, as shown in the attached spreadsheet;
2. **CONSULTS** with local residents and park users requesting comment on the potential to construct a 'Water Playground' at the following locations (refer attached aerial photographs at appendix 9.2.3);
  - 2.1 Braithwaite Park – Mount Hawthorn;
  - 2.2 Les Lilleyman Reserve – North Perth;
  - 2.3 Menzies Park – Mount Hawthorn;
  - 2.4 Britannia Reserve (South) – Leederville; and
  - 2.5 Britannia Reserve (North) – Leederville; and
3. **RECEIVES** a further report on the matter to consider any submission received during the community consultation period.

**COUNCIL DECISION ITEM 9.2.3**

**Moved Cr Cole, Seconded Cr Buckels**

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND LOST (0-8)**

**REASONS FOR REFUSAL OF THE OFFICER RECOMMENDATION**

The Council considers there are better options and the water playground maintenance costs are too high.

**ALTERNATIVE RECOMMENDATION**

**Moved Cr Buckels, Seconded Cr Cole**

That the Council;

1. **NOTES;**
  - 1.1 the number of potential suitable locations in the Mount Hawthorn, North Perth and northern part of Leederville for a water playground are minimal;
  - 1.2 that there are a number of issues associated with the construction/installation of a 'Water Playground' in all of the possible locations investigated for the reasons as outlined in the report, as shown in the attached spreadsheet;
  - 1.3 the significant costs associated with locating and maintaining a second water playground in the City of Vincent, based on the costs associated with the Hyde Park Water playground;
2. **APPROVES IN PRINCIPLE;**
  - 2.1 an alternative proposal to construct a 'Nature Playground' with a 'Water Element' to cater for growing children boom within the North Ward of the City of Vincent;
  - 2.2 the proposed playground to be located in the north east corner of Braithwaite Park as shown on attachment 9.2.3A on the basis of:
    - 2.2.1 being in line with assessment of location criteria presented by the Technical Services Directorate;
    - 2.2.2 a response to demand by the Mount Hawthorn Primary School for a nearby interactive playground space; and
    - 2.2.3 the opportunity to develop a playground catering to the ten (10) plus year old child age group, which currently has less in the area;
3. **APPROVES BY ABSOLUTE MAJORITY to;**
  - 3.1 **REALLOCATE \$300,000 for the Design and Construction of the new Nature Playground with Water Element from the current allocated funds of \$385,000 currently allocated for the 'Water Playground' in the 2013/2014 budget;**
  - 3.2 **REPLACE the proposed 'Water Playground' with the new 'Mount Hawthorn Nature Playground with Water Element', as a priority project to the proposed Water Playground;**
  - 3.3 **ESTABLISHES a Nature Playground Working Group comprising the Mayor and two (2) Councillors consisting of Cr ..... and Cr ..... and the following representatives;**
    - (a) **Mount Hawthorn School Principal**
    - (b) **Mount Hawthorn Parents and Citizens President  
(or representations)**
    - (c) **Mount Hawthorn School Board member**
    - (d) **Director Technical Services**
    - (e) **Manager Parks and Property Services  
(Responsible Officer);**
4. **CONSULTS with local residents, park users and the Working Group requesting comment on the proposal; and**
5. **RECEIVES a further report on the matter to consider any submission received at the conclusion of the community consultation."**

Debate ensued.

**AMENDMENT 1**

**Moved Cr Cole, Seconded Cr Buckels**

“That Clause 4 be amended to read as follows:

4. **CONSULTS with local residents, park users and the Working Group, and holds a Community Forum in February 2014 requesting comment on the proposal; and**

Debate ensued.

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

**AMENDMENT 2**

**Moved Cr Topelberg, Seconded Cr Buckels**

“That Clause 3.3 be deleted as follows:

~~3.3 ESTABLISHES a Nature Playground Working Group comprising the Mayor and two (2) Councillors consisting of Cr ..... and Cr ..... and the following representatives;~~

- ~~(a) Mount Hawthorn School Principal~~
- ~~(b) Mount Hawthorn Parents and Citizens President  
(or representations)~~
- ~~(c) Mount Hawthorn School Board member~~
- ~~(d) Director Technical Services~~
- ~~(e) Manager Parks and Property Services  
(Responsible Officer);~~

Debate ensued.

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

**ALTERNATIVE MOTION AS AMENDED PUT AND CARRIED  
BY AN ABSOLUTE MAJORITY (8-0)**

**ALTERNATIVE COUNCIL DECISION 9.2.3**

That the Council;

**1. NOTES;**

- 1.1 the number of potential suitable locations in the Mount Hawthorn, North Perth and northern part of Leederville for a water playground are minimal;
- 1.2 that there are a number of issues associated with the construction/installation of a ‘Water Playground’ in all of the possible locations investigated for the reasons as outlined in the report, as shown in the attached spreadsheet;
- 1.3 the significant costs associated with locating and maintaining a second water playground in the City of Vincent, based on the costs associated with the Hyde Park Water playground;



2. **APPROVES IN PRINCIPLE;**
    - 2.1 an alternative proposal to construct a 'Nature Playground' with a 'Water Element' to cater for growing children boom within the North Ward of the City of Vincent;
    - 2.2 the proposed playground to be located in the north east corner of Braithwaite Park as shown on attachment 9.2.3A on the basis of:
      - 2.2.1 being in line with assessment of location criteria presented by the Technical Services Directorate;
      - 2.2.2 a response to demand by the Mount Hawthorn Primary School for a nearby interactive playground space; and
      - 2.2.3 the opportunity to develop a playground catering to the ten (10) plus year old child age group, which currently has less in the area;
  3. **APPROVES BY ABSOLUTE MAJORITY to;**
    - 3.1 **REALLOCATE \$300,000 for the Design and Construction of the new Nature Playground with Water Element from the current allocated funds of \$385,000 currently allocated for the 'Water Playground' in the 2013/2014 budget;**
    - 3.2 **REPLACE the proposed 'Water Playground' with the new 'Mount Hawthorn Nature Playground with Water Element', as a priority project to the proposed Water Playground;**
  4. **CONSULTS with local residents, park users and the Working Group, and holds a Community Forum in February 2014 requesting comment on the proposal; and**
  5. **RECEIVES a further report on the matter to consider any submission received at the conclusion of the community consultation.**
- 

**PURPOSE OF REPORT:**

The purpose of the report is to advise the Council of the most practicable location to construct a water playground within parks around the Leederville, Mount Hawthorn and North Perth area and to consult with local residents and park users in relation to the proposal.

**BACKGROUND:**

Following the success of the new water playground installed at Hyde Park in 2011, an amount of \$385,000 was included in the 2013/2014 capital works budget to construct a new 'Water Playground' in the northern section of the City of Vincent.

**DETAILS:**

The Officers have prepared a spreadsheet and matrix outlining all parks within the northern part of the City of Vincent to identify any potential issues and/or availability of infrastructure required or beneficial to the construction of a water playground at any given location.

Whilst the scoring does not necessarily reflect which location is the most suitable or practical for the construction of a water playground, it does highlight that all locations have advantages and disadvantages and none of those highlighted is an ideal location due to existing uses lack of space, required services and/or parking.

**Braithwaite Park – Mount Hawthorn:**

Braithwaite Park is a very popular community park with parties, family group's etc gathering and picnicking around the existing children's playground. The area to the north of the children's playground is used for carols in the park and other larger events from time to time, however the area to the east of the children's playground or the existing children's playground site itself would be suitable for the construction of a water playground.

The major issue identified with any additional facilities at this reserve is availability of parking. Car bays at any time are quickly taken up by visitors and staff attending the Mount Hawthorn Primary School, adjacent day care, clinic and kindergarten facilities, Mount Hawthorn Main and Lesser hall users, park patrons and by users of the very popular adjacent Cafe Bianchi.

**Les Lilleyman Reserve – North Perth:**

Les Lilleyman Reserve is predominantly used as an active sporting space, however at the southern or Gill Street end of the park within the dog exercise area a longitudinal section adjacent to the existing playground could be utilised for construction of a water playground.

The main issues at this site being that it would have to be fenced from dogs and given the elongated shape, may result in additional construction costs. It is also located near a major road.

**Menzies Park – Mount Hawthorn:**

Whilst this park scored relatively high, availability of space is an issue. The north-east corner of the park is the only area suitable, however it slopes considerably and is likely to be reduced in size should the Cardinals Football Club proposal to increase the size of the playing surface be seriously considered in the future.

Parking again could be an issue given the popularity of the water playground at Hyde Park and from past experience any addition or change to this park has been closely scrutinised by adjacent residents.

**Britannia Reserve (South) – Leederville:**

A Masterplan has been developed for Britannia Reserve and the southern end of the reserve has been identified as an area where there is an opportunity to improve the diversity of play and provide exercise opportunities with a youth focus.

There is ample parking and space available to construct a water playground in this area and members of the Britannia Reserve Masterplan Working group BRMWG have supported this notion.

Disadvantages with construction in this location are not significant, however there are no toilet facilities, fencing would be required as its sits adjacent to a dog exercise area.

**Britannia Reserve (North) – Leederville:**

As noted above a Masterplan has been developed for Britannia Reserve and the northern end of the reserve has been identified as an area where there is an opportunity to provide formalised pathways, play elements and improve the general amenity.

There is ample parking and space available to construct a water playground in this area and members of the Britannia Reserve Masterplan Working group BRMWG have supported this notion.

The main disadvantage with construction in this location is that there are no services such as water or electricity and setting up an electrical connection maybe cost prohibitive given the amperage required and the location of the closest Western Power transformer.

**CONSULTATION/ADVERTISING:**

Consultation will be undertaken in accordance with the City's Community Consultation Policy No. 4.1.5.

Should this project proceed and dependant on the location, the proposal may have to be submitted to the following organisations/government departments and approvals/comments sought prior to works commencing on site:

- Heritage Council of Western Australia – assessment of proposal and comments;
- Western Australian Planning Commission – development approval;
- Department of Health – design approval.

**LEGAL/POLICY:**

Should the proposal for a water playground proceed a design and construct tender will be advertised and assessed in accordance with the Local Government Act Tender Regulations and the City's Policy 1.2.2 and Purchasing Policy No. 1.2.3.

**RISK MANAGEMENT IMPLICATIONS:**

**High:** Any water playground or spray park must be installed to the Department of Health (DOH) requirements/guidelines.

**STRATEGIC IMPLICATIONS:**

In keeping with the City's *Strategic Plan 2013-2023*:

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

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

**SUSTAINABILITY IMPLICATIONS:**

The water playground if installed will use scheme/potable water and the system recirculates the water similar to a swimming pool operation and therefore only requires the balance tank to be topped up from time to time.

**FINANCIAL/BUDGET IMPLICATIONS:**

An amount of \$385,000 has been listed in the 2013/14 Capital Works budget for the design and construction of a water playground for the Mount Hawthorn/Leederville areas.

It should also be noted that the new Hyde Park water playground is currently costing the City around \$1,500 per week to operate (\$35,000 per annum as the playground operated for 8 months of the year) which includes twice daily servicing by a certified pool operator, chemicals, and electricity and water costs.

**COMMENTS:**

It is therefore recommended that the Council consults residents and park users on the potential to construct another water playground within the northern part of the City of Vincent and a further report is presented to Council in 2014 following the consultation period.

**9.2.7 Vincent Bike Network Plan 2013 – Progress Report No. 2**

<b>Ward:</b>	South	<b>Date:</b>	6 December 2013
<b>Precinct:</b>	Oxford (10), Smith's Lake (6), Hyde Park (12), Forrest (14)	<b>File Ref:</b>	TES0172
<b>Attachments:</b>	<a href="#">001</a> - Vincent Street & Stage 1 Implementation and Costings <a href="#">002</a> - Vincent Street Bike Lane Design <a href="#">003</a> - Stage 1 Bulwer Street Bike Lane Design		
<b>Tabled Items</b>	Nil		
<b>Reporting Officer:</b>	F Sauzier, TravelSmart Officer		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

**1. NOTES;**

**1.1 the following proposed three (3) Staged Plan to deliver the Vincent/Bulwer Street Bike Lanes as outlined in the report and as outlined in the attached spread sheet at attachment 9.2.7;**

**1.1.1 Vincent Street Bike Lanes – Oxford Street to Charles Street on path lanes as shown on Plan No. 3095-CP-01 and Charles Street to Bulwer Street on road lanes as shown on Plan No, 3108-CP-01 estimated to cost \$88,100;**

**1.1.2 Stage 1: Bulwer Street Bike Lanes – Vincent Street to Palmerston Street as shown on attached Plan No. 3107-CP-01, estimated to cost \$650,000; and**

**1.1.3 Stage 2: Bulwer Street Bike Lanes – Palmerston Street to Lord Street 'tentatively' estimated to cost \$1,300,000;**

**1.2 that grant applications for Perth Bicycle Funding for 2014/2015 totalling \$347,500 have been submitted and will be determined in February 2014; and**

**1.3 the progress on the other Vincent Bike network Plan Initiatives;**

**2. AUTHORISES the Chief Executive Officer to progress the design/implementation of the Vincent Street on-path lanes, between Oxford Street and Charles Street, and the Bulwer Street on-road bike lanes, between Vincent Street to Palmerston Street subject to;**

**2.1 a feasible and practical design being finalised and approved by the various stakeholders;**

**2.2 appropriate funding being obtained/allocated; and**

**2.3 consultation with affected residents/businesses being undertaken; and**

**3 RECEIVES further progress report on the implementation of the Vincent Bike Network Plan in February/March 2014.**

---

**Moved Cr Topelberg, Seconded Cr Buckels**

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

“That the Council;

**1. NOTES;**

**1.1 the following proposed three (3) Staged Plan to deliver the Vincent/Bulwer Street Bike Lanes as outlined in the report and as outlined in the attached spread sheet at attachment 9.2.7;**

**1.1.1 Vincent Street Bike Lanes – Oxford Street to Charles Street on path lanes as shown on Plan No. 3095-CP-01 and Charles Street to Bulwer Street on road lanes as shown on Plan No, 3108-CP-01 estimated to cost \$88,100;**

**1.1.2 Stage 1: Bulwer Street Bike Lanes – Vincent Street to Palmerston Street as shown on attached Plan No. 3107-CP-01, estimated to cost \$650,000; and**

**1.1.3 Stage 2: Bulwer Street Bike Lanes – Palmerston Street to Lord Street ‘tentatively’ estimated to cost \$1,300,000;**

**1.2 that grant applications for Perth Bicycle Funding for 2014/2015 totalling \$347,500 have been submitted and will be determined in February 2014; and**

**1.3 the progress on the other Vincent Bike Network Plan initiatives;**

**2. APPROVES BY AN ABSOLUTE MAJORITY to reallocate \$93,500 from the 2013/2014 Totem Way Finding budget to fund the proposed Vincent Street Bike Lanes, as per clause 1.1.1 above;**

**3. AUTHORISES the Chief Executive Officer to progress the design/implementation of the Vincent Street on-path lanes, between Oxford Street and Charles Street, and the Bulwer Street on-road bike lanes, between Vincent Street to Palmerston Street subject to;**

**23.1 a feasible and practical design being finalised and approved by the various stakeholders;**

**23.2 appropriate funding being obtained/allocated; and**

**23.3 consultation with affected residents/businesses being undertaken; and**

**23.4 no adverse comments being received; and**

**4. RECEIVES further progress report on the implementation of the Vincent Bike Network Plan in February/March 2014.”**

Debate ensued.

**AMENDMENT**

**Moved Cr Topelberg, Seconded Cr Buckels**

“That Clause 3.3 be amended and 3.4 be deleted as follows:

**23.3** ~~consultation with~~—advises\_\_affected residents/businesses being undertaken; ~~and~~

**23.4** no adverse comments being received; and

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

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

**COUNCIL DECISION ITEM 9.2.7**

That the Council;

**1. NOTES;**

**1.1** the following proposed three (3) Staged Plan to deliver the Vincent/Bulwer Street Bike Lanes as outlined in the report and as outlined in the attached spread sheet at attachment 9.2.7;

**1.1.1** Vincent Street Bike Lanes – Oxford Street to Charles Street on path lanes as shown on Plan No. 3095-CP-01 and Charles Street to Bulwer Street on road lanes as shown on Plan No, 3108-CP-01 estimated to cost \$88,100;

**1.1.2** Stage 1: Bulwer Street Bike Lanes – Vincent Street to Palmerston Street as shown on attached Plan No. 3107-CP-01, estimated to cost \$650,000; and

**1.1.3** Stage 2: Bulwer Street Bike Lanes – Palmerston Street to Lord Street ‘tentatively’ estimated to cost \$1,300,000;

**1.2** that grant applications for Perth Bicycle Funding for 2014/2015 totalling \$347,500 have been submitted and will be determined in February 2014; and

**1.3** the progress on the other Vincent Bike Network Plan initiatives;

**2. APPROVES BY AN ABSOLUTE MAJORITY** to reallocate \$93,500 from the 2013/2014 Totem Way Finding budget to fund the proposed Vincent Street Bike Lanes, as per clause 1.1.1 above;

**3. AUTHORISES** the Chief Executive Officer to progress the design/implementation of the Vincent Street on-path lanes, between Oxford Street and Charles Street, and the Bulwer Street on-road bike lanes, between Vincent Street to Palmerston Street subject to;

**3.1** a feasible and practical design being finalised and approved by the various stakeholders;

**3.2** appropriate funding being obtained/allocated; and

**3.3** consultation with affected residents/businesses being undertaken; and

**4. RECEIVES** further progress report on the implementation of the Vincent Bike Network Plan in February/March 2014.

**PURPOSE OF REPORT:**

The purpose of the report is to identify key stages to the construction of the Vincent/Bulwer Bike Lanes as part of the Vincent Bike Network Plan.

**BACKGROUND:**

**Special Meeting of Council 15 October 2013:**

The Vincent Bike Network Plan 2013 was approved and the following was made (in part).

*"That the Council;...*

3        *REQUESTS;*

3.3        *a detailed Stage Plan with costings to be developed for Vincent Street, between Oxford Street and Lord Street as a submission for the Grant Funding."*

**DETAILS:**

The Vincent Bike Network Plan 2013 identified Vincent/Bulwer Street bike lanes as a priority project. This project would create a significant east to west bike lane facility within the City of Vincent but also link into Perth Bicycle Network (PBN) Bike routes NE4 & NE26.

This would help create a finer grain of bicycle network throughout the City of Vincent and improve connections to both the City of Perth and City of Stirling.

The project has been divided into the following three (3) segments:

- Vincent St Bike Lanes – Oxford St to Bulwer St (on path and on road lanes)
- Stage 1 Bulwer Street Bike Lanes – Vincent St to Palmerston (on road lanes)
- Stage 2 Bulwer Street Bike Lanes – Palmerston St to Lord St (on road lanes).

**Vincent Street – Oxford to Bulwer:**

Bi-directional bike lane utilising the existing path on the north side of Vincent Street, between Oxford Street, Leederville and the Beatty Park Reserve Dual Use Path is proposed.

This proposal will involve the following works:

- removal of three existing bus shelters,
- relocation of 3 bike racks;
- path markings to indicate direction, shared path and give way at intersections;
- cycle phasing at Loftus Street signals;
- widening of current footpath in certain sections;
- relocation of 2 light poles;
- some treatment to light poles to improve visibility;
- green road markings at Charles Street intersection x 2;
- cycle phasing at Charles Street signals; and
- green road marking of on-road bike lanes between Charles and Bulwer Streets.

Constraints:

- Awaiting feedback from MRWA as to capacity increases on Loftus and Charles Streets intersections;
- MRWA approvals on cycle phasing at intersections can take in excess of twelve (12) months and costs are difficult to pre-determine; and
- MRWA approvals for green on-road markings at Charles Street intersection.

Estimated Cost:

- The estimated total cost of this proposal is \$88,000.

Note: The PBN 2014/2015 Grant Application: \$22,500.

**Stage 1: Bulwer Street Bike Lanes – Vincent to Palmerston:**

Stage 1 Bulwer Street Bike lanes involves the construction of 'on road' bike lanes between Vincent Street and Palmerston Street. This segment involves the following works:

- Formal survey of roadways;
- Liaising with service authorities
- Design of works;
- Community consultation;
- Embaying of parking;
- Painting of 'anti-dooring' bike lanes (used in areas of potential conflict);
- Painting of green advanced start boxes at signals; and
- Cycle phasing at Fitzgerald Street intersection.

Constraints:

- Loss of approximately twenty (20) parking spaces in the Vincent to Palmerston Streets sections (ninety four (94) parking spaces are currently in existence);
- Awaiting feedback from MRWA as to capacity increases on Fitzgerald Street intersections;
- MRWA approvals of cycle phasing at intersections can take in excess of twelve (12) months and costs can be difficult to pre-determine;
- High Pressure Gas Mains located at the corner of Bulwer/Palmerston Streets; and
- Fibre optic cables are located at the back of kerb-line.

Estimated Cost:

- The estimated total cost of this proposal is \$650,000

Note: The PBN 2014/2015 Grant Application: \$325,000

**Stage 2: Bulwer Street Bike Lanes – Palmerston St to Lord St:**

This segment is to be considered as a possible BNP 2015-16 project, although a PBN Grant 2014/2015 application has been submitted (as recommended by PBN Grants) and detailed costings have not been determined at this stage. This segment involves the following works:

- Formal survey of roadways;
- Embaying of parking; and
- Removal of median strip plantings.

Constraints:

- Substantial loss of parking spaces in the Palmerston Street to Lord Street sections;



- Awaiting feedback from MRWA as to capacity increases on William, Beaufort and Lord Streets intersections;
- MRWA approvals on cycle phasing at intersections can take in excess of twelve (12) months and costs are difficult to pre-determine; and
- Fibre optic cables are located at the back kerb-line.

Estimated Cost:

- The tentative estimated total cost of this proposal is \$1.3m

Note: The PBN 2014/2015 and PBN 2015/2016 Grant Application: \$650,000

Officer Comments:

The City's TravelSmart officer has applied for funding from the 2014/2015 PBN Grants for all three (3) segments. The PBN Grants consider large strategic routes as valuable additions to the cycling network and have recommended the funding of strategic staged projects which may not be delivered in a one calendar year framework. To that end, although the City has applied for funding for three (3) segments, it is expected that the third segment (Stage 2 Bulwer Street Bike Lanes) will not be funded until the BNP Grants 2015/2016 round and that therefore the works would not be scheduled until then.

**Other Vincent Bike Network Plan – Initiatives:**

At its Special Meeting of Council held on 15 October 2013 the Council also requested the following:

- “3.1 a report to the Council in March 2014 and each subsequent March which provides a proposed schedule of works for the following financial year that addresses the recommendations of the Project Action Plan as shown in Appendix A of the Vincent Bike Network Plan 2013. The report should indicate the items that will be implemented in the following year and subsequent years, the estimated cost, and should be developed with the aim of addressing all items within a five (5) year time frame; and*
- 3.2 a further report on the alternative treatments for Oxford Street including the development of dedicated on-road path between Vincent Street and Scarborough Beach Road; and...”*

Officer Comments:

A proposed schedule of works addressing the recommendations of the Project Action Plan as shown in Appendix A of the Bike Network Plan will be developed and submitted to the Council in March of 2014. This will include a maintenance program and a renewal program.

In addition, a further report on the alternative treatments for Oxford Street will be developed and submitted to the Council for consideration in March 2014.

**CONSULTATION/ADVERTISING:**

Consultation was an integral part of the developing of the Vincent Bike Network Plan and included:

- A Technical Officers Workshop with twelve (12) people in attendance, held at the City offices in October 2012;
- A Community workshop with twenty five (25) in attendance held in early December 2012; and
- An online community survey with one hundred and twenty seven (127) respondents which was open from December 2012 to late January 2013.

Displays were mounted and hard-copy surveys were also available from the Vincent Library and Local History Centre and the three (3) local bike shops in Vincent. The online survey was also distributed through a range of organisations and databases.

Subsequent to the October 15 Special Meeting of Council, the approved Plan was posted on the City's website in early November 2013.

**LEGAL/POLICY:**

The initiative aligns with the City's *Strategic Plan 2011-2023*, *Physical Activity Plan 2009-2013* and the *Sustainable Environment Strategy 2011-2016*.

**RISK MANAGEMENT IMPLICATIONS:**

Not applicable

**STRATEGIC IMPLICATIONS:**

In keeping with the City's *Strategic Plan 2011-2023*

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

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

*(d) Promote alternative methods of transport."*

In keeping with the City's Sustainable Environment Strategy 2011-2016:

*"Objective 1: Contribute to a cleaner local and regional air environment by promoting alternative modes of transport than car use to residents and employees within the City".*

**SUSTAINABILITY IMPLICATIONS:**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

The Staged Plan was submitted to the Department of Transport 2014/2015 Bike Network Plan Grants funding round. It is expected that the final segment (Stage 2 Bulwer St Bike Lanes), although applied for in the 2014/2015 Round, will be considered in the 2015/2016 round, due to budget constraints. The decision on successful funding will be made in February 2014.

Delivering the Vincent Street Bike Lanes, Charles Street cycle phasing and Stage 1 Bulwer Street Bike lanes has been estimated at \$738,100. The City has applied for funding from the PBN 2014-015 Round for \$347,500.

Bicycle Network Implementation and Improvements budget for the 2013 -2014 is.

Budget Amount:	\$161,500 (includes \$93,500 from the 'Way Finding Signage' budget)
Expenditure to date:	\$ 4,920
Balance:	\$156,580

**COMMENTS:**

The Council has identified the Vincent/Bulwer Street bike lanes as the first project to be delivered as part of the realisation of the Vincent Bike Network Plan. This route has been divided into three (3) segments, with the City having applied for funding from the Perth Bike Network Grant 2014/2015 round for all three (3) segments.

It is recommended that the first segment, Vincent Bike Lanes be progressed from available funds. Stage 1 Bulwer Street Bike Lanes can be progressed once notification of successful PBN Grants 2014/2015 allocations advice in February 2014.

**9.2.10 Bus Shelter Tender – Further Report**

<b>Ward:</b>	Both	<b>Date:</b>	6 December 2013
<b>Precinct:</b>	All	<b>File Ref:</b>	TEN0471/TES0028
<b>Attachments:</b>	<a href="#">001</a> – Bus Shelter Options		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	C Wilson, Manager Asset and Design Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES** the EVO shelter, as shown in Appendix 9.2.10A, as nominated by Adshel Street Furniture Pty Ltd, as the standard advertising shelter to be installed within the City of Vincent;
2. **NOTES** that;
  - 2.1 the contract generates considerable income for the City;
  - 2.2 the City reserves the right to reject any advertisement it considers unsuitable as set-out in the tender document;
  - 2.3 as a result of the Public Transport Authority’s bus network changes that four (4) existing Adshel shelters are now redundant and the new locations will need to be found; and
  - 2.4 four (4) of the City’s existing bus shelters are now redundant and new locations need to be found for three (3) JSc shelters.
3. **AUTHORISES** the Chief Executive Officer to enter into negotiations with Adshel and approve the locations of the advertising shelters, both existing and potential;
4. **APPROVES**;
  - 4.1 increasing the number of advertising shelters to a maximum of fifty (50), if appropriate locations can be found; and
  - 4.2 the removal of the redundant bus zones in Vincent, Bulwer and William Streets, as discussed in the report, and converts the space into on-road parking, with the adjacent parking restrictions to apply; and
6. **ADVISES** the residents and businesses adjacent the redundant bus stops of its decision.

**Moved Cr Cole, Seconded Cr Buckels**

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

That the Council;

1. **APPROVES** the EVO Translink shelter, as shown in Appendix 9.2.10AC, as ~~nominated by Adshel Street Furniture Pty Ltd~~, as the standard advertising shelter to be installed within the City of Vincent;

2. **NOTES that;**
  - 2.1 the contract generates considerable income for the City;
  - 2.2 the City reserves the right to reject any advertisement it considers unsuitable as set-out in the tender document;
  - 2.3 as a result of the Public Transport Authority's bus network changes that four (4) existing Adshel shelters are now redundant and the new locations will need to be found; and
  - 2.4 four (4) of the City's existing bus shelters are now redundant and new locations need to be found for three (3) JSc shelters.
3. **AUTHORISES** the Chief Executive Officer to enter into negotiations with Adshel and approve the locations of the advertising shelters, both existing and potential;
4. **APPROVES;**
  - 4.1 increasing the number of advertising shelters to a maximum of fifty (50), if appropriate locations can be found; and
  - 4.2 the removal of the redundant bus zones in Vincent, Bulwer and William Streets, as discussed in the report, and converts the space into on-road parking, with the adjacent parking restrictions to apply; and
5. **ADVISES** the residents and businesses adjacent the redundant bus stops of its decision.

Debate ensued.

Cr Topelberg departed the Chamber at 9.24pm.

Debate ensued.

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

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

**COUNCIL DECISION ITEM 9.2.10**

That the Council;

1. **APPROVES** the Translink shelter, as shown in Appendix 9.2.10C, as, as the standard advertising shelter to be installed within the City of Vincent;
2. **NOTES that;**
  - 2.1 the contract generates considerable income for the City;
  - 2.2 the City reserves the right to reject any advertisement it considers unsuitable as set-out in the tender document;
  - 2.3 as a result of the Public Transport Authority's bus network changes that four (4) existing Adshel shelters are now redundant and the new locations will need to be found; and
  - 2.4 four (4) of the City's existing bus shelters are now redundant and new locations need to be found for three (3) JSc shelters.

3. **AUTHORISES the Chief Executive Officer to enter into negotiations with Adshel and approve the locations of the advertising shelters, both existing and potential;**
4. **APPROVES;**
  - 4.1 **increasing the number of advertising shelters to a maximum of fifty (50), if appropriate locations can be found; and**
  - 4.2 **the removal of the redundant bus zones in Vincent, Bulwer and William Streets, as discussed in the report, and converts the space into on-road parking, with the adjacent parking restrictions to apply; and**
5. **ADVISES the residents and businesses adjacent the redundant bus stops of its decision.**

---

**PURPOSE OF REPORT:**

The purpose of this report is to:

- seek the Council's approval to adopt Adshel Street Furniture Pty Ltd's (Adshel) EVO bus shelter as the new standard Advertising Bus Shelter in accordance with the approved tender.
- authorise the Chief Executive Officer to negotiate with Adshel for new and/or additional sites to compensate for those sites no longer on bus routes as a result of the Public Transport Authority's (PTA's) network changes; and
- advise Council of the proposed rationalisation the City's bus shelter stock as a result of the PTA's network changes and the opportunity it creates to increase on-road parking.

**BACKGROUND:**

**Ordinary Meeting of Council 26 March 2013:**

The Council approved the City entering into a new ten (10) year contract, with a five (5) year option, for the provision and maintenance of Revenue Sharing Advertising Bus Shelters with Adshel. Having considered the report the Council made the following decision:

*"That the Council;*

1. *ACCEPTS the tender submitted by Adshel Street Furniture Pty Ltd as being the most acceptable to the City, for the Provision and Maintenance of Revenue Sharing Advertising Bus Shelters, in accordance with the specifications as detailed in Tender No. 462/12, subject to the following clause being inserted into the Contract;*
  - 1.1 *The exclusivity for advertising rights shall only be applicable to the forty-seven (47) shelter locations which exist at the time of signing the contract; and*
2. *NOTES that;*
  - 2.1 *This tender generates considerable income for the City; and*
  - 2.2 *The City reserves the right to reject any advertisement it considers unsuitable as set-out in the tender document; and*
3. *AUTHORISES the Chief Executive Officer to enter into negotiations with Adshel on the:*
  - 3.1 *design of new shelters;*
  - 3.2 *method of illumination, connected to mains power or solar powered;*
  - 3.3 *review of the locations of the advertising shelters, both existing and potential;*  
*and*
  - 3.4 *implementation schedule.*

*Subject to a further report being submitted to the Council for approval."*

The new contract was duly signed 25 October 2013 and is due to expire 24 October 2023, or if the five (5) option is taken up, 24 October 2028. While it is acknowledged that the City may cease to exist as a separate entity in the foreseeable future Adshel currently have similar contracts with the City's of Perth and Stirling so that it would be a seamless transition.

**DETAILS:**

**The Existing Adshel Bus Shelters**

Under the terms of the original contract the City had the option to purchase all of the existing shelters for \$1.00 per unit. However, given that the shelters are now approaching sixteen (16) years old they are a potential liability as they near the end of their useful life. Therefore it was agreed that Adshel would progressively replace the existing shelters, in accordance with the terms of the tender, *with a yet to be determined new shelter type.*

Further (as approved in the 'confidential' financial attachment in the Tender report of 26 March 2013) the percentage of advertising revenue the City will receive will increase over the life of the contract as Adshel progressively re-coup their capital costs to replace the existing shelters.

In the interim the City has an agreement with Adshel allowing them to continue to use the existing shelters for advertising, in return for the City receiving its agreed percentage of the revenue generated, until such time as the new shelters are installed, after which the new revenue rate will apply.

Officer Comments:

It should be noted that the advertising shelters are generally slightly larger than the City's non-advertising shelters, i.e. have a larger 'footprint', so as to accommodate the advertising panel in which the industry standard sized posters are displayed. For this reason they are not suitable for every location, including some Town Centres, because of site constraints. Further, advertisers want to maximise their exposure and hence the shelters tend to be on the main roads.

**Proposed Adshel Bus Shelter Options:**

Adshel is offering the City three (3) designs from which to choose (as shown in the attachments) and below:

- the EVO Appendix 9.2.10A;
- the Metro Appendix 9.2.10B; and
- the Translink Appendix 9.2.10C.



The EVO



The Metro



The Translink

**Adshel's preference:**

Adshel's preference is the EVO, primarily based upon economy of scale and standardised maintenance. However, as Adshel are offering three (3) options they will obviously be bound by the Council's decision.

Several other Metropolitan Local Governments have recently entered into new contracts with Adshel and have nominated the EVO shelter, of which Adshel are the manufacturer, and therefore there are/will be several hundred EVO shelters throughout the metropolitan area.

In respect of lighting the bus shelters and the advertising panel, in those locations where an existing shelter is to be replaced the new shelter will be re-connected to the power supply.

At new locations, currently without a power supply, Adshel will, if possible, utilise solar powered lighting. If it is not feasible, because of shadowing, Adshel will be responsible for arranging connection to the power supply.

**PTA Network Changes:**

Impact upon Adshel Shelters:

As result of the Public Transport Authority's (PTA) bus network changes four (4) existing Adshel shelters are now redundant.

As reported to its Ordinary Meeting of 12 February 2013 Council was advised that the PTA was discontinuing the 401 route. The 401's route through the City was via Vincent, Bulwer and William Streets. Further, as a result of the City of Perth's changes in William Street, south of Newcastle Street, and including its conversion to two-way traffic, the PTA withdrew all bus services from William Street south of Brisbane Street in April 2013.

As a consequence there are three (3) Adshel shelters in Vincent Street and one (1) in William Street (near Monger Street) that are no longer being used.

Impact upon City of Vincent Shelters:

The same applies to three (3) of the City's JSc shelters, which will be relocated to replace three (3) of the original cantilever style shelters (pre 1990), as per the photographs below. One JSc shelter is located in Vincent Street (adjacent the Administration Centre) and two (2) in Bulwer Street. A redundant cantilever shelter in Bulwer Street will also be removed and scrapped.



JSc style shelter



Cantilever style shelter

Currently the City has twenty eight (28) of the cantilever shelters and twenty three (23) of the JSc shelters.

Additional parking

While the withdrawal of the 401 service, and the discontinuation of the William Street bus services south of Brisbane Street was not supported by the Council, it does provide an opportunity to increase parking in a number of streets.

As an example there are eight (8) bus stops along Bulwer Street, between Vincent and William Streets, which are no longer required. On average each bus stop can accommodate three (3) parking spaces creating an additional twenty four (24) spaces in total.

Further residents of Bulwer Street have approached the City on several occasions requesting the redundant bus zones be given over to parking as legally they are still bus zones until such time as the line-marking, signs and shelters are removed.

There are a total of eighteen (18) bus zones of which sixteen (16) could potentially be converted to parking. Two (2), both of which are in Vincent Street west bound, and either side of Oxford Street, are in No Stopping Zones, Transperth Buses Excepted.

#### **Possible Replacement Adshel Sites:**

The following nine (9) locations have been identified (by Adshel) as potential alternate sites for new/additional shelters and are a combination of new sites currently without a shelter or a replacement of a cantilever shelter.

TP	ADDRESS	COMMENTS	LONG - LAT	
12672	Oxford After Franklin	Aranmore	-31.92769667	115.8412611
12656	Brady Street after Barney		-31.92038	115.8277217
12657	Brady St After Bonnievale St		-31.92008833	115.8275767
11454	Scarborough Beach Rd Before Donovan St		-31.91432778	115.8272611
12586	Scarborough Beach Rd After London St		-31.92471833	115.8474522
12588	Scarborough Beach Rd After Sydney St		-31.92682278	115.85153
11442	Scarborough Beach Rd After Charles St		-31.92705944	115.8517483
26630	Beaufort Street SO Parry Street			
11317	Lord St Before Murchison Tce	Retaining Wall Req	-31.94648056	115.8713972

TP = Transperth stop number.

In addition to the above there is an opportunity to install an Adshel shelter adjacent the Civic Rise Development at 378 Beaufort Street, Highgate, as discussed in the Item 9.2.2 *Public Transport Authority – New 950 High Frequency Beaufort Street Bus Service – Bus Stop Rationalisation Program, Progress Report No. 1*.

Each location will be assessed to ensure adequate pedestrian clearances and sight distances.

In respect of the first location (TP 12672) in Oxford Street, Leederville, near Franklin Street, if selected it would replace an existing cantilever shelter outside Aranmore Catholic College. It should be noted that advertising near schools is governed by a stricter standard than that of the general advertising code.

#### **Adshel's Request for Three (3) Additional Advertising Shelters:**

Adshel has also requested that Council consider an offer of an additional three (3) advertising shelters (over and above the original forty seven (47)), taking the total to fifty (50) advertising shelters, all of which will generate income for both parties.

This request is obviously based upon increased sales opportunity for Adshel, but will also be income positive for the City. The additional benefit to the City will be the likely replacement of a further three (3) of the old cantilever shelters (in addition to the four (4) being replaced/removed by the City). Also under the terms of the contract Adshel are responsible for cleaning all their shelters and surrounds on a fortnightly basis, and within 24 hours if necessary, such as offensive graffiti, smashed panels, etc.

#### **Adshel's Implementation Schedule:**

Upon the Council selecting a design Adshel will place an order for the shelters with the intention of rolling them out before the end of the 2013/14 financial year.



### **Rationalisation of City's Bus Shelter Stock:**

If the Council approves Adshel's request for an additional three (3) advertising shelters, in conjunction with the City's proposed changes (as discussed above), potentially up to seven (7) cantilever shelters will be removed and/or replaced.

While it will not be apparent to the majority of motorists, or indeed residents, it will not only improve the streetscape but also the amenity of the adjacent residents, some who have long complained about the old shelters. In addition it should result in lower maintenance costs as the cantilever shelters are more prone to vandalism.

### **CONSULTATION/ADVERTISING:**

The tender was advertised in the West Australian Newspaper on the 28 November 2012, approved by Council and its Ordinary Meeting of 26 March 2013.

### **LEGAL/POLICY:**

Not applicable.

### **RISK MANAGEMENT IMPLICATIONS:**

**Low – Medium:** In respect of the Advertising shelters the risks are borne by Adshel in that they own and maintain the shelters for the life of the contract. The only risk to the City is a possible reduction in revenue if/when there are economic downturns resulting in less advertising.

In respect of the City's shelters the replacement of the cantilever shelters will reduce the level of the City risk exposure as the old shelters are progressively replaced.

### **STRATEGIC IMPLICATIONS:**

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

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

### **SUSTAINABILITY IMPLICATIONS:**

Not applicable.

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

The Adshel contract generates considerable revenue for the City over the life of the contract. Further, all the costs associated with the new advertising shelters will be borne by Adshel.

The cost of the proposed changes to the City's shelters is in the order of \$8,000 as to be funded from the *Install and replace new bus shelters* budget allocation.

### **COMMENTS:**

As indicated above the City gains considerable annual revenue from the Advertising Bus Shelter Contract. Adshel has offered the City of choice for three (3) shelters types to replace the existing advertising shelters. While Adshel would prefer the City to select the EVO shelter they (Adshel) will be bound by Council's decision.

In respect of the rationalising the City's bus shelters the withdrawal of the 401 bus service provides the City with an opportunity to eliminate a number of the pre 1990's cantilever shelters and to turn the redundant bus zones into on-road parking to the benefit of the adjacent residents and businesses.

**9.3.5 Hyde Park and Banks Reserve Fit Out and Operate Café Kiosk - Expression of Interests**

<b>Ward:</b>	South	<b>Date:</b>	6 December 2013
<b>Precinct:</b>	Hyde Park (12) Banks (15)	<b>File Ref:</b>	RES0042 & RES0008
<b>Attachments:</b>	001 - Confidential Evaluation Summary		
<b>Tabled Items:</b>	-		
<b>Reporting Officers:</b>	M Rootsey, Director Corporate Services G Pieraccini, Director Special Projects		
<b>Responsible Officers:</b>	M Rootsey, Director Corporate Services - Financial G Pieraccini, Director Special Projects - Implementation		

**OFFICER RECOMMENDATION:**

That the Council;

**1. ACCEPTS the Expression of Interests (EOI) for:**

**1.1 the Hyde Park Reserve Fit Out and Operate Café Kiosk from the following:**

<b>1.1.1</b>	<b>Linda Goldsmith;</b>
<b>1.1.2</b>	<b>Melonpin Pty Ltd;</b>
<b>1.1.3</b>	<b>Dome Coffees Australia Pty Ltd; and</b>
<b>1.1.4</b>	<b>Pan-O-Rama Catering</b>

**1.2 the Banks Reserve Fit Out and Operate Café Kiosk from:**

<b>1.2.1</b>	<b>Nirvana Family Trust</b>
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**2. INVITES the following organisations to submit a tender:**

**2.1 for the Hyde Park Reserve Fit Out and Operate Café Kiosk:**

<b>2.1.1</b>	<b>Linda Goldsmith;</b>
<b>2.1.2</b>	<b>Melonpin Pty Ltd;</b>
<b>2.1.3</b>	<b>Dome Coffees Australia Pty Ltd; and</b>
<b>2.1.4</b>	<b>Pan-O-Rama Catering</b>

**2.2 for the Banks Reserve Fit Out and Operate Café Kiosk:**

<b>2.2.1</b>	<b>Nirvana Family Trust</b>
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**3. APPROVES of the Tender Criteria, together with the 'Scope and Conditions' for both Hyde Park and Banks Reserve, as detailed in the report; and**

**4. NOTES that a further report will be submitted to the Council once the Request for Tender has closed.**

Cr Topelberg returned to the Chamber at 9.25pm.

**Moved Cr Topelberg, Seconded Cr Cole**

That the recommendation be adopted.

Debate ensued.

**AMENDMENT 1**

**Moved Cr Topelberg, Seconded Cr Buckels**

“That the Tender Criteria be amended as follows:

**Proposed Tender Criteria**

**Hyde Park and Banks Reserve**

Both tenders will be evaluated in accordance with the following criteria:

<b>Evaluation Criteria</b>	<b>Weighting</b>
<p><b><u>Understanding of Project Scope &amp; Methodology:</u></b></p> <ul style="list-style-type: none"> <li>• Relevance to area, quality and uniqueness of design</li> <li>• Detailed overview of Proposed Operation</li> <li>• Provision of Concept Design for fit-out</li> <li>• Proposed methodology for this project to be completed on time and within budget</li> <li>• Demonstrated project management experience in relevant projects of a similar nature</li> <li>• Demonstrated ability to complete the project on time and within budget</li> </ul>	<p><del>30</del> <b>50</b>%</p>
<p><b><u>Experience in operating a similar type of catering facility:</u></b></p> <ul style="list-style-type: none"> <li>• Understanding of the requirements associated with delivery of this type of service</li> <li>• Capacity to provide the services required</li> <li>• Demonstrated evidence of successful results in undertaking similar projects</li> <li>• Ongoing availability to provide sufficient skilled persons capable of performing the tasks consistent with the required standards</li> </ul>	<p><b>10</b>%</p>
<p><b><u>History and Viability of Organisation</u></b></p> <ul style="list-style-type: none"> <li>• Detailed history and viability</li> <li>• Demonstrated capacity to deliver</li> <li>• Demonstrated capacity and depth to effectively address the range of requirements of the City</li> </ul>	<p><del>40</del> <b>5</b>%</p>
<p><b><u>Key Personnel</u></b></p> <ul style="list-style-type: none"> <li>• Role and credentials of the key person(s) in the provision of the service (i.e. formal qualifications and experience)</li> <li>• Experience, expertise and project team</li> </ul>	<p><b>10</b>%</p>
<p><b><u>Financial Offer</u></b></p> <ul style="list-style-type: none"> <li>• Provision of Preliminary Project Budget</li> <li>• Demonstrated financial viability of Tender Proposal</li> <li>• Proposed lease fee/rental</li> </ul>	<p><del>40</del> <b>25</b>%</p>
	<p><b>100</b>%</p>

Debate ensued.

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

**AMENDMENT 2**

**Moved Cr Harley, Seconded Cr McDonald**

“That a new Clause 5 be inserted as follows:

**5. DEFERS the calling of Tenders and conduct organise a Community Forum on a concept proposal to fit out the existing toilet block, to be held in February 2014.**

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

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

**COUNCIL DECISION ITEM 9.3.5**

That the Council;

1. **ACCEPTS** the Expression of Interests (EOI) for:

1.1 the Hyde Park Reserve Fit Out and Operate Café Kiosk from the following:

1.1.1	Linda Goldsmith;
1.1.2	Melonpin Pty Ltd;
1.1.3	Dome Coffees Australia Pty Ltd; and
1.1.4	Pan-O-Rama Catering

1.2 the Banks Reserve Fit Out and Operate Café Kiosk from:

1.2.1	Nirvana Family Trust
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2. **INVITES** the following organisations to submit a tender:

2.1 for the Hyde Park Reserve Fit Out and Operate Café Kiosk:

2.1.1	Linda Goldsmith;
2.1.2	Melonpin Pty Ltd;
2.1.3	Dome Coffees Australia Pty Ltd; and
2.1.4	Pan-O-Rama Catering

2.2 for the Banks Reserve Fit Out and Operate Café Kiosk:

2.2.1	Nirvana Family Trust
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3. **APPROVES** of the revised Tender Criteria, together with the ‘Scope and Conditions’ for both Hyde Park and Banks Reserve, as follows;

**Hyde Park and Banks Reserve**

Both tenders will be evaluated in accordance with the following criteria:

<b>Evaluation Criteria</b>	<b>Weighting</b>
<p><b>Understanding of Project Scope &amp; Methodology:</b></p> <ul style="list-style-type: none"> <li>• Relevance to area, quality and uniqueness of design</li> <li>• Detailed overview of Proposed Operation</li> <li>• Provision of Concept Design for fit-out</li> <li>• Proposed methodology for this project to be completed on time and within budget</li> <li>• Demonstrated project management experience in relevant projects of a similar nature</li> <li>• Demonstrated ability to complete the project on time and within budget</li> </ul>	<p><del>30</del> <b>50%</b></p>

<p><b>Experience in operating a similar type of catering facility:</b></p> <ul style="list-style-type: none"> <li>• Understanding of the requirements associated with delivery of this type of service</li> <li>• Capacity to provide the services required</li> <li>• Demonstrated evidence of successful results in undertaking similar projects</li> <li>• Ongoing availability to provide sufficient skilled persons capable of performing the tasks consistent with the required standards</li> </ul>	<p>10%</p>
<p><b>History and Viability of Organisation</b></p> <ul style="list-style-type: none"> <li>• Detailed history and viability</li> <li>• Demonstrated capacity to deliver</li> <li>• Demonstrated capacity and depth to effectively address the range of requirements of the City</li> </ul>	<p>40-5%</p>
<p><b>Key Personnel</b></p> <ul style="list-style-type: none"> <li>• Role and credentials of the key person(s) in the provision of the service (i.e. formal qualifications and experience)</li> <li>• Experience, expertise and project team</li> </ul>	<p>10%</p>
<p><b>Financial Offer</b></p> <ul style="list-style-type: none"> <li>• Provision of Preliminary Project Budget</li> <li>• Demonstrated financial viability of Tender Proposal</li> <li>• Proposed lease fee/rental</li> </ul>	<p>40-25%</p>
	<p>100%</p>

4. **NOTES that a further report will be submitted to the Council once the Request for Tender has closed; and**
5. **DEFERS the calling of Tenders and conducts a Community Forum on a concept proposal to fit out the existing toilet block, to be held in February 2014.**

**PURPOSE OF REPORT:**

The purpose of this report is to advise Council of the outcome of the Expression of Interests called for the Fit out and operation of a Café/Kiosk at Hyde Park and Banks Reserve, approve the Tender Criteria, Scope and Conditions and subsequently invite organisations to submit a tender.

**BACKGROUND:**

At the Ordinary Meeting of Council held 23 July 2013 the following resolution was adopted:

*“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."*

The Expression of Interests were advertised on 17 August 2013 and closed on 10 September 2013.

**DETAILS:**

The Expressions of Interest closed at 4.00pm on Tuesday 10 September 2013.

The following Officers were in attendance at the opening of the Expressions of Interest:

- Purchasing Officer; and
- Acting Director Corporate Services.

**Specification of the EOI**

**Hyde Park**

The City wishes to provide a permanent facility that provides a food and drink service for users of Hyde Park.

An existing building located adjacent to the Throssell Street playground consists of public toilets and storage and it is envisaged this could be utilised for a cafe/kiosk. Large shady trees and views of the lake provide a most suitable and practicable location for a small café/kiosk.

**Planning and Heritage Requirements**

- Any proposal would be required to be referred to and approved by the Heritage Council of Western Australia;
- Any proposal would need to be considered and approved by the Heritage Council's Development Committee; and
- Any proposal would be required to be submitted as a planning application that would be determined by the Western Australian Planning Commission.

**Scope of Work**

The City of Vincent invites suitably qualified organisations/persons to fit out and operate a Café/Kiosk at Hyde Park, located at the Throssell Street location.

- Operation to be able to open 7.00am – 7.00pm – at the discretion of the operator;
- Operate with the preference for use of local suppliers for their produce;
- Comply with the City of Vincent 'Menuwise' programme; and
- Compliance with Health Regulations.

**Cafe Design & Conditions**

- The fit out is to meet Planning and Building approval from the City of Vincent;
- The facility will be required to comply with the Heritage conditions that apply to Hyde Park (Any building alterations will require approval from the State Heritage Council)

Other Functional Requirements

The following is to be included (where applicable):

- Safe, easy access for people of all ages; and
- Pedestrian access.

**Banks Reserve**

Banks Reserve is located in Joel Terrace, Mount Lawley, overlooking the Swan River. There is an amphitheatre which is used throughout the year for concerts and events and a life trail and outdoor gym equipment.

The Banks Reserve Pavillion adjacent the walking path on the river has a kitchen facility and public toilets which is envisaged could be utilised for a Café/Kiosk.

Scope of work

The City of Vincent invites suitably qualified companies/persons to fit out and operate a Café/Kiosk at Banks Reserve, located at Joel Terrace Mount Lawley.

- Operation to be able to open 7.00am – 7.00pm – at the weekends and or any other days deemed suitable for the operator;
- Operate with the preference for use of local suppliers for their produce;
- Comply with the City of Vincent Menuwise programme; and
- Compliance with Health Regulations.

Cafe Design & Conditions

- The fit out is to meet Planning and Building approval from the City of Vincent.

Other Functional Requirements

The following is to be included (where applicable):

- Safe, easy access for people of all ages;
- Pedestrian access; and
- Sustainability principles.

Indicative Timeline

The following Implementation Timetable was included in both EOIs:

Invitation to submit EOI	17 August 2013
Closing date for submissions	10 September 2013
Assessment of submissions received	September/October 2013
Submissions shortlisted and preferred designers notified	October 2013
<i>Indicative future Request for Tender (RFT) Timeline</i>	
<i>Invitation to submit RFT</i>	<i>October/November 2013</i>
<i>Closing date for RFT</i>	<i>November 2013</i>
<i>Award Contract</i>	<i>December 2013</i>

Note: Only the City shall vary the above time frames.

**Future Request for Tender**

The respondents were advised that the EOI was the first stage of a two stage process, whereby following the close of the EOI, the Principal may proceed to the calling of a restricted Expression of Interest (EOI) or commence direct negotiations at the Principal's sole discretion.

The issuing of an EOI does not commit the Principal to proceeding with a Request for Tender (RFT). The submission of an EOI does not commit the Principal to include any organisation on the shortlist in the event that the project proceeds.

The respondents were further advised that eligibility to participate in the RFT would be restricted to providers who complied with the provisions of the EOI and who were accepted to be placed on a pre-qualified shortlist.

### **EOI Submissions Received**

At the close of the EOI, 10 September 2013 the following submissions were received.

#### **Hyde Park**

Four (4) submissions were received for the fit out and operation of a Café /Kiosk at Hyde Park as follows:

- Linda Goldsmith;
- Melonpin Pty Ltd;
- Dome Coffees Australia Pty Ltd; and
- Pan-O-Rama Catering.

#### **Banks Reserve**

One (1) submission was received for the fit out and operation of a Café/Kiosk at Banks Reserve as listed below:

- Nirvana Family Trust.

### **Expression Of Interest Evaluation**

#### **Hyde Park & Banks Reserve**

The submissions received were evaluated in accordance with the following criteria:

<b>Evaluation Criteria</b>	<b>Weighting</b>
<b>Past experience in operating a similar type of catering facility</b> <ul style="list-style-type: none"> <li>• Capacity to provide the services required</li> <li>• Understanding of the required service associated with delivering the services to the City.</li> <li>• Relevance to area, quality and uniqueness of design</li> <li>• Demonstrated evidence of successful results in undertaking similar projects.</li> <li>• Ongoing availability to provide sufficient skilled persons capable of performing the tasks consistent with the required standards</li> </ul>	35%
<b>History and Viability of Organisation</b> <ul style="list-style-type: none"> <li>• Detail your history and viability</li> <li>• Include any comments received from referees</li> <li>• Demonstrate your capacity to deliver</li> <li>• Demonstrate your capacity and depth to effectively address the range of requirements of the City</li> </ul>	20%
<b>Key Personnel</b> <ul style="list-style-type: none"> <li>• Role and credentials of the key person(s) in the provision of the service (i.e. formal qualifications and experience)</li> <li>• Experience, expertise and project team</li> </ul>	20%
<b>Methodology</b> <ul style="list-style-type: none"> <li>• Proposed methodology for this project to be completed on time and within budget</li> <li>• Demonstrated project management experience in relevant projects of a similar nature</li> <li>• Demonstrated ability to complete the project on time and within budget</li> </ul>	20%
<b>References</b> <ul style="list-style-type: none"> <li>• Provide details of at least three (3) referees</li> </ul>	5%
<b>Total:</b>	<b>100%</b>



The evaluation of the EOI's was carried out by a panel comprising:

- Director Corporate Services; and
- Director Special Projects.

The results of the evaluation are attached and summarised in **Confidential Appendix 9.3.5**.

As it is recommended that the Council invite a number of organisations to submit a tender it is essential that the confidential information attached not be disclosed, as this may jeopardise the tender process.

### **Proposed Tender Criteria**

#### **Hyde Park and Banks Reserve**

Both tenders will be evaluated in accordance with the following criteria:

<b>Evaluation Criteria</b>	<b>Weighting</b>
<p><b>Understanding of Project Scope &amp; Methodology:</b></p> <ul style="list-style-type: none"> <li>• Relevance to area, quality and uniqueness of design</li> <li>• Detailed overview of Proposed Operation</li> <li>• Provision of Concept Design for fit-out</li> <li>• Proposed methodology for this project to be completed on time and within budget</li> <li>• Demonstrated project management experience in relevant projects of a similar nature</li> <li>• Demonstrated ability to complete the project on time and within budget</li> </ul>	30%
<p><b>Experience in operating a similar type of catering facility:</b></p> <ul style="list-style-type: none"> <li>• Understanding of the requirements associated with delivery of this type of service</li> <li>• Capacity to provide the services required</li> <li>• Demonstrated evidence of successful results in undertaking similar projects</li> <li>• Ongoing availability to provide sufficient skilled persons capable of performing the tasks consistent with the required standards</li> </ul>	10%
<p><b>History and Viability of Organisation</b></p> <ul style="list-style-type: none"> <li>• Detailed history and viability</li> <li>• Demonstrated capacity to deliver</li> <li>• Demonstrated capacity and depth to effectively address the range of requirements of the City</li> </ul>	10%
<p><b>Key Personnel</b></p> <ul style="list-style-type: none"> <li>• Role and credentials of the key person(s) in the provision of the service (i.e. formal qualifications and experience)</li> <li>• Experience, expertise and project team</li> </ul>	10%
<p><b>Financial Offer</b></p> <ul style="list-style-type: none"> <li>• Provision of Preliminary Project Budget</li> <li>• Demonstrated financial viability of Tender Proposal</li> <li>• Proposed lease fee/rental</li> </ul>	40%
	<b>100%</b>

## Proposed Tender Scope and Conditions

### Hyde Park

Scope
<p>The City of Vincent invites suitably qualified and experienced organisations/persons to fit-out and operate a Café/Kiosk at Hyde Park, located at the Throssell Street (west) end of the Park based on the following:</p> <ul style="list-style-type: none"><li>• Fit-out to have minimal impact on the existing building and surrounds;</li><li>• Any proposed fit-out should enhance and improve the visual impact of the building and its immediate surrounds;</li><li>• Consideration to also be given to the environmental impact of the facility within the Park setting;</li><li>• Seating capacity(external only): 10 -20 (initially, potential to increase in future);</li><li>• Operating hours: 7.00am – 7.00pm weekends as well as public and school holidays;</li><li>• Operate with the preference for use of local suppliers for their produce; and</li><li>• All costs associated with the fit-out and any services extensions, that maybe required, shall be covered by the successful tender.</li></ul>
Conditions
<ul style="list-style-type: none"><li>• The fit out is to meet all the City of Vincent Planning and Building Approval requirements;</li><li>• The proposal will be required to comply with all Heritage conditions that apply to Hyde Park;</li><li>• The proposal will require approval from the State Heritage Council and Heritage Council's Development Committee.</li><li>• Comply with the City of Vincent Menuwise programme;</li><li>• Compliance with all Health and applicable Statutory Regulations; and</li><li>• 5 Year Lease in accordance with the City's Leasing Policy.</li></ul>

### Banks Reserve

Scope
<p>The City of Vincent invites suitably qualified and experienced organisations/persons to fit-out and operate a <b>Café/Kiosk</b> at Banks Reserve, located at Joel Terrace Mount Lawley Park based on the following:</p> <ul style="list-style-type: none"><li>• Fit-out to have minimal impact on the existing building and surrounds;</li><li>• Any proposed fit-out should enhance and improve the visual impact of the building and its immediate surrounds;</li><li>• Consideration to also be given to the environmental impact of the facility within the Reserve and River setting;</li><li>• Seating capacity(external only): 10- 20 (initially, potential to increase in future);</li><li>• Operating hours: 7.00am – 7.00pm weekends as well as public and school holidays;</li><li>• Operate with the preference for use of local suppliers for their produce; and</li><li>• All costs associated with the fit-out and any services extensions, that maybe required, shall be covered by the successful tender.</li></ul>
Conditions
<ul style="list-style-type: none"><li>• The fit out is to meet all the City of Vincent Planning and Building Approval requirements;</li><li>• Comply with the City of Vincent Menuwise programme;</li><li>• Compliance with all Health and any other applicable Statutory Regulations; and</li><li>• 5 Year Lease in accordance with the City's Leasing Policy.</li></ul>

**CONSULTATION/ADVERTISING:**

The Expression of Interests were advertised on 17 August 2013 and closed on 10 September 2013.

**LEGAL/POLICY:**

- Food Act 2008 and Food Regulations 2009;
- Environmental Protection (Noise) Regulations 1997;
- Local Government (Function and General) Regulations 1996 Reg. 22, 23 & 24; and
- Local Government Act (1995) Tender Regulations.

**RISK MANAGEMENT IMPLICATIONS:**

**High:** There is a risk that the successful tender cannot deliver a fully compliant and Heritage approved proposal and 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 2013–2017:

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 projects will have to be economically sustainable to be retained longer term.

**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 operators, however there could be some rental incentive to encourage any operator during the infancy of the business at the locations.

**COMMENTS:**

A total of four (4) EOI submissions for Hyde Park, and one (1) EOI submission for Banks Reserve, were received at the closing time and date for the Fit out and Operation of a Cafe/Kiosk. These have been assessed in accordance with the Local Government (Function and General) Regulations 1996 and the EOI Evaluation Criteria.

All submissions for the Hyde Park EOI were comprehensive and addressed the Evaluation Criteria.

The Banks Reserve EOI submission was simple and generally demonstrated that they had relevant experience and potential resources to undertake the requested tasks.

Accordingly all submissions were considered to have satisfied the EOI Evaluation Criteria and would be capable of satisfactorily supplying the requested goods and services as specified in the EOI documentation.

It is therefore recommended that four (4) Hyde Park submissions and one (1) Banks Reserve submission be invited to submit a tender, and that the Tender Criteria, Project Scope and Conditions are approved as outlined in this report.

**9.5.1 Annual Financial Report 2012-2013 - Adoption**

<b>Ward:</b>	Both	<b>Date:</b>	6 December 2013
<b>Precinct:</b>	All	<b>File Ref:</b>	ADM0032
<b>Attachments:</b>	<a href="#">001</a> – Draft Annual Financial Report 2012/2013		
<b>Tabled Items:</b>	Draft Annual Financial Report 2012/2013		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **APPROVES BY AN ABSOLUTE MAJORITY** to **ACCEPT** the Annual Financial Report of the City of Vincent for the financial year 2012-2013, as shown in Appendix 9.5.1, “Tabled” and forming Attachment 001, to this report.

**COUNCIL DECISION ITEM 9.5.1**

**Moved** Cr Harley, **Seconded** Cr Topelberg

That the recommendation be adopted.

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

**ADDITIONAL INFORMATION:**

Financial Position as at 30 June 2013.

**STATEMENT OF COMPREHENSIVE INCOME NATURE & TYPE**

<b>Revenue</b>	<b>Actual</b>	<b>Revised Budget</b>
	\$45.3m	\$46.7

Increase due in the main from revenue as result of accounting treatment of the lands sale at Tamala Park, not budgeted and also revenue from recoverable works undertaken for the Public Transport Authority in Beaufort Street.

However revenue should have been even higher but fees and charges were below budget in number of areas and the factors contributing to this are listed below:

Later than estimated opening of the Beatty Park redevelopment and lower than estimated revenue from all three categories of parking revenue:

- Parking infringements;
- Car Parks – Fees
- Kerbside – Parking Fees

<b>Expenditure</b>	<b>Actual</b>	<b>Revised Budget</b>
	\$48.1	\$46.2

Higher than budget due to the following reasons:

Employee costs were higher than estimated due to the increase labour costs due to Parks and Reserves and Sports Ground due to the increase in the number of requests received, also increased vandalism and waste removal. Material costs increased in maintenance costs in the Park and Reserves, Sports Ground and Road Reserves costs as a result of additional works requested.

Increased recoverable works costs for the work undertaken in Beaufort Street for the PTA.

Increased utility costs due to in the main to later than anticipated opening of the Beatty Park Leisure Centre (BPLC) redevelopment as a result, the Centre was not fully using the new Geothermal system but still maintaining the use of the boiler and therefore as a result of this incurring higher than budgeted gas costs.

Furthermore there was also an increase in the depreciation charges as result of increased valuation for the City's roads.

<b>Non-Operating Grants</b>	<b>Actual</b>	<b>Revised Budget</b>
	\$2.3m	\$5.8m

Lower than estimated amounts of Grants, Subsidies and Contributions were received in the financial year.

<b>Joint Venture Operations</b>	<b>Actual</b>	<b>Revised Budget</b>
	\$0.53	\$0

Movement in Joint Venture Equity

This represents the change in the Council share of net asset of the jointly controlled regional Councils, being Mindarie and Tamala Park Regional Councils. This item was not budgeted at the time of the preparation of the Budget.

<b>Other Comprehensive Income</b>	<b>Actual</b>	<b>Revised Budget</b>
	\$1.46m	\$0

This amount is due to change on the revaluation of the Plant & Equipment & Furniture Equipment assets as part of the required "Fair Value" valuation, which are required by legislation, these two categories had to completed in this financial year.

<b>Total Comprehensive Income</b>	<b>Actual</b>	<b>Revised Budget</b>
	\$2.91m	\$5.07m

**STATEMENT OF FINANCIAL POSITION (BALANCE SHEET)**

	<b>Actual 2012/13</b>	<b>Actual 2011/12</b>
<b>TOTAL ASSETS</b>	\$219.63m	\$218.04m
<b>CURRENT ASSETS</b>	\$11.8m	\$21.6m

Decrease in Current Assets is due to the reduction in investments funds held for the Beatty Park Redevelopment and Hyde Park Restoration projects, which were completed during the 2012/13 financial year.

<b>NON CURRENT ASSETS</b>	\$207.6m	\$196.4m
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Increase in Non Current Assets is due to the increase in value of Property, Plant Equipment and Infrastructure Assets as result of the capitalisation of the Beatty Park and Hyde Park Lakes Restoration Project.

There has been an increase in the value of Financial Assets following the increase in the value of share of assets in the Regional Councils of which the City is a member.

	<b>Actual 2012/13</b>	<b>Actual 2011/12</b>
<b>TOTAL LIABILITIES</b>	\$28.1m	\$29.5m

The Total Liabilities are slightly lower than the previous year following loan repayments during the year reducing the borrowing amount outstanding.

<b>CURRENT LIABILITIES</b>	\$8.7m	\$9.0m
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The main contributing factor identified is the reduction in the Current portion of the long term borrowing.

<b>NON CURRENT ASSETS</b>	\$19.4m	\$20.4m
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In this category the main reason for the reduction is the reduction of the long term borrowing.

### **STATEMENT OF CASH FLOWS**

	<b>Actual 2012/13</b>	<b>Actual 2011/12</b>
<b>CASH AND CASH EQUIVALENTS</b>	\$7.7m	\$17.64m

Reduction in Cash held between the two years is as already stated due to the complete in of the two major projects completed in this financial year that is the Beatty Park Leisure Centre Redevelopment and the Hyde Park Lakes Restoration projects.

It should be noted that these works were a significant contributing factor in the receipt of \$2.2m in GST refunds which was higher than the budgeted \$1.2m.

### **RATE SETTING STATEMENT**

	<b>Original Budget 12/13</b>	<b>Actual 12/13</b>
Operating Revenue (less Rates)	\$20.19m	\$21.43m
Rates Income	\$23.97m	\$23.82m
Operating Expenditure	\$45.1m	\$46.9m
Non Cash Expenditure & Revenue	\$10.63m	\$14.49m
Acquisitions of Non Current Assets	\$15.7m	\$10.13m
Surplus /Deficit	\$0	\$3.80m

#### **Surplus/Deficit**

This is due to a number of contributing factors:

#### **Operating Revenue**

Revenue should have been even higher than recorded due to lower than budgeted parking infringements, car park and kerbside parking fines. In addition due to the Beatty Park Redevelopment opening four months later than estimated the Centre did not receive the budgeted revenue anticipated from the new membership numbers and the increase in general patronage. The revenue was boosted by revenue received from the recoverable works undertaken for the PTA in Beaufort Street.

#### **Operating Expenditure**

The major contributing factor is an increase in various maintenance areas as result of increasing requests to meet the community's demand.

In addition the charges for the recoverable works undertaken for the PTA in Beaufort/ Brisbane St were not budgeted.

The delay in the opening of the redeveloped Beatty Park Leisure Centre resulted in the centre incurring higher than budgeted utility charges as the Centre was not able to fully utilise the geothermal system which had been budgeted to be used in December.

#### **Rates Income**

Lower than budgeted income as a result of lower than estimated Interim Rates raised during the year.

Being given to the following items.

**Reduced Grants & Contributions**

Lower than anticipated Grants and Contributions were received in this financial year.

**Comment**

This position will be addressed during the course of this financial year with consideration being given to the following items

Capital expenditure reduction: - \$ 0.82m.

Operating expenditure reduction: - \$0.36m.

Operating revenue – Increases: - \$1,37m

Consideration may also be given to delaying or amending Reserve transfers - \$0.75m.

Adjustments have already been made in the Budget review reported to the Council Item 9.3.3 OMC 25 October 2013.

This matter will be further addressed as part of the statutory mid – year budget review, which will be reported to the Council in February 2014.

**FINANCIAL RATIOS OF THE ACCOUNTS**

	<b>2013</b>	<b>2012</b>	<b>2011</b>
Current Ratio	0.47	0.46	0.38
Asset Sustainability Ratio	1.43	1.21	0.87
Debt Service Cover Ratio	2.50	3.44	2.84
Operating Surplus Ratio	(0.03)	(0.10)	(0.03)
Own Source Revenue Ratio Coverage	0.94	0.87	0.94
<b>Additional Financial Ratios</b>			
Asset Consumption Ratio	0.60	N/A	N/A
Asset Renewal Funding Ratio	0.77	N/A	N/A

The Financial Ratios have seen an improving trend from the previous year. The Current Operating Surplus Ratios are however below the benchmark. These will be addressed in this financial year.

The Asset Consumption and Asset Renewal Funding Ratio are new ratios that have been introduced by the Department of Local Government and Communities in the last financial year. It should be noted that these ratios only require an attestation they have been checked and supported with verifying information. This is because some of the information used to calculate these ratios is not supported by audited information included in the financial statements.

This additional information has been requested by the Council and the Audit Committee to provide more information of the financial position as at 30 June 2013.

**FURTHER REPORT:**

The Annual Financial Report was presented to the Ordinary Meeting of Council held on 3 December 2013 whereby Council resolved:

*“That the item be DEFERRED to the Ordinary Meeting of Council to be held on 17 December 2013, on the understanding that it would be prior reported to the Audit Committee Meeting.”*

The Financial Statements 2012-2013 were presented to the Council Audit Committee held on 10 December 2013.

**PURPOSE OF REPORT:**

To consider and accept the 2012/2013 Annual Financial Report and the Independent Auditor's Report.

**BACKGROUND:**

In accordance with Section 6.4 of the Local Government Act 1995, the 2012/2013 Annual Financial Report has been prepared and the accounts and the report have been submitted to the City's Auditors. The preparation of an Annual Financial Report and the submission of the report and the City's accounts to the Auditors for audit are statutory requirements of the Local Government Act 1995.

The City's Auditors have completed their audit of the City's accounts and the Annual Financial Report for the 2012/2013 financial year in accordance with the terms of their appointment and the requirements of the Local Government Act 1995 Part 7 Division 3 and have submitted their report.

Section 6.4 of the Local Government Act 1995 sets out the requirements for a Local Government to prepare an Annual Financial Report and to submit both the report and its accounts to the Auditor by the 30<sup>th</sup> September each year.

The City of Vincent has met these requirements and the City's Auditors have completed the audit of Council's accounts and Annual Financial Report for the financial year 2012/2013.

**DETAILS:**

The Annual Financial Report is required to be accepted by the Council in order to enable the holding of an Annual General Meeting of Electors at which the City's Annual Report containing the financial report (or at a minimum the abridged version) will be considered.

A copy of the Annual Financial Report is also required to be submitted to the Director General of the Department of Local Government.

The Annual Financial Report for the financial year 2012/2013 is included with the report at Appendix 9.5.1, which is "Tabled" and also as an electronic Attachment 001.

The City's Auditors provided the Annual Financial Report to the City on 13 November 2013.

**CONSULTATION/ADVERTISING:**

There is no legislative requirement to consult on the preparation of the Annual Financial Report. The Local Government Act 1995 requires an Annual General Meeting of Electors to be held and the City's Annual Report incorporating the financial report (or at a minimum, the abridged version) to be made available publicly. The full Annual Financial Report will also be publicly available.

As per previous years, it is proposed that the Annual Financial Report will be produced on CD-Rom and made available on the City's public website. A minimal number of printed, bound colour copies will be available for viewing at the Library and Local History Centre and the Administration's Customer Service Centre.

A printed copy of the Annual Financial Report is provided to the Council Members.



**LEGAL/POLICY:**

Local Government (Financial Management) Regulation 51(2) states:

*“A copy of the annual financial report of a local government is to be submitted to the Executive Director within 30 days of the receipt by the CEO of the Auditor’s Report on that financial report.”*

Section 5.53 of the Local Government Act 1995 states:

**“5.53 Annual Reports**

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain:*
  - f. *the financial report for the financial year;”*

Section 6.64 of the Local Government Act states:

**“6.64 Financial Report**

- (1) *A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.*
- (2) *The financial report is to –*
  - (a) *Be prepared and presented in the manner and form prescribed; and*
  - (b) *Contain the prescribed information.*
- (3) *By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its Auditor –*
  - (a) *The accounts of the local government, balanced up to the last day of the preceding financial year; and*
  - (b) *The annual financial report of the local government for the preceding financial year.”*

**RISK MANAGEMENT IMPLICATIONS:**

**High:** The risk associated with not adopting the 2012-2013 Annual Financial Report will result in non-compliance with the requirement of the Local Government Act 1995.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the City’s Strategic Plan 2013-2023

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

**SUSTAINABILITY IMPLICATIONS:**

Not Applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost of preparing the Annual Report, which contains the Financial Report, will primarily be carried out in-house. This will provide cost savings of approximately \$4,000, for typesetting of the report.

The Auditor’s total costs are \$12,530 (GST inclusive).

The Financial Report is prepared by the City’s administration, as such these costs are contained in the City’s Operating Budget.

**COMMENTS:**

As in previous years, it is proposed that the Annual Financial Report will be produced on CD Rom and made available on the City’s public website. A minimal number of printed, bound colour copies will be available for viewing at the Library and Local History Centre and the City’s Customer Service Centre. In order for the City to meet its legislative requirements, it is recommended that the Council accepts the Annual Financial Report for the financial year 2012-2013.

**9.5.2 Annual Report 2012-2013 – Adoption and Annual General Meeting of Electors 2013**

<b>Ward:</b>	Both	<b>Date:</b>	6 December 2013
<b>Precinct:</b>	All	<b>File Ref:</b>	ADM0032/ADM0016
<b>Attachments:</b>	<a href="#">001</a> – Draft Annual Report 2012-2013		
<b>Tabled Items:</b>			
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council APPROVES BY AN ABSOLUTE MAJORITY to:

1. ACCEPT the 2012-2013 Annual Report of the City of Vincent as shown in Appendix 9.5.2, “Tabled” and forming Attachment 001 to this report;
2. CONVENE the 2013 Annual General Meeting of Electors on Monday 3 February 2014 at 6pm in the City of Vincent Administration and Civic Centre, Leederville;
3. ADVERTISE by public notice that the City of Vincent Annual Report 2012-2013 will be available from 13 January 2014; and
4. PROVIDE a copy of the Annual Report and Annual Financial Statements to the Director General, Department of Local Government and Communities, in accordance with Local Government (Financial Management) Regulations 1996.

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**COUNCIL DECISION ITEM 9.5.2**

**Moved Cr Topelberg, Seconded Cr Pintabona**

That the recommendation be adopted.

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

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**FURTHER REPORT:**

The Annual Report 2012-2013 – Adoption and Annual General Meeting of Electors 2013 was presented to the Ordinary Meeting of Council held on 3 December 2013 whereby Council resolved:

“That the item be DEFERRED to the Ordinary Meeting of Council to be held on 17 December 2013, on the understanding that it would be prior reported to the Audit Committee Meeting.”

**PURPOSE OF REPORT:**

The purpose of the report is to accept the 2012-2013 Annual Report and set a date for the Annual General Meeting of Electors.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 20 November 2012, the Council considered the matter and resolved as follows:

*“That the Council:*

1. *APPROVES BY AN ABSOLUTE MAJORITY to ACCEPT the 2011/2012 Annual Report of the City of Vincent as shown in Appendix 9.5.1, “Tabled” and forming Attachment 001 to this report;*
2. *CONVENES the 2012 Annual General Meeting of Electors on Monday 17 December at 6pm in the City of Vincent, Leederville;*
3. *ADVERTISES by public notice that the City of Vincent Annual Report 2011/2012 will be available from 28 November 2012; and*
4. *PROVIDES a copy of the Annual Report and Annual Financial Statements to the Director General, Department of Local Government, in accordance with Local Government (Financial Management) Regulation 51(2).”*

**DETAILS:**

The Local Government Act requires that every Local Government prepares an Annual Report and holds an Annual General Meeting (AGM) of Electors. Both the Annual Report and the Financial Report reflect on the City's achievements during 2012-2013 and focus on the many highlights of a busy year.

In accordance with Section 5.53 of the Local Government Act 1995, the 2012-2013 Annual Report has been prepared, summarising the year's highlights and achievements, as well as including specific statutory requirements.

The City's Auditors have completed the audit of Council's financial statements for the 2012-2013 financial year. The Financial Statements will form part of the 2012-2013 Annual Report.

The Annual Report and the Financial Report will form an integral part of Council's report to the electors at the Annual General Meeting.

Section 5.27 of the Local Government Act 1995 requires that the Annual General Meeting of Electors is to be held on a day selected by the Local Government, but not more than 56 days after the report is accepted by the Local Government.

The Local Government Act 1995 under Section 5.27(1) requires every Local Government to hold a General Meeting of Electors once each financial year. The Act provides that the Order of Business at such a meeting is:

- (a) Welcome, Introduction and Apologies;
- (b) Contents of the Annual Report; and
- (c) General Business.

**PROCESS:**

The Council previously resolved that the Chief Executive Officer streamline the process so that the Annual General Meeting can be held earlier. However, it should be noted that the process timetable is predominantly dictated by the availability of the City's Auditor. The City's Auditor is also the Auditor for many other Local Governments and their workload at this time of the year is very heavy, due to their commitments.

The City's administration compiles the Annual Report within two (2) months of the end of the financial year. It also prepares the Annual Financial Report. The Annual Financial Report is then submitted to the Auditor's for auditing. The Auditors were unable to complete their work until about mid November, due to their heavy work load with other Local Governments.

Therefore, the earliest opportunity for the Council to consider and adopt the Annual Report and Financial Report was the first meeting in December. Once adopted, the City must give at least fourteen (14) days notice of the date of the Annual General Meeting.

To ensure there is sufficient time to advertise the Annual General Meeting and finalise the Annual Report, and to allow for the festive season non consultation period, it is suggested that the most appropriate date for holding the Annual General Meeting of Electors is Monday 3 February 2014, commencing at 6pm.

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

There is no legislative requirement to consult on the Annual Report, but the Local Government Act 1995 requires an Annual General Meeting of Electors to be held and the Annual Report to be made available publicly.

It is proposed that the Annual Report will be produced on CD-Rom and made available on the City's public website. A minimal number of printed, bound colour copies will be available for viewing at the Library and Local History Centre and the City's Customer Service Centre.

A printed copy of the Annual Report is provided to the Council Members.

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

The Local Government Act 1995, Section 5.53 requires every Local Government to prepare an Annual Report. Section 5.54 states that the Annual Report is to be accepted by the Local Government no later than 31 December of that financial year.

Local Government (Financial Management) Regulation 51(2) states:

*"A copy of the annual financial report of a Local Government is to be submitted to the Executive Director within 30 days of the receipt by the CEO of the Auditor's Report on that financial report."*

Section 5.53 of the Local Government Act 1995 states:

#### **5.53 Annual Reports**

- (1) *The Local Government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain:*
  - a. *a report from the mayor or president;*
  - b. *a report from the CEO;*
  - (c) and (d) deleted*
  - e. *an overview of the plan for the future of the district made in accordance with Section 5.56 including major activities that are proposed to commence or to continue in the next financial year;*
  - f. *the financial report for the financial year;*
  - g. *such information as may be prescribed in relation to the payments made to employees;*
  - h. *the auditor's report for the financial year;*
  - ha. *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and*
  - i. *such other information as may be prescribed.*

Section 5.54 of the Local Government Act states:

#### **5.54 Acceptance of Annual Reports**

- (1) *Subject to subsection (2) the annual report for a financial year is to be accepted\* by the Local Government no later than 31 December after that financial year.*

*\* Absolute majority required*

- (2) *If the Auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the Local Government no later than 2 months after the Auditor's report becomes available.*

Section 5.55 of the Local Government Act 1995 states:

#### **5.55 Notice of annual reports**

*The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the Local Government.*

Section 5.27 states:

#### **5.27 Electors' general meetings**

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the Local Government but not more than 56 days after the Local Government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

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

**High:** The risk associated with not adopting the 2012-2013 Annual Report and failure to set a date for the 2013 Annual General Meeting of electors will result in non-compliance with the requirement of the Local Government Act 1995.

#### **STRATEGIC IMPLICATIONS:**

This is in keeping with the City's Strategic Plan 2013-2023:

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

#### **SUSTAINABILITY IMPLICATIONS:**

Not Applicable.

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

The cost of preparing the Annual Report, which contains the Financial Report, will primarily be carried out in-house. This will provide cost savings of approximately \$4,000, for typesetting of the report.

The Auditor's total costs are \$12,530 (GST inclusive).

The Annual Report is prepared by the City's administration, as such these costs are contained in the City's Operating Budget.

**COMMENTS:**

The Annual Report 2012-2013 has been reported to the first Ordinary Meeting of the Council after receiving the Annual Financial Report from the City's Auditors (i.e. 3 December 2013.) (The Annual Financial Report forms part of the City's Annual Report). The Item was deferred.

In order for the City to meet its legislative requirements, it is recommended that the Council accepts the Annual Report for 2012/2013 and convenes the 2013 Annual General Meeting of Electors for Monday 3 February 2014 at 6pm. (The latest date for the meeting is Thursday 13 February 2014, as it must be held within 56 days of the acceptance of the Annual Report.)

Unfortunately, the Auditors Report was not received until mid November 2013. As such, the Annual Report could not be finalised and reported to the Council, prior to 3 December 2013, whereby it was deferred. A date of 3 February 2014 is therefore recommended, as this will allow for the Annual Report to be finalised and reproduced with photographs and graphics, and an allowance has been made for the festive season holidays).

**9.5.3 Appointment of Community Members to the City of Vincent Advisory and Working Groups**

<b>Ward:</b>	-	<b>Date:</b>	10 December 2013
<b>Precinct:</b>	-	<b>File Ref:</b>	Various
<b>Attachments:</b>	001 - Confidential Nominations Received (COUNCIL MEMBERS ONLY)		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	M McKahey, Personal Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION**

That the Council:

1. **APPOINTS** the following **COMMUNITY REPRESENTATIVES** to the City's Advisory and Working Groups for the term 18 December 2013 to 15 October 2015 (unless otherwise specified) from the following nominees:

**ADVISORY GROUPS:**

**1.1 Arts Advisory Group (up to 5 required);**

1. Ms Joanne Baitz#; (*Late*)
2. Mr John Clark#; (*Late*)
3. Ms Helen Griffiths\*;
4. Ms Claire Hodgson\*;
5. Mr Peter Jeffery OAM\*;
6. Mr Dan Kerr#;
7. Ms Debra Majteles\*;
8. Ms Debbie Saunders#;
9. Mr Mark Walker\*;

**1.2 Children and Young People Advisory Group (*New Group*) (up to 5 required);**

1. Mr Alex Castle;
2. Ms Andrea Cole; (*Late*)
3. Ms Kirstyn Johnson;
4. Ms Annabel Williamson;
5. Mr Tim Yuen;

**1.3 Community Development Advisory Group (*New Group*) (up to 3 required);**

1. Mr Adrian Morgan;
2. Mr Carlo Pennone;
3. ....

**1.4 Integrated Transport Advisory Group (up to 4 required, including Business);**

1. Ms Geraldine Box#;
2. Ms Natashya Cox\*;
3. Mr Ian Ker\*;
4. Ms Michelle Morgan#;
5. Mr Jonathan Riley#;

(\* *Previous Members*, # *New Nominations received*);

**1.5 Local Business Advisory Group**  
(up to 5 Business Representatives required - 1 from each of the following City Centres);

- Leederville
- Mount Hawthorn
- Mount Lawley/Highgate
- North Perth
- Perth

1. Mr Stuart Lofthouse, *Greens & Co* (Leederville)#; or
2. Ms Debbie Saunders, *Café Owner* (Leederville)#;
3. .... (Mount Hawthorn);
4. Ms Pam Herron, *Beaufort Street Network* (Mount Lawley/Highgate)\*;
5. .... (North Perth);
6. Ms Kate McKie, *William Topp* (Perth)\*;

**1.6 Safer Vincent Crime Prevention Partnership**  
(up to 7 required, including External Organisations/Representatives);

1. Mr Stephen Arias\*;
2. Ms Natashya Cox\*;
3. Ms Sharan Kraemer\*;
4. Mr Chris Parry\*;
5. Representative from the Ethnic Communities Council##;
6. Ms Maria McAttackney, (Nyoongar Patrol System Inc)##;
7. ....;

## *Nyoongar Patrol System and Ethnic Communities Council are the external organisations represented on the Safer Vincent Crime Prevention Partnership.*

**1.7 Sustainability Advisory Group** (up to 4 required);

1. Mr Alex Bruce\*;
2. Ms Jodie Ferdinando\*;
3. Mr Kim Frankowiak#; (*Late*)
4. Ms Helen Griffiths#;
5. Ms Elizabeth Hunt#;
6. Mr Warren McGrath#;
7. Mr Alan Tandy#;
8. Mr Sid Thoo\*;

**WORKING GROUPS:**

**1.8 Beaufort Street Enhancement Working Group** (up to 6 required);

1. Beaufort Street Network Representatives (3):
  - (a) Mr Dean Cracknell;
  - (b) Ms Pam Herron\*;
  - (c) Mr Adrian Tatasciore\*;
2. Local Business Representatives (2):
  - (a) .....
  - (b) .....
3. Local Resident Representatives (2):
  - (a) Ms Jenny Brandsma\*;
  - (b) Mr David Doy#;
  - (c) Ms Angela Hollams\*;

(\* *Previous Members*, # *New Nominations received*);



**1.9 Britannia Reserve Masterplan Working Group (up to 4 required);**

1. Mr Paul Katris\*;
2. Ms Val Martin\*;
3. Ms Norelle O'Neill\*;
4. ....;

**1.10 Cheriton Street Property Working Group (up to 2 required);**

1. Mr Tom Goode#;
2. Ms Helen Griffiths#; and
3. Mr Simon Thackrah (*Norwood Neighbourhood Association*)\*;

**1.11 Claise Brook North Community Liaison Group (New Group)  
(up to 3 required);**

1. Ms Rita Brooks#;
2. Mr Jason Brooks#;
3. ....;

**1.12 Leederville Town Centre Enhancement Working Group  
(up to 5 required - 3 Representatives from a Business in the locality and 2  
Representatives from Residents in the locality);**

1. **Business Representatives (3):**
  - (a) Mr Jason Antczak# (*Late*);
  - (b) Mr Terence (Terry) Barry# (*Late*);
  - (c) Mr Stuart Lofthouse#;
  - (d) Ms Debbie Saunders#;
  - (e) Ms Deanne Williams\*;
2. **Community Representatives (2):**
  - (a) Ms Bronwyn McCormack\* (*Late*);
  - (b) Mr Jonathan Riley#;

(\* *Previous Members*, # *New Nominations received*);

2. **AUTHORISES** the Mayor (in liaison with the Advisory/Working Group Chairperson) to co-opt persons, where insufficient nominations have been received; and
3. **APPROVES BY AN ABSOLUTE MAJORITY** to;
  - 3.1 **discontinue** the Britannia Reserve Masterplan Working Group, in its current format and **REDESIGNATES** this as a Reference Group, to consider matters which may arise (as and when required) during the progression of the Implementation Plan; and
  - 3.2 **subject to Clause 3.1 being approved, AUTHORISE** the Chief Executive Officer to amend the Terms of Reference to reflect the role of the Reference Group.

---

**Moved Cr Buckels, Seconded Cr Harley**

**That the recommendation be adopted.**

**Debate ensued.**

**AMENDMENT**

**Moved Cr Buckels, Seconded Cr Pintabona**

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

That the Council:

1. **APPOINTS** the following **COMMUNITY REPRESENTATIVES** to the City's Advisory and Working Groups for the term 18 December 2013 to 15 October 2015 (unless otherwise specified) from the following nominees:

**ADVISORY GROUPS:**

**1.1 Arts Advisory Group (up to 5 required);**

- ~~1. Ms Joanne Baitz#; (Late)~~
- ~~2. Mr John Clark#; (Late)~~
1. Ms Helen Griffiths\*;
2. Ms Claire Hodgson\*;
3. Mr Peter Jeffery OAM\*;
- ~~6. Mr Dan Kerr#;~~
4. Ms Debra Majteles\*;
- ~~8. Ms Debbie Saunders#;~~
5. Mr Mark Walker\*;
- ~~10. Mr Merlin Cornish# (Late)~~

**1.2 Children and Young People Advisory Group (New Group)  
(up to 5 required);**

1. Mr Alex Castle;
2. Ms Andrea Cole; (Late)
3. Ms Kirstyn Johnson;
4. Ms Annabel Williamson;
5. Mr Tim Yuen;

**1.3 Community Development Advisory Group (New Group)  
(up to 3 required);**

1. Mr Adrian Morgan;
2. Mr Carlo Pennone;
3. ....

**1.4 Integrated Transport Advisory Group  
(up to 4 required, including Business);**

1. Ms Geraldine Box#;
- ~~2. Ms Natashya Cox\*;~~
2. Mr Ian Ker\*;
3. Ms Michelle Morgan#;
4. Mr Jonathan Riley#;

(\* Previous Members, # New Nominations received);

~~1.5 Local Business Advisory Group  
(up to 5 Business Representatives required – 1 from each of the following City Centres);~~

- ~~Leederville~~
- ~~Mount Hawthorn~~
- ~~Mount Lawley/Highgate~~
- ~~North Perth~~
- ~~Perth~~

- ~~1. Mr Stuart Lofthouse, Greens & Co (Leederville)#; or~~
- ~~2. Ms Debbie Saunders, Café Owner (Leederville)#;~~
- ~~3. Ms Maria Edwards; (Mount Hawthorn)#; (Late)~~
- ~~4. Ms Pam Herron, Beaufort Street Network (Mount Lawley/Highgate)\*;~~
- ~~5. .... (North Perth);~~
- ~~6. Ms Kate McKie, William Topp (Perth)\*;~~

**1.56 Safer Vincent Crime Prevention Partnership**  
(up to 7 required, including External Organisations/Representatives);

1. Mr Stephen Arias\*;
2. Ms Natashya Cox\*;
3. Ms Sharan Kraemer\*;
4. Mr Chris Parry\*;
5. Representative from the Ethnic Communities Council##;
6. Ms Maria McAttackney, (Nyongar Patrol System Inc)##;
7. ....;

**##** *Nyongar Patrol System and Ethnic Communities Council are the external organisations represented on the Safer Vincent Crime Prevention Partnership.*

**1.67 Sustainability Advisory Group** (up to 5 4 required);

1. Mr Alex Bruce\*;
2. Ms Jodie Ferdinando\*;
- ~~3. Mr Kim Frankowiak#; (Late)~~
- ~~4. Ms Helen Griffiths#;~~
- ~~5. Ms Elizabeth Hunt#;~~
3. Mr Warren McGrath#;
4. Mr Alan Tandy#;
5. Mr Sid Thoo\*;

**WORKING GROUPS:**

**1.78 Beaufort Street Enhancement Working Group** (up to 6 required);

1. Beaufort Street Network Representatives (3):
  - (a) Mr Dean Cracknell;
  - (b) Ms Pam Herron\*;
  - (c) Mr Adrian Tatasciore\*;
2. Local Business Representatives (2):
  - (a) .....
  - (b) .....
3. Local Resident Representatives (2):
  - (a) Ms Jenny Brandsma\*;
  - (b) Mr David Doy#;
  - (c) Ms Angela Hollams\*;

(\* Previous Members, # New Nominations received);

**1.89 Britannia Reserve Masterplan Working Group (up to 4 required);**

1. Mr Paul Katris\*;
2. Ms Val Martin\*;
3. Ms Norelle O'Neill\*;
4. ....;

**1.940 Cheriton Street Property Working Group (up to 2 required);**

1. Mr Tom Goode#;
- ~~2. Ms Helen Griffiths#; and~~
2. Mr Simon Thackrah (*Norwood Neighbourhood Association*)\*;

**1.104 Claise Brook North Community Liaison Group (*New Group*)  
(up to 3 required);**

1. Ms Rita Brooks#;
- ~~2. Mr Jason Brooks#;~~
2. Mr John Collins#; (*Late*)
3. Mr Lee Chalmers# (*Late*)

**1.112 Leederville Town Centre Enhancement Working Group  
(up to 5 required - 3 Representatives from a Business in the locality and 2  
Representatives from Residents in the locality);**

1. Business Representatives (3):  
(a) ~~Mr Jason Antczak# (*Late*);~~  
(b) ~~Mr Terence (Terry) Barry# (*Late*);~~  
(c) ~~Mr Stuart Lofthouse#;~~  
(a) Ms Debbie Saunders#;  
(b) Ms Deanne Williams\*;
2. Community Representatives (2):  
(a) Ms Bronwyn McCormack\* (*Late*);  
(b) Mr Jonathan Riley#;

(\* *Previous Members*, # *New Nominations received*);

2. AUTHORISES the Mayor (in liaison with the Advisory/Working Group Chairperson) to co-opt persons, where insufficient nominations have been received; and
3. APPROVES BY AN ABSOLUTE MAJORITY to;
  - 3.1 DEFER appointing Business Representatives to the Local Business Advisory Group; and
  - 3.2 REQUESTS the recognised Business Group/Association in each Activity Centre to nominate a suitable business representative to the Local Business Advisory Group;
  - 3.34 discontinue the Britannia Reserve Masterplan Working Group, in its current format and REDESIGNATES this as a Reference Group, to consider matters which may arise (as and when required) during the progression of the Implementation Plan; and
  - 3.42 subject to Clause 3.1 being approved, AUTHORISE the Chief Executive Officer to amend the Terms of Reference to reflect the role of the Reference Group.

Debate ensued.

Cr Cole departed the Chamber at 9.47pm.

Debate ensued.

**MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY BY AN ABSOLUTE MAJORITY (7-0)**

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

**COUNCIL DECISION ITEM 9.5.3**

That the Council:

1. **APPOINTS** the following **COMMUNITY REPRESENTATIVES** to the City's Advisory and Working Groups for the term 18 December 2013 to 15 October 2015 (unless otherwise specified) from the following nominees:

**ADVISORY GROUPS:**

**1.1 Arts Advisory Group (up to 5 required);**

1. Ms Helen Griffiths\*;
2. Ms Claire Hodgson\*;
3. Mr Peter Jeffery OAM\*;
4. Ms Debra Majteles\*;
5. Mr Mark Walker\*;

**1.2 Children and Young People Advisory Group (New Group)(up to 5 required);**

1. Mr Alex Castle;
2. Ms Andrea Cole; (*Late*)
3. Ms Kirstyn Johnson;
4. Ms Annabel Williamson;
5. Mr Tim Yuen;

**1.3 Community Development Advisory Group (New Group) (up to 3 required);**

1. Mr Adrian Morgan;
2. Mr Carlo Pennone;
3. ....

**1.4 Integrated Transport Advisory Group  
(up to 4 required, including Business);**

1. Ms Geraldine Box#;
2. Mr Ian Ker\*;
3. Ms Michelle Morgan#;
4. Mr Jonathan Riley#;

(\* *Previous Members*, # *New Nominations received*);

**1.5 Safer Vincent Crime Prevention Partnership  
(up to 7 required, including External Organisations/Representatives);**

1. Mr Stephen Arias\*;
2. Ms Natashya Cox\*;
3. Ms Sharan Kraemer\*;
4. Mr Chris Parry\*;
5. Representative from the Ethnic Communities Council##;
6. Ms Maria McAtackney, (Nyoongar Patrol System Inc)##;
7. ....

**##** *Nyoongar Patrol System and Ethnic Communities Council are the external organisations represented on the Safer Vincent Crime Prevention Partnership.*

**1.6 Sustainability Advisory Group (up to 5 4 required);**

1. Mr Alex Bruce\*;
2. Ms Jodie Ferdinando\*;
3. Mr Warren McGrath#;
4. Mr Alan Tandy#;
5. Mr Sid Thoo\*;

**WORKING GROUPS:**

**1.7 Beaufort Street Enhancement Working Group (up to 6 required);**

1. Beaufort Street Network Representatives (3):
  - (a) Mr Dean Cracknell;
  - (b) Ms Pam Herron\*;
  - (c) Mr Adrian Tatasciore\*;
2. Local Business Representatives (2):
  - (a) .....
  - (b) .....
3. Local Resident Representatives (2):
  - (a) Ms Jenny Brandsma\*;
  - (b) Mr David Doy#;
  - (c) Ms Angela Hollams\*;

(\* Previous Members, # New Nominations received);

**1.8 Britannia Reserve Masterplan Reference Group \*\* (up to 4 required);**

1. Mr Paul Katris\*;
2. Ms Val Martin\*;
3. Ms Norelle O'Neill\*;
4. ....

[\*\* Refer to Clause 3.3]

**1.9 Cheriton Street Property Working Group (up to 2 required);**

1. Mr Tom Goode#;
2. Mr Simon Thackrah (*Norwood Neighbourhood Association*)\*;

**1.10 Claise Brook North Community Liaison Group (*New Group*)  
(up to 3 required);**

1. Ms Rita Brooks#;
2. Mr John Collins#; (*Late*)
3. Mr Lee Chalmers# (*Late*)

**1.11 Leederville Town Centre Enhancement Working Group  
(up to 5 required - 3 Representatives from a Business in the locality and 2 Representatives from Residents in the locality);**

1. Business Representatives (3):
  - (a) Ms Debbie Saunders#;
  - (b) Ms Deanne Williams\*;
2. Community Representatives (2):
  - (a) Ms Bronwyn McCormack\* (*Late*);
  - (b) Mr Jonathan Riley#;

(\* Previous Members, # New Nominations received);

2. **AUTHORISES** the Mayor (in liaison with the Advisory/Working Group Chairperson) to co-opt persons, where insufficient nominations have been received; and
  3. **APPROVES BY AN ABSOLUTE MAJORITY** to;
    - 3.1 **DEFER** appointing Business Representatives to the Local Business Advisory Group; and
    - 3.2 **REQUESTS** the recognised Business Group/Association in each Activity Centre to nominate a suitable business representative to the Local Business Advisory Group;
    - 3.3 **discontinue** the Britannia Reserve Masterplan Working Group, in its current format and **REDESIGNATES** this as a Reference Group, to consider matters which may arise (as and when required) during the progression of the Implementation Plan; and
    - 3.4 **subject to Clause 3.1 being approved, AUTHORISES** the Chief Executive Officer to amend the Terms of Reference to reflect the role of the Reference Group.
- 

#### **PURPOSE OF REPORT:**

The purpose of the report is to appoint Community Members to the City of Vincent Advisory and Working Groups.

#### **DETAILS:**

As part of the Council's role in governing for the City, Council Members and/or Council Officers represent the Council on a wide range of Statutory Committees, Authorities, Advisory and Working Groups.

#### **Community Representative Nominations**

At the Ordinary Meeting of Council held on 13 May 2003, Council resolved that the Advisory Group community representatives' terms be for a period of two (2) years (to coincide with the Election cycle) and for nominations to be called to fill any vacant positions.

Advertisements calling for nominations were placed in the local newspapers on 19 November 2013 and 23 November 2013 respectively and nominations closed on 6 December 2013. Letters were also sent to all existing Community Representatives asking if they would like to continue as a Community Representative on their relevant Group.

The new nominations received are shown at Appendix 9.5.3 and have been included, as received. *(For privacy reasons, personal details have been deleted.)*

The following is the listing of existing members (who expressed a desire to re-nominate) and new nominations received:

	<b>Existing Members</b>	<b>New Nominations</b>
<b>Arts Advisory Group:</b>		
	Ms Helen Griffiths Mount Hawthorn  Ms Clare Hodgson Northbridge  Mr Peter Jeffery OAM Mount Lawley  Ms Debra Majteles North Perth  Mr Mark Walker Perth	Ms Joanne Baitz Perth* * (Received 10/12/13)  Mr John Clark Mount Lawley* * (Received 9/12/13)  Mr Dan Kerr Dianella  Ms Debbie Saunders Leederville
<b>Children and Young People Advisory Group:</b>		
	<i>Not applicable - new Group.</i>	Mr Alex Castle Mount Hawthorn  Ms Andrea Cole Mount Hawthorn* * (Received 10/12/13)  Ms Kirstyn Johnson Leederville  Ms Annabel Williamson Leederville  Mr Tim Yuen Perth
<b>Community Development Advisory Group:</b>		
	<i>Not applicable - new Group.</i>	Mr Adrian Morgan North Perth  Mr Carlo Pennone Warwick



	Existing Members	New Nominations
<b>Integrated Transport Advisory Group:</b>		
	Ms Natashya Cox Leederville  Mr Ian Ker Mount Lawley	Ms Geraldine Box North Perth  Ms Michelle Morgan North Perth  Mr Jonathan Riley Leederville
<b>Local Business Advisory Group (1 from each City Centre):</b>		
• Leederville	-	Mr Stuart Lofthouse Greens & Co  Ms Debbie Saunders Café Owner
• Mount Hawthorn	-	-
• Mount Lawley / Highgate	Ms Pam Herron Beaufort Street Network	-
• North Perth	-	-
• Perth	Ms Kate McKie William Topp	-
<b>Safer Vincent Crime Prevention Partnership:</b>		
	Mr Stephen Arias Leederville  Ms Natashya Cox Leederville  Ms Sharan Kraemer North Perth  Mr Chris Parry North Perth  Ethnic Communities Council Representative  Maria McAtackney Nyoongar Patrol System Inc	
<b>Sustainability Advisory Group:</b>		
	Mr Alex Bruce Leederville  Ms Jodie Ferdinando Mount Hawthorn  Mr Sid Thoo Leederville	Mr Kim Frankowiak Mount Hawthorn* * (Received 10/12/13)  Ms Helen Griffiths Mount Hawthorn  Ms Elizabeth Hunt Mount Lawley  Mr Warren McGrath Perth  Mr Alan Tandy Bayswater

	Existing Members	New Nominations
<b>Beaufort Street Enhancement Working Group:</b>		
• <b>Beaufort Street Network Representatives (3)</b>	Mr Dean Cracknell Ms Pam Herron Mr Adrian Tatasciore	<i>Mr Dean Cracknell</i>
• <b>Local Business Representative (2)</b>	-	-
• <b>Local Resident Representative (2)</b>	Ms Jenny Brandsma Mount Lawley  Ms Angela Hollams Highgate	Mr David Doy Perth
<b>Britannia Reserve Masterplan Working Group:</b>		
	Mr Paul Katris Mount Hawthorn  Ms Val Martin Leederville  Ms Norelle O'Neill Mount Hawthorn	
<b>Cheriton Street Property Working Group:</b>		
	Mr Simon Thackrah Norwood Neighbourhood Association	Mr Tom Goode Mount Lawley  Ms Helen Griffiths Mount Hawthorn
<b>Claise Brook North Community Liaison Group:</b>		
	-	Ms Rita Brooks Claremont  Mr Jason Brooks Claremont
<b>Leederville Town Centre Enhancement Working Group:</b>		
• <b>Business Representatives (3)</b>	Ms Deanne Williams Atlas Divine Leederville	Mr Jason Antczak The Leederville Hotel Leederville* * (Received 9/12/13)  Mr Terence (Terry) Barry Oxford Street Books Leederville* * (Received 10/12/13)  Mr Stuart Lofthouse Greens & Co. Leederville  Ms Debbie Saunders Café Owner Leederville
• <b>Community Representatives (2)</b>	Ms Bronwyn McCormack Leederville (Received 9/12/13)	Mr Jonathan Riley Leederville

### **Britannia Reserve Masterplan Working Group**

The Council adopted its Masterplan at its meeting held on 24 September 2013. It further resolved that the Working Group would consider the Implementation Plan and a report to be submitted to OMC 17 December 2013.

As this Working Group has fulfilled its Terms of Reference (that is, to consider the Masterplan), it is recommended that this Group be redesignated as a Reference Group to meet and consider issues/matters as and when they arise during the progression of the Implementation Plan.

Subject to Council approval, the Terms of Reference will be changed accordingly.

### **Insufficient Nominations**

As a number of the Advisory/Working Groups did not receive sufficient nominations, it is recommended that the Mayor (in liaison with the Advisory/Working Group Chairperson) be authorised to co-opt persons to fill the vacancy. Alternatively, Council may choose not to fill the vacancy.

### **CONSULTATION/ADVERTISING:**

Not applicable.

### **LEGAL/POLICY:**

All Advisory and Working Groups have Terms of Reference and can only deal with matters referred to them by the Council. These groups can only make recommendations which are reported to the Council for its consideration.

### **RISK MANAGEMENT IMPLICATIONS:**

**Low/Medium:** Advisory Groups play an advisory role, however, do not have any legal status under the Local Government Act 1995. The operation of Advisory Groups must be closely monitored to ensure that they operate in accordance with the City's Policy.

### **STRATEGIC IMPLICATIONS:**

This is in keeping with the City's Strategic Plan 2013-2017 - Key Result Area Four – "Leadership, Governance and Management" and, in particular, "4.1.2 - *Manage the organisation in a responsible, efficient and accountable manner*".

### **SUSTAINABILITY IMPLICATIONS:**

Not applicable.

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

Not applicable.

### **COMMENTS:**

It is recommended that Council make appointments to the various Advisory and Working Groups, as detailed in this report.

**9.5.5 Draft Policy No. 4.2.14 Local Government Election's – Adoption**

<b>Ward:</b>	Both	<b>Date:</b>	6 December 2013
<b>Precinct:</b>	All	<b>File Ref:</b>	
<b>Attachments:</b>	<a href="#">001</a> – Draft Policy 4.2.14 - Adoption		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	John Giorgi, JP, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, JP, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES BY AN ABSOLUTE MAJORITY** the adoption of the Draft Policy No. 4.2.14 – “*Local Government Elections*”, as shown in Appendix 9.5.5;
2. Subject to clause 1 above being approved:
  - 2.1 **ADVERTISES** the Draft Policy for a period of fourteen (14) days, seeking public comment;
  - 2.2 After the expiry of the period of submissions, **AUTHORISES** the Chief Executive Officer to:
    - 2.2.1 review the Draft Policy No. 4.2.14 – “*Local Government Elections*”, having regard to any written submissions; and
    - 2.2.2 determine to proceed with, or not to proceed with, the Draft Policy No. 4.2.14 – “*Local Government Elections*”; and
3. **AUTHORISES** the Chief Executive Officer to include the above Policy in the City's Policy Manual if no submissions are received from the public, or report to the Council to consider any submissions received.

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

---

Cr Cole returned to the Chamber at 9.50pm.

**PROCEDURAL MOTION**

**Moved** Cr Harley, **Seconded** Cr McDonald

That the item be **DEFERRED** for further consideration.

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

**For:** Presiding Member Mayor John Carey, Cr Buckels, Cr Cole, Cr Harley, Cr McDonald and Cr Wilcox

**Against:** Cr Pintabona and Cr Topelberg

---

**PURPOSE OF REPORT:**

The purpose of this report is to adopt the Draft Policy No. 4.2.14 – “*Local Government Elections*”, to cover matters relating to Local Government Elections.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 29 October 2013 a Notice of Motion from Cr Topelberg was considered, whereby the Council resolved as follows:

*“That the Council REQUESTS;*

1. *the Chief Executive Officer to create a Guide for the conduct of Local Government Elections at the City of Vincent, including but not limited to:*
  - 1.1 *advertising and promotional strategies of the City;*
  - 1.2 *matters relating to polling day; and*
2. *a report be provided to the Council prior to the close of nominations for the next Local Government Election, for any vacancy at the City of Vincent.”*

**DETAILS:**

**Draft Policy:**

In researching this matter, it is considered appropriate that the Council adopt a Policy (instead of Guidelines) concerning Local Government Elections. The Policy will cover such matters as:

1. Type of Election – Postal or “in person”
2. Conduct of Elections – Western Australian Electoral Commission or the City of Vincent.
3. Plebiscites
4. Model Resolutions for Elections
5. Promotion/Advertising of Elections
6. Election Day Protocols
7. Swearing in Ceremony
8. Council Member Inductions and Professional Development.

**CONSULTATION/ADVERTISING:**

The Council has a policy of advertising for a period of fourteen (14) days seeking comments from the public.

**LEGAL/POLICY:**

Policies are not legally enforceable, however they provide guidance to the City's Administration and Council Members when considering various matters.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** The failure to have a Council Policy will not result in any breach of legislation, providing all Legal requirements are complied with. However, the adoption of policies will improve information to the Council, City's Administration and the community.

**STRATEGIC IMPLICATIONS:**

This matter is in keeping with the Strategic Plan 2013-2017– Key Result Area “4: *Leadership, Governance and Management: 4.1.2 – Manage the Organisation in a responsible, efficient and accountable manner*”.

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

If adopted the Policy will have financial implications for the City – for additional advertising banners, posters etc. This can be dealt with during the Annual Budget Process.

**COMMENTS:**

The proposed Draft Policy No. 4.2.14 will formalise the Council's position and practice concerning conducting elections as a postal vote and using the WAEC to be responsible for the conduct of the Election. It will also formalise the City's current practices concerning pre and post Election day activities.

Approval of the draft Policy is therefore recommended.

<b>9.5.6 Draft Policy No. 4.2.15 – “Caretaker Protocols - City of Vincent Ordinary Elections” - Adoption</b>
--

<b>Ward:</b>	Both	<b>Date:</b>	9 December 2013
<b>Precinct:</b>	All	<b>File Ref:</b>	
<b>Attachments:</b>	001 – Draft Policy 4.2.15 - Adoption		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	John Giorgi, JP, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, JP, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES BY AN ABSOLUTE MAJORITY the adoption of the Draft Policy No. 4.2.15 – “Caretaker Protocols - City of Vincent Prior to Ordinary Elections”, as shown in Appendix 9.5.6;**
2. **Subject to clause 1 above being approved:**
  - 2.1 **ADVERTISES the Draft Policy for a period of fourteen (14) days, seeking public comment;**
  - 2.2 **after the expiry of the period of submissions, AUTHORISES the Chief Executive Officer to:**
    - 2.2.1 **review the Draft Policy No. 4.2.15 – “Caretaker Protocols – City of Vincent Ordinary Elections”, having regard to any written submissions; and**
    - 2.2.2 **determine to proceed with, or not to proceed with, the Draft Policy No. 4.2.15 – “Caretaker Protocols – City of Vincent Ordinary Elections”; and**
3. **AUTHORISES the Chief Executive Officer to include the above Policy in the City’s Policy Manual if no submissions are received from the public or report to the Council to consider any submissions received.**

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

**PROCEDURAL MOTION**

**Moved** Cr Harley, **Seconded** Cr McDonald

That the item be DEFERRED to the Council Forum to be held in March 2014.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (7-1)**

**For:** Presiding Member Mayor John Carey, Cr Buckels, Cr Cole, Cr Harley, Cr McDonald, Cr Topelberg and Cr Wilcox  
**Against:** Cr Pintabona

**PURPOSE OF REPORT:**

The purpose of this report is to adopt the Draft Policy No. 4.2.15 – “*Caretaker Protocol – City of Vincent Elections*”.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 29 October 2013 whereby Council resolved as follows:

*“That the Council REQUESTS;*

1. *the Chief Executive Officer to create a Guide for the conduct of Local Government Elections at the City of Vincent, including but not limited to:*
  - 1.1 *advertising and promotional strategies of the City;*
  - 1.2 *matters relating to polling day; and*
2. *a report be provided to the Council prior to the close of nominations for the next Local Government Election, for any vacancy at the City of Vincent.”*

**Reason for the Policy**

An item has been included in this Agenda (Item 9.5.5) concerning the above Notice of Motion. However, in researching this matter, the subject of ‘Caretaker Protocols’ became obvious and should complement the proposed Policy relating to Elections as show in Item 9.5.5.

Whilst many Local Governments in WA voluntarily observe the principles of the ‘Caretaker Protocols’ (which Legally apply to Federal and State Governments), there is no legal requirement to do so.

The adoption of this Policy will formalise the Council’s current practice and is seen as “Best Practice” for the Council.

In addition, the adoption of the Policy will;

1. Avoid the Council of the City of Vincent making major decisions, prior to an election, that would bind an incoming Council;
2. Ensure the City’s activities and those of Councillors who are candidates, are undertaken in a manner that supports a high standard of integrity during Local Government Election periods;
3. Prevent the use of public resources in ways that are seen as advantageous or disadvantageous to, or promoting, sitting Elected Members who are seeking re-election or new candidates; and
4. Recognise the requirement for the City of Vincent administration to act impartially in relation to all candidates.

This Policy is based on to the Policies adopted by the City of Perth, City of Stirling and City of Gosnells

**Other Local Governments in Western Australia**

Research has revealed that several other major Councils (I.e. Perth, Gosnells and Stirling) have formally adopted a ‘Caretaker’ Policy – all policies are very similar.



### **New South Wales (NSW)**

In NSW, it is mandatory that all Local Governments observe 'Caretaker Provisions', as prescribed by the Department of Local Government.

#### **DETAILS:**

##### **Draft Policy:**

In researching this matter, it is considered appropriate that the Council adopt a Policy concerning 'Caretaker Protocols' prior to Local Government Elections.

The Policy will cover such matters as:

1. Definitions
2. Implementation
3. Extraordinary circumstances – exemptions
4. Caretaker Statements
5. Protocols
6. Events and Functions
7. Use of Local Government Resources
8. Access to Information

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

The Council has a policy of advertising for a period of fourteen (14) days seeking comments from the public.

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

Policies are not legally enforceable, however they provide guidance to the City's Administration and Council Members when considering various matters.

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

**Low:** The failure to adopt a Council Policy for this matter will not result in any breach of legislation. However, the adoption of policies will improve information to the Council, City's Administration and the community.

#### **STRATEGIC IMPLICATIONS:**

This matter is in keeping with the Strategic Plan 2013-2017– Key Result Area "4: Leadership, Governance and Management: 4.1.2 – Manage the Organisation in a responsible, efficient and accountable manner".

#### **SUSTAINABILITY IMPLICATIONS:**

Nil.

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

Nil.

#### **COMMENTS:**

It is considered that the new Policy will:

- Enable the Council to act in an open, transparent, objective and important manner in the period leading up to an election;
- Will formalise the Council's current practice; and
- Will provide guidance to the Council and the City's Administration in this important matter.

Accordingly, approval of the draft Policy is recommended.

## 10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### 10.1 NOTICE OF MOTION: Cr Joshua Topelberg- Request to Amend City of Vincent Planning Policy 3.8.4- Development Guidelines for Multiple Dwellings.

That the Council APPROVES BY AN ABSOLUTE MAJORITY TO AMEND the City of Vincent Planning Policy 3.4.8 Development Guidelines for Multiple Dwellings as follows:

1. Clause 2.3.1 (a) be amended to read as follows:

“The proposed development shall not exceed the maximum allowable height of the adjoining lower zoned property within the prescribed setback (6m to the rear boundary; side boundary as per the R-Codes). If there is a Right of Way between the two properties the measurement of the setback is to include the width of the Right of Way”;

2. Clause 2.3.1 (b) be amended to read as follows:

“Each additional storey above the prescribed height allowed for the lower zoned property to the side or rear of the proposed development, as described in 2.3.1 (a), shall be sufficiently setback behind the lower floors in order to minimise the impact of building bulk on the adjoining property. Building heights of 4 storeys and greater shall be setback a minimum of 12m from the adjoining rear boundary. If there is a Right of Way between the two properties the measurement of the setback is to include the width of the Right of Way”;

3. Figure 1 be amended as shown in the diagram below; and

4. Clause 2.3.2 be deleted.

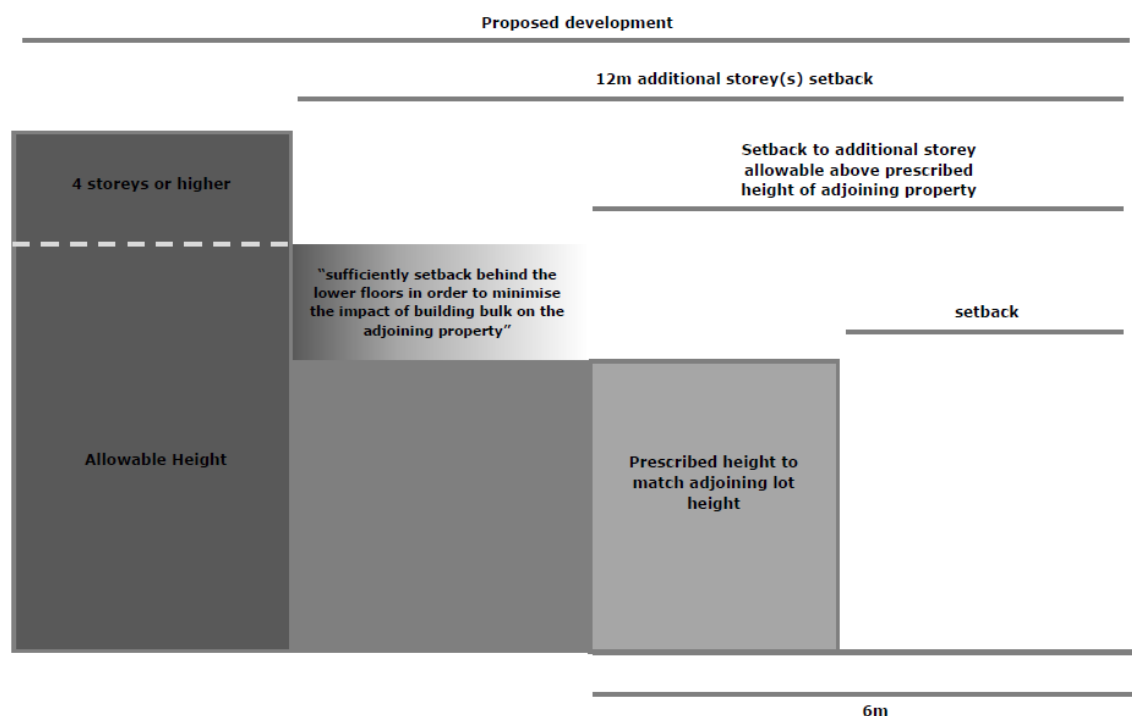


Figure 1 - Interface Diagram

**COUNCIL DECISION ITEM 10.1**

**Moved Cr Topelberg, Seconded Cr Buckels**

That the motion be adopted.

Debate ensued.

Cr Harley advised that it was 10.00pm and in accordance with the Council Meeting Policy, the Council should resolve to extend the meeting, if it wished to continue.

The Presiding Member, Mayor John Carey requested that a procedural motion be moved to extend the meeting time, as the Council's Policy relating to Council Meetings requires meetings to cease by 10.00pm.

**PROCEDURAL MOTION**

**Moved Cr Pintabona Seconded Cr McDonald**

That the meeting continue to allow for the conclusion of the remaining items.

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

**For:** Presiding Member Mayor John Carey, Cr Buckels, Cr Cole, Cr McDonald,  
Cr Pintabona, Cr Topelberg and Cr Wilcox

**Against:** Cr Harley

**PROCEDURAL MOTION**

**Moved Cr Topelberg, Seconded Cr Pintabona**

That the item be DEFERRED for further consideration and subsequently reported to the Ordinary Meeting of Council to be held in February 2014.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

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**10.2 NOTICE OF MOTION: Cr Joshua Topelberg - Design Advisory Committee**

That the Council;

1. **INSTRUCTS** the Design Advisory Committee to include the following statement as a preface to all written advice and also reads it out prior to the consideration of any item before it at a DAC meeting:

*"The Design Advisory Committee provides architectural advice and context which informs the planning process at the City of Vincent. It does not constitute general planning advice or reflect the final decision which is solely at the discretion of the decision making body, which is the Council or the Development Assessment Panel (as applicable)"; and*

2. **REQUESTS** the Chief Executive Officer to submit a report to the Council no later than February 2014, concerning the Council Policy No: 4. 2.13- '*Design Advisory Committee*' as to the operations of the DAC and how improvements can be implemented.

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**COUNCIL DECISION ITEM 10.2**

**Moved Cr Topelberg, Seconded Cr Wilcox**

That the motion be adopted.

Debate ensued.

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

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**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 10.05pm **Moved Cr Harley, Seconded Cr McDonald**

That the Council proceed “behind closed doors” to consider confidential item 14.1, as this matter relates to;

“ *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*” and

Confidential item 14.2, as this matter relates to;

“ *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*” and

Confidential Item 14.3, as this matter relates to;

“ *the personal affairs of any person;*” and

Confidential Item 14.4, as this matter relates to;

“ *a matter that, if disclosed, would reveal;*

*(i) a trade secret;*

*(ii) information that has a commercial value to a person; or*

*(iii) information about the business, professional, commercial or financial affairs of a person;” and*

Confidential Item 14.5, as this matter relates to;

*“an employee”*

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

There were no members of the public present.

Executive Assistant (Minutes Secretary) – Jerilee Highfield departed the meeting.

**PRESENT:**

Mayor John Carey Presiding Member

Cr Roslyn Harley (*Deputy Mayor*) North Ward

Cr Matt Buckels North Ward

Cr Emma Cole North Ward

Cr Laine McDonald South 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

Rick Lotznicker Director Technical Services

Mike Rootsey Director Corporate Services

Petar Mrdja Acting Director Planning Services

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

**14.1 CONFIDENTIAL REPORT: No. 57 (Lots 58 & 305; D/P 1659 & 34682) Kalgoorlie Street, corner of Ashby Street, Mount Hawthorn – Review (Appeal) State Administrative Tribunal (SAT) DR 353 of 2013 – Proposed Construction of One (1) Two-Storey Grouped Dwelling**

<b>Ward:</b>	North	<b>Date:</b>	6 December 2013
<b>Precinct:</b>	Mount Hawthorn; P01	<b>File Ref:</b>	PRO5324; 5.2013.179.1
<b>Attachments:</b>	Confidential: Property Information Report and Development Application Plans Confidential: Applicant’s Justification dated 21 November 2013		
<b>Tabled Items</b>	Nil		
<b>Reporting Officer:</b>	A Groom, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	P Mrdja, Acting Director Planning Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES** the Officer Recommendation as detailed in the Confidential Report; and
2. **ADVISES** the State Administrative Tribunal about the Council decision; and
3. **AUTHORISES** the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.

**COUNCIL DECISION ITEM 14.1**

**Moved Cr Buckels, Seconded Cr Cole**

**That the recommendation be adopted.**

**Debate ensued.**

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

**For:** Presiding Member Mayor John Carey, Cr Buckels, Cr Cole, Cr Harley and Cr McDonald

**Against:** Cr Pintabona, Cr Topelberg and Cr Wilcox

**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

**LEGAL:**

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The City of Vincent Local Law Relating to Standing Orders states the following:

*“2.14 Confidential business*

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.*

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

In accordance with the legislation, the report is to be kept confidential until determined by the Council to be released for public information. At the conclusion of these matters, the Council may wish to make some details available to the public.

**14.2 CONFIDENTIAL REPORT: No. 6 (Lot 181; D/P 2355) Burt Street, Corner of Monmouth Street, Mount Lawley – Proposed Change of Use from Residential to Consulting Rooms (Medical) – Review State Administrative Tribunal (SAT) DR 367 of 2013**

<b>Ward:</b>	South	<b>Date:</b>	6 December 2013
<b>Precinct:</b>	Norfolk; P10	<b>File Ref:</b>	PRO4099; 5.2013.74.2
<b>Attachments:</b>	Confidential: Property Information Report and Development Application Plans Confidential: Applicants Further Submission as part of Mediation dated 20 November 2013		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	D Bothwell, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	P Mrdja, Acting Director Planning Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES** the Officer Recommendation as detailed in the Confidential Report; and
2. **ADVISES** the State Administrative Tribunal about the Council decision; and
3. **AUTHORISES** the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.

**COUNCIL DECISION ITEM 14.2**

**Moved** Cr Buckels, **Seconded** Cr Cole

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND LOST (2-6)**

**For:** Presiding Member Mayor John Carey, Cr Pintabona

**Against:** Cr Buckels, Cr Cole, Cr Harley, Cr McDonald, Cr Topelberg and Cr Wilcox

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

The Council considers the Development Application is compliant.

**ALTERNATIVE RECOMMENDATION**

**Moved** Cr Topelberg, **Seconded** Cr Buckels

That the Council;

1. **APPROVES** the Alternative Officer Recommendation as detailed in the Confidential Report; and
2. **ADVISES** the State Administrative Tribunal about the Council decision; and
3. **AUTHORISES** the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.

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

**For:** Cr Buckels, Cr Cole, Cr Harley, Cr McDonald, Cr Pintabona, Cr Topelberg and Cr Wilcox

**Against:** Presiding Member Mayor John Carey



**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

**LEGAL:**

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The City of Vincent Local Law Relating to Standing Orders states the following:

*"2.14 Confidential business*

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007."*

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

In accordance with the legislation, the report is to be kept confidential until determined by the Council to be released for public information.

At the conclusion of these matters, the Council may wish to make some details available to the public.

**14.3 CONFIDENTIAL REPORT: Premier's Australia Day Active Citizenship Awards – Nominations for 2014**

<b>Ward:</b>	Both	<b>Date:</b>	6 December 2013
<b>Precinct:</b>	All	<b>File Ref:</b>	CVC0036
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	E Everitt, Community Development Officer J Anthony, Manager Community Development		
<b>Responsible Officers:</b>	R Boardman, Director Community Services John Giorgi JP, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **APPROVES**;

1. the Confidential Officer Recommendation, as detailed in the Confidential Report; and
2. **AUTHORISES** the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.

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**COUNCIL DECISION ITEM 14.3**

**Moved Cr Buckels, Seconded Cr Wilcox**

That the recommendation be adopted.

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

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**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as the matter relates to personal affairs of any person and contains financial information and which will be discussed at the meeting.

**LEGAL:**

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The City of Vincent Local Law Relating to Standing Orders states the following:

*"2.14 Confidential business*

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007."*

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

In accordance with the legislation, the report is to be kept confidential until determined by the Council to be released for public information. At the conclusion of these matters, the Council may wish to make some details available to the public.

**14.4 CONFIDENTIAL REPORT: Festival Expenditure Review**

<b>Ward:</b>	Both	<b>Date:</b>	6 December 2013
<b>Precinct:</b>	All	<b>File Ref:</b>	CMS0057
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	Y Coyne, Coordinator Arts & Creativity J Anthony, Manager Community Development		
<b>Responsible Officer:</b>	R Boardman, Director Community Services		

**Moved Cr Cole, Seconded Cr Pintabona**

That the recommendation be adopted.

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

**COUNCIL DECISION ITEM 14.4**

That the Council;

1. **RECEIVES** the report reviewing the allocation of funds to the 2013 Festivals Programme and the recommendations for continuing support in 2014/2015, and events funded under the Cultural Seeding Grant; and
2. **APPROVES BY AN ABSOLUTE MAJORITY** the following budget changes;
  - 2.1 **The funding for the events in the current financial year 2013/2014 listed below be reallocated within the Festival Budget:**

<b>Event</b>	<b>Amount to be reallocated</b>
Harmony Event	** Information Confidential **
Electric Relaxation	** Information Confidential **
Festival D'Femme	** Information Confidential **
Hawkers Market	** Information Confidential **
Jazz Festival	** Information Confidential **
<b>TOTAL</b>	<b>** Information Confidential **</b>

3. **DEFERS** the following:

<b>Event</b>	<b>Amount 2013/2014</b>	<b>Allocated</b>	<b>Proposed Amount 2014/2015</b>	<b>in</b>	<b>Comments</b>
Mt Hawthorn Up Late	* Information Confidential *		* Information Confidential *		* Information Confidential *
Vincent Fashion Event	* Information Confidential *		* Information Confidential *		* Information Confidential *
Pride Festival 2013	* Information Confidential *		* Information Confidential *		* Information Confidential *
Beaufort Street Festival	* Information Confidential *		* Information Confidential *		Information Confidential*
Light Up Leederville	* Information Confidential *		* Information Confidential *		Information Confidential*
Hyde Park Fair	* Information Confidential *		* Information Confidential *		Information Confidential*
St Patrick's Day Parade	* Information Confidential *		* Information Confidential *		* Information Confidential *
Angove Street Festival	* Information Confidential *		* Information Confidential *		* Information Confidential *
Revelation Film Festival	* Information Confidential *		* Information Confidential *		* Information Confidential *
WA Youth Jazz Orchestra	* Information Confidential *		* Information Confidential *		* Information Confidential *
EID/End of Hajj	* Information Confidential *		* Information Confidential *		* Information Confidential *
Harmony Event					* Information Confidential *

Event	Amount 2013/2014	Allocated	Proposed 2014/2015	Amount in	Comments
Multicultural Event	* Information Confidential *		* Information Confidential *		* Information Confidential *
<b>TOTALS</b>	* Information Confidential *		* Information Confidential *		* Information Confidential *

4. **NOTES that Policies No. 3.8.3 - Concerts and Events and 3.10.8 - Festivals will be reviewed and updated;**
5. **REQUESTS a further progress report with the above amended policies be submitted to the Ordinary Meeting of Council to be held on 25 February 2014; and**
6. **AUTHORISES the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.**

**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as the matter relates to personal affairs of any person and contains financial information which has a commercial value to a person and which will be discussed at the meeting.

**LEGAL:**

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The City of Vincent Local Law Relating to Standing Orders states the following:

*"2.14 Confidential business*

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007."*

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

In accordance with the legislation, the report is to be kept confidential until determined by the Council to be released for public information. At the conclusion of these matters, the Council may wish to make some details available to the public.

The following departed the Meeting at 10.45pm and did not return.

John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Community Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Petar Mrdja	Acting Director Planning Services

**14.5 CONFIDENTIAL ITEM: Chief Executive Officer's Contract of Employment**

<b>Ward:</b>	-	<b>Date:</b>	6 December 2013
<b>Precinct:</b>	-	<b>File Ref:</b>	
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>			
<b>Responsible Person:</b>	Mayor John Carey		

**Chief Executive Officer John Giorgi has declared an financial interest in Item 14.5. The extent of his interest being that it relates to his Contract of Employment.**

**OFFICER RECOMMENDATION:**

That the Council;

1. pursuant to section 5.23(2) of the Local Government Act 1995 and clause 2.14 of the City of Vincent Local Law Relating to Standing Orders, proceeds "behind closed doors" at the conclusion of the items, to consider the matter, relating to the Chief Executive Officer's Contract of Employment, as this matter relates to an employee; and
2. **AUTHORISES** the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.

**PROCEDURAL MOTION**

**Moved** Cr Topelberg, **Seconded** Cr Buckels

That Standing Orders be suspended to enable **free and open discussion**.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

The Presiding Member provided a verbal progress report on the matter.

Discussion ensued.

**PROCEDURAL MOTION**

**Moved** Cr Topelberg, **Seconded** Cr Pintabona

That Standing Orders be resumed.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

**DETAILS:**

Mayor John Carey has requested that this matter be included as a Confidential nature as it relates as the matter relates to an employee. In accordance with Section 5.23 of the Local Government Act, the report is to be kept confidential until determined by the Council to be released for public information by the Chief Executive Officer.

**LEGAL:**

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The City of Vincent Local Law Relating to Standing Orders states the following:

*"2.14 Confidential business*

- (1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.*

The confidential report is provided separately to Council Members and the Chief Executive Officer.

In accordance with the legislation, the report is to be kept confidential until determined by the Council to be released for public information.

At the conclusion of these matters, the Council may wish to make some details available to the public.

**PROCEDURAL MOTION**

At 10.55pm **Moved** Cr Topelberg, **Seconded** Cr Buckels

That the Council resume an “open meeting”.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

**15. CLOSURE**

**There being no further business, the Presiding Member, Mayor John Carey, declared the meeting closed at 10.56pm with the following persons present:**

Mayor John Carey	Presiding Member
Cr Roslyn Harley ( <i>Deputy Mayor</i> )	North Ward
Cr Matt Buckels	North Ward
Cr Emma Cole	North Ward
Cr Laine McDonald	South Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward

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 17 December 2013.

Signed: .....Presiding Member John Carey.

Dated this ..... day of ..... 2014.