



**CITY OF VINCENT**

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*"Enhancing and celebrating our diverse community"*

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# MINUTES

**12 JUNE 2012**

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Minutes of the Ordinary Meeting of Council of the City of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 12 June 2012, commencing at 6.00pm.

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

The Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting open at 6.01pm 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:**

Mr Rick Lotznicker – Director Technical Services due to annual leave.

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

Cr Julia Wilcox – approved leave of absence until 2 July 2012 inclusive, due to family commitments.

**(c) Present:**

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Warren McGrath ( <i>Deputy Mayor</i> )	South Ward
Cr Matt Buckels	North Ward
Cr John Carey	South Ward
Cr Roslyn Harley	North Ward (from 6.18pm)
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Community Services
Carlie Eldridge	Director Planning Services
Craig Wilson	Manager Asset & Design Services
Mike Rootsey	Director Corporate Services
Jerilee Highfield	Executive Assistant (Minutes Secretary) (until approximately 8.25pm)
Anita Radici	Executive Assistant (Minutes Secretary) (until approximately 8.25pm)
<u>Employee of the Month Recipients</u>	
Jim MacLean	Manager Ranger & Community Safety Services (until approximately 6.18pm)
Scott Teymant	Manager Health Services (until approximately 6.18pm)
Michael Donovan	Co-ordinator Building Services (until approximately 6.18pm)
<u>Media</u>	
Lauren Peden	Journalist – <i>"The Guardian Express"</i> (until approximately 8.25pm)
David Bell	Journalist – <i>"The Perth Voice"</i> (until approximately 8.20pm)

Approximately 8 Members of the Public

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

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

1. Debbie Diffides of 2/144 Stirling Highway, Nedlands – Item 9.1.1. Stated the following:
  - Would like Council support for the project as she has worked very closely with Planning officers and made changes to their development.
  - Reduced the original number of apartments from 8 to 7 and designed one bedroom apartments to provide a diversity of housing stock in City of Vincent.
  - Ensured that the internal spaces were larger to allow for Universal design.
  - Majority of rooms in the apartments have two directional lights and cross ventilation hopefully contributing to reduce power consumption by less need for using lights/air-condition.
  - Ensured the privacy is respected with the Western neighbour. It has been agreed to make the courtyard walls 2.2 with acoustic glass to 3 metres high.
  - Particular emphasis has been put on significantly increasing the landscaping and greening the development.
  - A product type like grass-crete is to be used in the driveway and elsewhere, this product drains at a rate of 90% of normal grass and quite apart from being visually attractive it also has a major ecological benefit from the absorption of Co2 and helps reduce temperatures which are generally higher with the use of ordinary brick-paving. There is an introduction of a vegie patch on the verge both for the greening aspect and also to encourage communal interaction.
  - A condition will be set on the Strata that the gardens will be maintained and kept looking neat and tidy.
  - It would be desired for a retired person to be living in the development to be given the job to maintain the garden therefore giving them a purpose and also some extra cash.
  - Thanked the Mayor, the Councillors Director of Planning Services and Planning officers for their time and commitment to working on the project and requested that the City support their application.
  
2. George Angelev of Architect Georgestan Homes Pty Ltd – Item 9.1.2. Stated the following:
  - The redevelopment proposal for Nos. 454-456 Fitzgerald Street, North Perth commenced approximately 12 months ago.
  - The current use of the two (2) strata lots are a pest control business which does not have any public interaction, mainly work conducted by phone bookings and a second hand store.
  - Both premises are old and run down and not valuable assets to the client or the City of Vincent, in their opinion.
  - There were general discussions held with senior Town Planners at the City of Vincent and initial drawings were prepared with the option for the ground floor being a Cafe Restaurant with the upper floors comprising of office space.
  - A meeting was held with the Senior Planners and the former Mayor Mr. Nick Catania and its was advised that the Cafe option would not be supported due to the lack of car parking.
  - He was guided into the direction of a general retail floor space on the ground level with Commercial space on the two (2) subsequent floors above. It was encouraged to provide the three (3) storey building plus basement due to the position of the site as it is central to the North Perth City centre zone.
  - They proceeded down this track with the general support of the Town Planning Section and feel very optimistic that the Council will support the application.
  - In regards to the building itself, colour drawings were lodged, but somehow they were not distributed to the Councillors it does have three (3) dimensional articulation.

**The Presiding Member, Mayor Hon. Alannah MacTiernan stated that the coloured drawings have been issued to Council Members.**

Mr Angelev continued:

- The ground floor has a shop front which is recessed one (1) metre back from the street boundary, a modern canopy overhanging the footpath as well as the artwork feature recessed on the left hand side.
- The first floor is a continuous glass office facade setback 300mm from the boundary with piers at each end to frame the facade, sun screened features can be added for further articulation if required and the fenestration can be redesigned in consultation with the Council if required.
- The second floor has a 1600 mm recessed balcony which is setback two (2) metres from the street, this is covered for sun and rain protection and creates a 3D shadow articulation effect, in combination the three (3) levels will provide an interesting three (3) level facade, finished with modern aluminium cladding panels, ultra bond or equivalent, commercial aluminium framed windows and stainless steel balustrade to the upper floor, colour contrasting on elements will also be used to add interest to the building.
- The side boundaries are common parapet boundaries and these will be built up against by future developers. These are also the fire walls between neighbouring buildings.
- Regarding building usage, as previously mentioned, direction has been sought from the City's Planning Department in the design process, with meetings held along the way and redirected away from the Cafe option due to parking.
- The current owners have been ratepayers and owners in the City of Vincent for approximately 20 years and are keen to redevelop their property and bring it into sync with today's world.
- It is hoped that the Council will support the application.

3. Steve Klifunis of Nos. 454-456 Fitzgerald Street, North Perth – Item 9.1.2. Stated the following:

- He supports the development, and the further employment opportunities would create a positive outcome for the District Centre.
- Regarding the actual matters of concern, in particular the construction methodology excavating and the ability to actually have an understanding of how the proposed excavation works will be undertaken, he felt would be important factor as an adjoining owner, given the age of the building and the potential impact.
- Firstly, the issue of the Lyndon Rodgers, Beaufort Street situation would certainly not want to be repeated.
- Secondly, the traffic management aspect given its Right of Way which is used by a number of owners and there being no access from Fitzgerald Street needs to be addressed in regards to advanced notice to the owners who are utilising the Right of Way so as to not obstruct the businesses operations.
- Thirdly, the issue of the Draft Masterplan currently up for comment, he would like to see this application not being used as a precedent for the outcome of the final Masterplan.
- Page twelve (12) of the Officer Report, make's mention for the actual block between Burt Street and Wasley Street that in the Masterplan the indicative heights. Shown as 3 – 5.

**The Presiding Member, Mayor Hon. Alannah MacTiernan confirmed that the heights are outlined within the Masterplan**

Mr Klifunis continued:

- Finally, the issue that he would like to raise is that he would not like to see this prejudice be the outcome of the final report given the lots to the South of Wasley Street and the indicative heights are shown as 3 – 5 and considered as part of this review, he would like to ensure that this application does not prejudice that final report.

4. Denise Teo of 452 Fitzgerald Street, North Perth – Item 9.1.2. Stated the following:
- During the demolition period, could care be taken, as her building is the only Heritage listed building left on Fitzgerald Street and would like it not to be damaged.
  - Could the Right of Way be left open as the Bank Manager leases the car parking space.
  - The ANZ has asked for the least amount of disruption in terms of noise for the demolition.
  - Would like to reiterate what Steve Klifunis has just raised that if they could look on the Masterplan with possibly getting access for future developments within that block to go to the fifth (5) floor.

There being no further speakers, Public Question Time closed at approx. 6.14pm.

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

Nil.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

- 4.1 Cr Roslyn Harley requested leave of absence from 23 June 2012 to 21 July 2012 (inclusive) for personal commitments.

**Moved Cr Carey Seconded Cr Buckels**

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

**CARRIED UNANIMOUSLY (7-0)**

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

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

Nil.

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

Minutes of the Ordinary Meeting of Council held on 22 May 2012.

**Moved Cr Pintabona Seconded Cr Maier**

**That the Minutes of the Ordinary Meeting of Council held 22 May 2012 be confirmed as a true and correct record.**

**CARRIED UNANIMOUSLY (7-0)**

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

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

### 7.1 Employee of the Month Awards for the City of Vincent

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

7.1.1 For MARCH 2012, the award is awarded to Michael Donovan – Co-ordinator Building Services in the Planning and Building Services Section.

Michael was nominated for this Award as a result of a letter of appreciation that was received from a resident, Ms Ferrer of Bulwer Street, Perth, who wrote in as follows:

*“...we recently applied for a building licence to construct a swimming pool.*

*Luckily our requests for further assistance led us to deal with Michael Donovan.*

*Michael was very kind and extremely helpful. He took time to listen and to understanding exactly what we were trying to achieve and he directed us to the correct application... Michael was prepared to communicate directly and in a timely fashion as to the progress of the application... In our opinion, it is only with Michael's guidance and attention to the matter that we were able to obtain the approval in an efficient timeframe.”*

The Award is presented to Michael for his professional and skilled services on behalf of the City.

Congratulations Michael and well done!

The Mayor presented Michael Donovan with his award.

#### **Received with Acclamation!**

7.1.2 For MAY 2012, the award is awarded jointly to Manager Ranger & Community Safety Services, Jim MacLean and Manager Health Services, Scott Teymant.

Jim and Scott were nominated by the Chief Executive Officer, John Giorgi, for their outstanding work in providing co-ordination and leadership for the City's recovery program for the major fire which destroyed a derelict factory in Carr Street, West Perth and contaminated the adjoining area with asbestos particles.

Jim and Scott attended during the fire and worked tirelessly and “above and beyond” the call of duty in the days following the fire to arrange for the urgent clean-up of the contaminated private and public properties adjoining the fire damaged premises.

In addition, Jim and Scott arranged for a public meeting of affected ratepayers to update them on health and safety concerns.

Jim and Scott's actions contained the asbestos contamination and ensured that any disruption was kept to a minimum.

In a report to the Council, the Mayor and Councillors expressed their appreciation to the City's Officers for their outstanding efforts.

Congratulations on a job well done.

The Mayor presented Jim and Scott with their award.

#### **Received with Acclamation!**

**Cr Harley entered the Chamber at 6.19pm.**



**8. DECLARATIONS OF INTERESTS**

- 8.1 Cr McGrath declared an Impartiality interest in Item 9.5.3 – Information Bulletin, particularly IB05 - Minutes of the Tamala Park Regional Council Special Meeting held on 17 May 2012. The extent of his interest being that his company is working on the Federal approvals of the Catalina Land Development being proposed by the Tamala Park Regional Council. Cr McGrath stated that as a consequence, there may be a perception that his impartiality on the matter may be affected. He declared that he would consider the matter on its merits and vote accordingly.

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

Nil.

**10. REPORTS**

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

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

Items 9.1.1 and 9.1.2

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

Item 9.1.3, 9.2.2, 9.3.2, 9.3.4, 9.5.2, 10.1 and 14.1.

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

Nil.

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

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

Cr Carey	Items 9.2.3 and 9.4.2.
Cr Topelberg	Nil.
Cr Buckels	Nil.
Cr McGrath	Items 9.1.4 and 9.3.5.
Cr Pintabona	Nil.
Cr Harley	Nil.
Cr Maier	Items 9.1.5, 9.1.7 , 9.2.1 and 9.5.3.
Mayor Hon. MacTiernan	Nil.

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

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

Items 9.1.6, 9.2.4, 9.2.5, 9.2.6, 9.2.7, 9.2.8, 9.2.9, 9.2.10, 9.3.1, 9.3.3, 9.4.1, 9.4.3 and 9.5.1.

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

Item 14.1.

**New Order of Business:**

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

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

Items 9.1.6, 9.2.4, 9.2.5, 9.2.6, 9.2.7, 9.2.8, 9.2.9, 9.2.10, 9.3.1, 9.3.3, 9.4.1, 9.4.3 and 9.5.1.

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

Items 9.1.1 and 9.1.2.

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

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

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

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

**ITEMS APPROVED “*EN BLOC*”:**

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

**Moved Cr McGrath Seconded Cr Buckels**

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

**Items 9.1.6, 9.2.4, 9.2.5, 9.2.6, 9.2.7, 9.2.8, 9.2.9, 9.2.10, 9.3.1, 9.3.3, 9.4.1, 9.4.3 and 9.5.1.**

**CARRIED UNANIMOUSLY (8-0)**

**(Cr Wilcox on approved leave of absence.)**

**9.1.6 Amendment No. 97 to Planning and Building Policy Manual – Amendments to and Rescission of Appendices**

<b>Ward:</b>	Both Wards	<b>Date:</b>	1 June 2012
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0219
<b>Attachments:</b>	<a href="#">001</a> – Appendix No. 6 <a href="#">002</a> – Appendix No. 15 <a href="#">003</a> – Appendix No. 17 <a href="#">004</a> – Appendix No. 21 <a href="#">005</a> – Policy No. 3.1.13		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	T Young, Manager Strategic Planning, Sustainability and Heritage Services; D Mrdja, Senior Strategic Planning and Heritage Officer; H Au, Heritage Officer		
<b>Responsible Officer:</b>	C Eldridge, Director Planning Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **AUTHORISES** the Chief Executive Officer to advertise the proposed:

1.1 **Initiation of a Heritage Area for No. 5 (Lot 52), No. 6 (Lot 16), No. 7 (Lot 53), No. 8 (Lot 17), No. 9 (Lot 12), No. 10 (Lot 18), No. 11 (Lot 11), No. 12 (Lot 19), No. 13 (Lot 10), No. 14 (Lot 20), No. 15 (Lot 9), No. 16 (Lot 21), No. 17 (Lot 8), No. 18 (Lot 22), No. 19 (Lot 7), No. 20 (Lot 23), No. 21 (Lot 6), No. 22 (Lot 24), No. 23 (Lot 5), No. 24 (Lot 25), No. 26 (Lot 26), No. 28 (Lot 27), No. 30 (Lot 28) and No. 32 (Lot 29) Lacey Street, in accordance with clause 24 of the City of Vincent Town Planning Scheme No. 1;**

1.2 **Amendment to the following Planning and Building Policies:**

1.2.1 **Appendix No. 6 – Brookman and Moir Street Design Guidelines;**

1.2.2 **Appendix No. 15 – Design Guidelines for Nos. 128-130 (Lots 27 and 28) Joel Terrace, Mount Lawley subject to the policy being amended as follows:**

**1.2.2.1 Clause 4.3 being amended to delete reference to “Lot 27” and replace with “Nos. 130 and 130A”; and**

**1.2.2.2 Clause 4.4 being amended to state that “any proposed retaining walls and/or fences abutting the foreshore, must comply with the requirements of the Swan River Trust”;**

1.2.3 **Appendix No. 17 – Design Guidelines for Lacey Street, Perth; and**

1.2.4 **Policy No. 3.1.13 – Beaufort Precinct – Scheme Map 13, subject to the policy being amended as follows:**

**1.2.4.1 Clause 2.3 being amended to state “Only residential land uses are permitted on lots fronting the south side of Parry Street”; and**

**1.2.4.2 Clause 2.5 be deleted and the text in clause 2.5 be added into clause 2.3; and**

- 1.3 **Rescission of Appendix No. 21 – New Northbridge Design Guidelines ,as shown in Appendix 9.1.6D for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City’s Policy No. 4.1.5 relating to Community Consultation; and**
2. **HOLDS in abeyance the review of Appendix No. 7 – Design Guidelines for the ‘Old Bottleyard’, until Amendment No. 32 to the City of Vincent Town Planning Scheme No. 1 is gazetted.**

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

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**COUNCIL DECISION ITEM 9.1.6**

**Moved Cr McGrath, Seconded Cr Buckels**

**That the recommendation be adopted.**

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

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

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**PURPOSE OF REPORT:**

To inform the Council of:

- the review of the City’s Planning and Building Policy Manual;
- to enable the Council to consider the initiation of a Heritage Area in accordance with clause 24 of the City of Vincent Town Planning Scheme No. 1 (TPS No. 1);
- to consider the amendment and rescission of the abovementioned appendices; and
- to authorise the Chief Executive Officer to advertise these appendices in accordance with clause 47 of the TPS No. 1.

This report also provides a way forward for the review of Appendix No. 7 – Design Guidelines for the ‘Old Bottleyard’, which was deferred by the Council at its Ordinary Meeting held on 24 April 2012.

This report is the second round of review of the Appendices of the Planning and Building Policy Manual. It is noted that the Policy No. 3.1.13 – Beaufort Precinct – Scheme Map 13 is also proposed to be amended as the New Northbridge Design Guidelines is proposed to be rescinded.

**BACKGROUND:**

The City of Vincent Draft Town Planning Scheme No. 2 (TPS No. 2) and Local Planning Strategy (LPS) were endorsed by the Council at the Ordinary Meeting held on 20 December 2011. These documents, along with the draft Precinct Policies were sent to the Department of Planning on 23 December 2011 in order for them to give the City consent to advertise the TPS No. 2 and LPS. As a part of the scheme review process, the City’s Officers are also reviewing the Planning and Building Policy Manual.

The subject Planning and Building Policy Amendment is the second stage of the review of the Appendices of the Planning and Building Policy Manual. The Council at its Ordinary Meeting held on 24 April 2012, resolved as follows:

- “1. *That the Council AUTHORISES the Chief Executive Officer to advertise the proposed rescission of the following Appendices of the Planning and Building Policy Manual, as shown in Appendix 9.1.5, for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City’s Policy No. 4.1.5 relating to Community Consultation:*

- 1.1 *Appendix No. 1 – Precinct Area Maps;*

- 1.2 *Appendix No. 2 – Mount Hawthorn Village Renovation and Design Guidelines;*
  - 1.3 *Appendix No. 4 – The Village North Perth (Lots 43-45 Kadina Street) Residential Site Design Guidelines;*
  - 1.4 *Appendix No. 5 – The Village North Perth (Lots 901-910 Kadina Street) Residential Site Design Guidelines;*
  - ~~1.5 *Appendix No. 7 – Design Guidelines for the ‘Old Bottleyard’; and*~~
  - 1.6 *Appendix No. 10 – Glossary of Terminology.*
2. *DEFERS the rescission of Appendix No. 7 – Design Guidelines for the ‘Old Bottleyard’, and for this to be and considered at an Ordinary Meeting of Council to be held in June 2012.”*

In light of the above, consultation for the rescission of Appendix Nos. 1, 2, 4, 5 and 10 commenced on 15 May 2012 and will conclude on 13 June 2012.

**History:**

Appendix No. 6 – Brookman and Moir Street Design Guidelines

<b>Date</b>	<b>Comment</b>
13 November 1995	Nos. 1-32 Brookman Street, Nos. 2-28 Moir Street and No. 40 Forbes Road were first included on the City of Vincent Municipal Heritage Inventory.
9 May 2000	The Council at its Ordinary Meeting resolved to initiate the rezoning of Brookman and Moir Streets from R80 to R25 (Scheme Amendment No. 4).
27 March 2001	The Council at its Ordinary Meeting adopted the Planning and Building Policy Manual, which included the adoption of Appendix No. 6 – Brookman and Moir Street Design Guidelines.
27 March 2001 – 11 May 2001	Advertising for Scheme Amendment No. 4.
12 June 2001	The Council at its Ordinary Meeting resolved to endorse Scheme Amendment No. 4 and to send to the Western Australian Planning Commission for final approval.
22 January 2002	The approval of Scheme Amendment No. 4 was advertised in the Government Gazette.
3 April 2002	The City of Vincent commissioned Considine and Griffiths Architects to undertake a detailed Heritage Assessment of the dwellings on Brookman and Moir Streets.
18 September 2002	The City advised the land owners and occupiers of Brookman and Moir Streets, that a Heritage Assessment was being undertaken.
29 November 2002	The consultants submitted the draft Heritage Assessment and Development Guidelines for the City’s review.
24 February 2003	The consultants submitted the final Heritage Assessment and Development Guidelines to the City for Council adoption.
8 April 2003	The Council at its Ordinary Meeting resolved to receive and advertise the draft Brookman and Moir Street Design Guidelines.
11 May 2004	The Council at its Ordinary Meeting resolved to adopt the amended Appendix No. 6 – Brookman and Moir Street Design Guidelines.
1 July 2004	The Heritage Council of WA (HCWA) wrote to the City inviting the City to comment on the proposal to include the dwellings on Brookman and Moir Street on the State Register of Heritage Places.
27 July 2004	The Council at its Ordinary Meeting resolved to support the entry of Brookman and Moir Street onto the State Register of Heritage Places.
2 June 2006	The properties on Brookman and Moir Streets were entered onto the State Register of Heritage Places.

Appendix No. 15 – Design Guidelines for Nos. 128-130 (Lots 27 and 28) Joel Terrace, Mount Lawley

Date	Comment
3 May 2005	An application was lodged for the subdivision of Nos. 128 and 130 Joel Terrace into four (4) lots.
28 June 2005	The Council at its Ordinary Meeting resolved to recommend conditional approval to the WAPC.
28 June 2005	The Council at its Ordinary Meeting resolved to receive and advertise the draft Appendix No. 15.
17 August 2005	The WAPC granted approval for the subdivision, subject to several conditions including the preparation of detailed design guidelines and measures being undertaken to ensure the protection of the Camphor Laurel tree located on one of the lots.
27 September 2005	The Council resolved to adopt Appendix No. 15.
1 December 2005	The WAPC considered a request to reconsider a number of conditions.

Appendix No. 17 – Design Guidelines for Lacey Street, Perth

Date	Comment
27 June 2006	The Council at its Ordinary Meeting resolved to receive and advertise the draft Policy relating Appendix No. 17 – Design Guidelines for Lacey Street, Perth.
5 December 2006	The Council at its Ordinary Meeting resolved to adopt the Policy relating Appendix No. 17 – Design Guidelines for Lacey Street, Perth.

Appendix No. 21 – New Northbridge Design Guidelines

Date	Comment
13 December 2011	The area bounded by Beaufort Street, Newcastle Street, Lord Street and Parry Street was normalised from the then East Perth Redevelopment Authority. In accordance with the East Perth Redevelopment Act 1991 and the East Perth Redevelopment Regulations 2011, the New Northbridge Design Guidelines and the Village Northbridge Heritage Inventory will be applied as if they were part of the City of Vincent Scheme, for a maximum period of two (2) years.

Policy No. 3.1.13 – Beaufort Precinct – Scheme Map 13

Date	Comment
27 March 2011	The Council at its Ordinary Meeting adopted the Planning and Building Policy Manual, which included the adoption of Policy No. 3.1.13 – Beaufort Precinct – Scheme Map 13.
10 February 2003	The Council at its Ordinary Meeting resolved to adopt the amended Policy No. 3.1.13 (Planning and Building Policy Amendment No. 4).

**Previous Reports to Council:**

There have been no previous reports to the Council in relation to the subject amendment of Appendix Nos. 6, 15 and 17 and Policy No. 3.1.13 and the rescission of Appendix No. 21.

**DETAILS:**

As a part of the second review of the Appendices, the City's Officers propose that Appendix Nos. 6 and 15 and Policy No. 3.1.13 be amended and Appendix No. 21 be rescinded. In addition to this, the City's Officers have reviewed Appendix No. 17 – Design Guidelines for Lacey Street, Perth, and are proposing that these guidelines be amended so that Lacey Street is considered as a Heritage Area in accordance with clause 24 of the City of Vincent Town Planning Scheme No. 1.

**Appendix No. 6 – Brookman and Moir Street Design Guidelines**

Since the Design Guidelines have been adopted on 11 May 2004, there have been several planning applications submitted to the City for properties in Brookman and Moir Streets. The applications received have included partial demolition and alterations and additions (both single and two-storey extensions), outbuilding additions, reroofing, reinstatement of original windows and verandahs and roof and canopy additions. A review of the applications received and approved by the City have indicated that the Design Guidelines have served their purpose well by ensuring development is cognisant of the existing character of the streetscape and the heritage value of the properties, and also have been readily interpreted in the planning assessment process.

In light of the above, very minor changes have been proposed to the Guidelines themselves, including the change of "Town" to "City" and grammatical corrections.

**Appendix No. 15 – Design Guidelines for Nos. 128-130 (Lots 27 and 28) Joel Terrace, Mount Lawley**

A summary of the amendments to Appendix No. 15 is shown in the table below.

<b>Amendment</b>	<b>Comments</b>
Amendment to the name of the Design Guidelines.	The Design Guidelines is proposed to be renamed to Design Guidelines for Nos. 128, 128A, 130 and 130A Joel Terrace, Mount Lawley. This is because the subdivision has now been created and lots 27 and 28 no longer exist.
Delete the existing map and replaced with new map.	The existing map shown in the Design Guidelines illustrates two lots (previous lots 27 and 28). Given the subdivision has now been created the new map shows four (4) survey strata lots.
Delete a paragraph under existing clause 4)ii) which states that nil setbacks are permitted between lots.	Side setbacks and boundary wall requirements are listed in the R Codes and these requirements cannot be varied without the approval of the WAPC. In this instance the R Codes should apply.
Amend a paragraph under existing clause 4)ii) relating to the Swan River Trust Setback Line.	This clause has been amended to provide a more general sentence, stating that setback from the Swan River is to comply with the requirements of the Swan River Trust. The setback line is not shown on the Subdivision Guide Plan, as changes could occur to this.
Delete existing clause 4)iii) relating to Plot Ratio.	At the time this subdivision was created, the 2002 R Codes were in place. These R Codes stated that the maximum plot ratio for grouped dwellings at an R60 zoning is 0.65. The developer proposed a plot ratio of 0.75, which was approved by the Council without requesting the approval of the WAPC. Furthermore, also at this time, multiple dwellings were not permitted in the Banks Precinct. The current R Codes do not have any plot ratio requirements for grouped dwellings and multiple dwellings are now permitted in the Banks Precinct. The plot ratio requirements for multiple dwellings at R60 is 0.7, therefore the existing clause is a variation to the R Codes and should be removed.

Amendment	Comments
Delete existing clause 4)iv) relating to Open Space	This clause states that the minimum open space can be reduced to forty (40) percent, rather than forty five (45) percent, which is as per the R Codes. This requirement cannot be varied in a local planning policy without the approval of the WAPC and should be removed.
Amend a paragraph under existing clause 4)v) relating to the maximum allowable height.	This clause provides the maximum height limits in metres. The clause states that the wall height can extend to six (6) metres and the ridge height can extend to nine (9) metres. This has been reworded for further clarity and to also include the height limits for concealed roof developments, being seven (7) metres above the natural ground level.
Delete a paragraph under existing clause 4)v) relating to lofts.	Subsequent to the adoption of the subject Design Guidelines, the Council has adopted the Residential Design Elements Policy which includes development requirements for lofts.
Delete a sentence under existing clause 4)vi) relating to retaining walls.	This clause states that any retaining walls that exceed 500 millimetres require Planning Approval. This is listed in the City's Minor Nature Development Policy.
Amend a paragraph under existing clause 4)vi) relating to fencing above retaining walls.	The actual development requirements in the clause have not been amended rather, the sentence has been reworded for further clarity.
Delete existing clause 4)ix) relating to Roofs.	This clause essentially states that roofs are to be constructed from a material that does not result in glare and reflection. The City has consistently advised landowners that the glare and reflection from roofs is not a planning or building related matter. Due to this advice, the City should consistently apply this approach throughout the municipality and as such this clause should be removed.
Delete existing clause 4)xii) relating to the Land Use.	This clause states that a maximum of one (1) dwelling is permitted per lot. Such a clause cannot be enforced through a local planning policy and should be included in the Town Planning Scheme. Due to the unlikelihood that the WAPC would support such a requirement in the Scheme, it is proposed that this clause be removed from the policy and that it not be included in the Scheme.
Delete figure 1 – Diagrammatic Subdivision Plan of the Subject Plan with Building Setbacks.	Given this subdivision plan has now been created; a diagrammatic version of the subdivision plan is no longer required.
Replace “City” with “Town”.	The Town of Vincent became the City of Vincent on 1 July 2007 and as such the policy has been updated to reflect this change.
Reformat policy numbering.	The City's Officers are amending the policy numbering format to a 1.1.1 format, and as policies are amended this numbering format is being introduced.

**Appendix No. 17 – Design Guidelines for Lacey Street, Perth**

Statutory Provisions for Heritage Areas

Clause 24 (1) of the City's Town Planning Scheme No. 1 provides that *'the Council may designate an area of land to be a heritage place [area], where in the opinion of the Council, special planning control is needed to conserve and enhance the heritage values and character of the area'*.

The State Heritage Office publication; *Criteria for the Assessment of Local Heritage Places and Areas*, notes the following with respect to Guidelines for Inclusion of a Heritage Area.

*"A Heritage Area should always be established on the basis of a clear statement of significance, and a clear identification of the significant fabric in the area. The individual components of an area will collectively form a streetscape, townscape or cultural environment with significant heritage characteristics which may include architectural style, town planning or urban design excellence, landscape qualities, or strong historic associations"*.



In addition to the above, Section 2.8 of this State Heritage Office publication, prescribes the following with respect to consideration of identifying a Heritage Area.

*"A Heritage Area will be of significance in the local district if:*

- (a) It meets one or more of the criteria in section 2 under the headings of Aesthetic, Historic, Research or Social Significance; and*
- (b) It demonstrates a unified or cohesive physical form in the public realm with an identifiable aesthetic, historic or social themes associated with a particular period or periods of development;*

*This extra test [clause (b)] sets Heritage Areas apart from Heritage Places."*

#### Assessment of Lacey Street as a Heritage Area

In terms of addressing the criteria of section 2.8 of the State Heritage Office *Criteria for the Assessment of Local Heritage Places and Areas*, Lacey Street meets the criteria as follows:

- "(a) Lacey Street has aesthetic value as an intact streetscape of single storey dwellings constructed between 1900-1920 in the Federation Cottage and Federation Georgian style of architecture, characterised by two room presentations to the street, bull nose and skillion verandahs, medium pitched room forms, with highly visible chimneys and simple window arrangements of single sash and casement windows.*
- (b) Lacey Street has a unified and cohesive form illustrated by the existing original single storey dwellings constructed between 1900-1920 in the Federation Cottage and Federation Georgian style, which are similar in bulk, form and presentation to the street."*

#### Properties to be included in the Heritage Area

Based on the properties identified in the existing Lacey Street Design Guidelines, as depicted in pink on the map, and a site visit undertaken on 15 May 2012, the following properties are recommended to be included in the Heritage Area:

No. 5 (Lot 52), No. 6 (Lot 16), No. 7 (Lot 53), No. 8 (Lot 17), No. 9 (Lot 12), No. 10 (Lot 18), No. 11 (Lot 11), No. 12 (lot 19), No. 13 (Lot 10), No. 14 (Lot 20), No. 15 (Lot 9), No. 16 (Lot 21), No. 17 (Lot 8), No. 18 (Lot 22), No. 19 (Lot 7), No. 20 (Lot 23), No. 21 (Lot 6), No. 22 (Lot 24), No. 23 (Lot 5), No. 24 (Lot 25), No. 26 (Lot 26), No. 28 (Lot 27), No. 30 (Lot 28) and No. 32 (Lot 29) Lacey Street, Perth.

The properties at the bookends of the street or 'Gateway Properties', namely No. 25 (Lot 1) Brisbane Street, the rear of No. 1/166 (Lot 1) Stirling Street, No. 84 (Lot 1) Brewer Street, No. 25 (Lot 4) Lacey Street, No. 33 (Lot 2) Brisbane Street and No. 72 (Lot 14) Brewer Street, Perth, are considered inconsistent with the uniformity and cohesiveness of Lacey Street and are not recommended to form part of the Heritage Area; however, they are to remain part of the Design Guidelines.

#### Officer Recommendation – Lacey Street Heritage Area

In light of the above information, it is considered that Lacey Street meets the threshold for inclusion as a Heritage Area pursuant to clause 24 of the City's Town Planning Scheme No. 1 and the guidance detailed within the State Heritage Office publication; *Criteria for the Assessment of Local Heritage Places and Areas*.

Whilst the dedicated Design Guidelines for Lacey Street have served to maintain the physical cohesive form of Lacey Street, given the unique nature of this intact single storey streetscape, it is considered appropriate that the area be offered greater protection by being designated as a 'Heritage Area' pursuant to clause 24 of the City's Town Planning Scheme No. 1.

It is noted that Clause 24 of the City's Town Planning Scheme No. 1 refers to 'Declaration of Heritage Places', which is to be interpreted as referring to 'Heritage Areas', consistent with the State Heritage Office publication; *Criteria for the Assessment of Local Heritage Places and Areas*, and Section 7 of the Model Scheme Text, in which the new Town Planning Scheme No. 2 is based.

#### Lacey Street Design Guidelines Review

As part of the consideration of Lacey Street being identified as Heritage Area, the existing Guidelines have also been reviewed. Since the Design Guidelines have been adopted in 2009, there have been several planning applications submitted to the City for properties in Lacey Street. The applications received have included part demolition and alterations and additions (both single and two-storey extensions), new front fences, signage, and change of use. A review of the applications received and approved by the City have indicated that the Design Guidelines have served their purpose well by ensuring development is cognisant of the existing character of the streetscape, and also have been readily interpreted in the planning assessment process.

In light of the above, very minor changes have been proposed to the Guidelines themselves, apart from additional information on the classification of the Heritage Area and the heritage significance of the properties, and greater clarity on demolition of existing buildings identified in the Heritage Area.

#### **Appendix No. 21 – New Northbridge Design Guidelines**

The normalisation of the area bounded by Newcastle Street, Lord Street, Parry Street and Beaufort Street was gazetted on 16 December 2011. This normalisation process created the East Perth Redevelopment (Subtracted Area – Stage 3) Regulations 2011.

Part 7 of these Regulations relate to Transitional Matters to do with Vincent Scheme and are listed as follows:

##### *"7. Transitional matters to do with Vincent Scheme*

- (1) This regulation applies in relation to land included under regulation 5(2)(a) in the area to which the Vincent Scheme applies, but only to the extent that the Vincent Scheme has not been amended to expressly exclude the application of this regulation.*
- (2) The provisions of the New Northbridge Design Guidelines and Village Northbridge Heritage Inventory that applied in relation to the land before it was included in the area to which the Vincent Scheme applies continue to apply in relation to that land as if they were a part of the Vincent Scheme, with any necessary modifications.*
- (3) For the purposes of subregulation (2), references in the New Northbridge Design Guidelines to the City of Perth are to be read as references to the City of Vincent.*
- (4) To the extent of any inconsistency with any other provision of the Vincent Scheme, the provisions applying under subregulation (2) prevail.*
- (5) The New Northbridge Design Guidelines clauses 1.1.2, 1.1.3 and 1.2.7 and Sections 2 to 6 do not continue to apply under subregulation (2)."*

As noted above, in accordance with regulation 7, subsection 5, the City is not to apply clauses 1.1.2, 1.1.3 and 1.2.7 and sections 2 to 6 as if it were its own. In light of this, the Council adopted the remaining clauses of the New Northbridge Design Guidelines and the Village Northbridge Heritage Inventory under the City of Vincent Planning and Building Policy Manual.

Furthermore, regulation 9(1)(b) of the regulations states that these regulations expire after a period of two (2) years from the gazettal of the regulations. Therefore, after the two (2) year period, the City will be required to adopt its own guidelines for the normalised area. Given that the City's Officers are currently reviewing the appendices, these guidelines have been reviewed with the view of the provisions being incorporated into the City's Policy No. 3.1.13 relating to the Beaufort Precinct.

It is noted that the New Northbridge Design Guidelines cover five (5) different precincts as well as common guidelines for all precincts. For the purpose of this review, the City's Officers will only be reviewing Section 1 – Core/Common Design Guidelines for all Precincts as the other sections were excluded from the Regulations.

Section 1 – Core/Common Design Guidelines for all Precincts

<b>Development Requirements</b>	<b>Comments</b>
<b>1.1 – Introduction</b>	No comment; however, clauses 1.12 and 1.1.3 are excluded from the Regulations.
<b>1.2 – Site Planning</b>	
1.2.1 – Site Analysis	This clause illustrates the amount of information required to be shown on the plans. Not required.
1.2.2 – Sustainable Building Design	<i>New developments should be designed in accordance with the Authority's policy on Green Building Design</i> – given the City did not adopt this policy at normalisation; this clause is no longer relevant. It is noted that the City's Officers are currently reviewing the Sustainable Design Policy as a part of the Planning and Building Policy Manual review.
1.2.3 Private Open Space	<i>Private open space for a residential dwelling is required to be provided with an area 10 square metres and a dimension of 2.5 metres</i> – this should be as per the R Codes otherwise WAPC approval is required.
1.2.4 – Awnings	<i>Continuous pedestrian awnings are required</i> – this is currently required by the City.
1.2.5 – Landscaping	The City is currently researching the provision of landscaping in developments and this is likely to be included in a policy.
1.2.6 – Sound Attenuation	This is covered in the City's Policy relating to Sound Attenuation.
1.2.7 – Northbridge Entertainment Precinct	Not applicable to the normalised area and this clause has been excluded from the regulations.
1.2.8 – Integration of Public Art	<i>The requirements are set out in the Authority's policy relating to Public Art</i> – given the City did not adopt this policy at normalisation, this clause is no longer relevant and any public art contributions will be in accordance with the City's Policy.
1.2.9 – Housing Design and Affordability	This clause relates to Adaptable and Accessible Housing, Housing Diversity and Affordable Housing. All these requirements are listed in separate policies, which the City did not adopt at normalisation and are therefore no longer relevant.
1.2.10 – Place Activation	No specific development requirements listed.
1.2.11 – Universal Design	This clause relates to Adaptable and Accessible Housing. All these requirements are listed in a separate policy, which the City did not adopt at normalisation and are therefore no longer relevant.
<b>1.3 – Building Design</b>	
1.3.1 – Mixed-Use	<i>The residential component should be design to create passive surveillance of the street</i> – this is consistent with the City's practice.

Development Requirements	Comments
1.3.2 – Roof Form	<ul style="list-style-type: none"> <li>• Where new roofs include gables and pitched roofs, minimum pitch of thirty (30) degrees where visible from street.</li> <li>• Flat roofs are permitted.</li> <li>• The use roof-space is encouraged.</li> <li>• Minimum head height of 2.4 metres – as per BCA.</li> </ul> <p>These requirements are generally consistent with the City's existing Policies.</p>
1.3.3 – Walls	No specific requirements, all encouraging.
1.3.4 – Windows	No specific requirements, all encouraging.
1.3.5 – Balconies	These are the same requirements to the R Codes in terms of size and dimension.
1.3.6 – Corner Sites	<i>Elevations should reinforce corners. Parapet façade is to be a maximum of 1.5 metres higher than the permissible building height – this is generally applied as an architectural feature on corner sites.</i>
1.3.7 – Fencing	<p><i>The front fence should exceed a maximum height of 1.8 metres, with the solid portion, not exceeding 0.5 metres and anything above 0.5 metres is to be 75 percent visually permeable.</i></p> <p>This differs from the Residential Design Elements Policy which allows the solid portion to be a maximum of 1.2 metres and fifty (50) percent visually permeable.</p>
1.3.8 – Activation of Streets, Rear Laneways and Under-Width Roads	No specific requirements, all encouraging.
1.3.9 – Safer Design	No specific requirements, all encouraging.
<b>1.4 – Car Parking and Access</b>	
1.4.1 – Car Parking	This clause gives several car parking ratios for different land uses with the New Northbridge area. However, given the subject area is completely within the Perth Parking Management Area, the Perth Parking Policy will apply.
1.4.2 – Bicycle Parking and End of Trip Facilities	The City will apply Policy No. 3.7.1 relating to Parking and Access for the bicycle parking and end of trip facilities requirements.
1.4.3 – Vehicle Access Gates, Carports and Garages	These requirements are similar to the requirements listed in the City's Residential Design Elements Policy.
1.4.4 – Pedestrian Access	This clause states that pedestrian access from commercial developments is required to be at grade with adjacent footpaths. This is generally applied within developments.
<b>1.5 – Heritage Listed Properties</b>	
1.5.1 – Development Approval Process	This clause explains that the Authority is required to refer all applications for developments on the State Register of Heritage Places to the Heritage Council of WA for comment.
1.5.2 – Roof Form	This clause states that the roof pitch should be a minimum of thirty (30) degrees. This is consistent with the City's Residential Design Elements Policy.
1.5.3 – Walls	No specific requirements, all encouraging.
1.5.4 – Windows	This clause states that windows facing the street should generally have a vertical proportion. It is noted that any design requirements relating to Heritage Listed properties are subject to the City's Heritage Management Policies, where additional details can be required of the applicant/owner.

Development Requirements	Comments
1.5.5 – Fencing	This clause states that fencing is to be a maximum of 1.2 metres. It is preferable to use the RDE's in order for a consistent approach to be applied throughout the City and as mentioned above, the City can require additional or alternative requirements to standard policies for Heritage Listed properties.
1.5.6 – Vehicle Access Gates, Carports and Garages	This clause states that carports and garages are not permitted in the front setback. This is a consistent approach that is applied through the City's existing policies.
1.5.7 – Signage	<i>The requirements are set out in the Authority's policy relating to Heritage – given the City did not adopt this policy at normalisation, this clause is no longer relevant.</i>
<b>1.6 – Other Considerations</b>	
1.6.1 – Northbridge Tunnel Development Standards	This clause essentially is summarised version of the Main Roads Policy relating to Development Design Guidelines for Structures Above or Adjacent to the Graham Farmer Freeway Tunnel Northbridge.
1.6.2–Encroachment into Crown Land	The City's Policy 3.4.9 relating to Encroachments Over Crown Land is to apply.
1.6.3 – Site Services and Service Enclosures	These are general requirements that are consistently applied within the City of Vincent.
1.6.4 – Power Supply and Western Power Sub-Stations	This clause is a general statement relating to Power Supply and not a development requirement.
1.6.5 – Sewer Easements	This clause is a general statement relating to Sewer Easements and that Water Corporation approval may be required.
1.6.6 – Signage	This clause states that the Authority's Policy relating to Signs and Advertising is to apply. Given the City did not adopt this policy at normalisation, this clause is no longer relevant and the City's Policy No. 3.5.2 relating to Signs and Advertising will apply.
1.6.7 – TV Antennas, Satellite Dishes and Radio Masts	This clause states that the Authority's Policy relating to Additional Structures is to apply. Given the City did not adopt this policy at normalisation, this clause is no longer relevant and the City's Policy No. 3.5.5 relating to Domestic Satellite Dishes, Microwave Antennae and Tower Masts will apply.
1.6.8 – Storage Areas	This clause states that a storage area of four (4) square metres is required for residential dwellings. This is consistent with the R Codes.
1.6.9 – Changes to the Public Domain	No specific requirements, all encouraging.

Based on the above summary of Section 1 of the New Northbridge Design Guidelines, it is noted that clauses 1.2.3 and 1.3.7 differ from the Residential Design Codes and/or City's Policies.

*Clause 1.2.3 – Private Open Space*

This clause illustrates a variation to the R Codes that would require the approval of the WAPC. The City has obtained advice from the Department of Planning that the City is able to vary the R Codes as per the New Northbridge Design Guidelines for a maximum of two (2) years from the normalisation date and after this date, any variations to the R Codes that the City wishes to extent, requires the approval of the WAPC. Given all the lots in the normalised area have been developed, it is best that the private open space requirements are in accordance with the R Codes.

*Clause 1.3.7 and Clause 1.5.5 – Fencing*

The fencing requirements should be consistent throughout the City and as such the City's Residential Design Element's Policy should apply. The City's Officers may consider these fencing requirements for the heritage listed properties on Parry Street; however, the City's Policies relating to Heritage Management allow the City to apply greater requirements that what is stated in the standard residential policies.

Notwithstanding the above, it is noted that all the lots within the normalised area have now been developed; therefore, making a large majority of these guidelines non-applicable. However, the City's Officers have proposed to amend the existing Policy No. 3.1.13 – Beaufort Precinct – Scheme 13 to ensure that this area does have some development provisions, should an application for Planning Approval be submitted.

It is further noted that there are a number of properties within the normalised area that are listed on the State Register of Heritage Places as well as three (3) properties (Nos. 61, 63 and 65 Parry Street) that were listed on the former East Perth Redevelopment Authority's local heritage register. The City's Officers are currently investigating the heritage significance of these three properties, to determine whether these should be included on the City's Municipal Heritage Inventory. It is anticipated that a report will be drafted for Council in July 2012.

In light of the above, it is considered that Part 1 of the New Northbridge Design Guidelines is no longer required and can be rescinded.

**Beaufort Precinct – Scheme Map 13**

As part of the proposed rescission of Appendix No. 21 – New Northbridge Design Guidelines, the City's Officers are required to amend the Beaufort Precinct – Scheme Map 13 Policy, to ensure that all development requirements for the normalised area are accounted for. In light of this, the following table outlines the proposed changes to Policy No. 3.1.13.

<b>Amendment</b>	<b>Comments</b>
Delete the existing map and replaced with new map.	The proposed map illustrates the addition of the normalised area within the Beaufort Precinct.
An additional clause 2.2 – Former East Perth Redevelopment Area has been added.	This clause gives some brief background on the area that was normalised by the former East Perth Redevelopment Authority.
Under clause 2.3, an additional clause as been added.	This clause states that only residential land uses are permitted on the lots fronting Parry Street (south side only). This approach is consistent with the New Northbridge Design Guidelines.
Under existing clause 2)i) the paragraph relating to residential development has been deleted and replaced with new wording.	The existing clauses states that residential development is to be in accordance with the R80 standards and a plot ratio of 0.75 is to apply. Given the normalised area is coded Residential/Commercial R100, there are now two different Residential/Commercial coding in the Beaufort Precinct (RC80 and RC100). The proposed clause states that " <i>Residential development is to be in accordance with the respective density provisions of the R Codes (refer to scheme map for specific codings).</i> " This wording is consistent with the draft Perth Precinct Policy that was endorsed by the Council at its Ordinary Meeting held on 20 December 2011, as a part of the draft Town Planning Scheme No. 2. An additional and separate clause has been created for plot ratio.

<b>Amendment</b>	<b>Comments</b>
An additional clause 2.4.2 relating to Plot Ratio has been added.	This additional clause supersedes the existing plot ratio requirement of 0.75. It is noted that in accordance with the R Codes for R80 zoned land, the plot ratio requirement is 1.0 and for R100, the plot ratio requirement is 1.25. Plot ratio cannot be varied in a Local Planning Policy and as such the provisions of the R Codes should apply.
An additional clause 2.4.3 relating to Land Use Mix has been added and existing clause 2)ii) has been deleted.	The existing clause 2)ii) states that a minimum of sixty-six (66) percent of the floor area shall be used for residential purposes. There has often been difficulties in applying this land use mix in the form of a percentage and as such it is proposed that for the RC80 area, the maximum commercial plot ratio be 0.3 and for the RC100 area, the maximum commercial plot ratio be 0.5. It is also noted that a building cannot be used solely for commercial purposes unless it facilitates the retention of an existing building along Brisbane, Edward, Parry (north side), Brewer, Pier and Lacey Streets. This approach is also consistent with the draft Perth Precinct Policy that was endorsed by the Council at its Ordinary Meeting held on 20 December 2011.
An additional clause 2.4.4 relating to Building Height has been added.	The existing policy does not have any information on the maximum building heights for the Residential/Commercial area. In light of this, it is proposed that a three-storey height limit, to a maximum of twelve (12) metres, be applied in the area; however, a two-storey maximum is proposed for the lots fronting Parry Street (south side only).
Existing clause 2)iii) has been amended to delete the sentence relating to the Charles Street Planning Control Area.	This clause is not required as the Charles Street Planning Control Area No. 100 ends at the Carr Street intersection. Therefore, the Planning Control Area is not located within the Beaufort Precinct boundaries.
An additional clause under proposed clause 2.4.6 has been added relating to the Perth Parking Policy.	This clause notes that the car parking requirements within the normalised area is controlled by the Perth Parking Policy.
An additional clause 2.5 has been added relating to the Parry Street (south side) Properties.	This clause states that development of these properties is to be in accordance with the R Codes and the City's Policies relating to Residential Design Elements and Heritage Management.
The paragraph under proposed clause 5.2 has been deleted and replaced.	This paragraph is very outdated as it makes reference to vacant land in which the East Perth Redevelopment Authority is creating development guidelines. These guidelines have now been created and all the lots within this area have been developed. An additional paragraph has been added to ensure that where development is proposed to be built above the Tunnel, it is to be in accordance with the Main Roads Policy – Development Design Guidelines for Structures Above or Adjacent to the Graham Farmer Freeway Tunnel.
A map has been added indicating the lots that are affected by the Main Roads Policy – Development Design Guidelines for Structures Above or Adjacent to the Graham Farmer Freeway Tunnel.	This map has been added to increase awareness of having to consider the Main Roads Policy – Development Design Guidelines for Structures Above or Adjacent to the Graham Farmer Freeway Tunnel.

Amendment	Comments
Replace "City" with "Town".	The Town of Vincent became the City of Vincent on 1 July 2007 and as such the policy has been updated to reflect this change.
Reformat policy numbering.	The City's Officers are amending the policy numbering format to a 1.1.1 format, and as policies are amended this numbering format is being introduced.

It is noted that the Beaufort Precinct as a whole, along with all the precinct policies are outdated; however, the draft Precinct Policies that align with the draft Town Planning Scheme No. 2 have been endorsed by the Council and is such it considered more appropriate to focus the City's resources on amending other local planning policies. In light of this, a thorough review of Beaufort Precinct Policy has not been conducted.

**CONSULTATION/ADVERTISING:**

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

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

**LEGAL/POLICY:**

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

**RISK MANAGEMENT IMPLICATIONS:**

Some of the development requirements and content listed in existing Appendix Nos. 6, 15, 17, and 21 and Policy No. 3.1.13 conflict with other City of Vincent Policies and the current aims and objectives of *Directions 2031* and the City's Draft Local Planning Strategy. Furthermore, as stated above, there are several residential development requirements listed in these Appendices that cannot be varied in a Local Planning Policy, without the approval of WAPC. This inconsistency is a risk to the City and Council when assessing and determining applications for Planning Approval.

**STRATEGIC IMPLICATIONS:**

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

*"Natural and Built Environment*

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

**SUSTAINABILITY IMPLICATIONS:**

This report related to the proposed amendment and rescission of existing policies does not have any sustainability implications.



**FINANCIAL/BUDGET IMPLICATIONS:**

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

Town Planning Scheme Amendment and Policies

Budget Amount: \$40,000  
Spent to Date: \$37,463  
Balance: \$2,537

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

**COMMENTS:**

**Planning and Building Policy Amendment No. 97**

In light of the above, it is proposed that the Council initiate the process to the amend and rescind the abovementioned policies and to advertise the rescission of these appendices for a period of four (4) weeks in accordance with clause 47 of the City of Vincent Town Planning Scheme No. 1. Once the advertising is completed, the City's Officers will consider all submissions and prepare a final report to Council on the determination of the appendices listed.

**Appendices Review**

The City's Officers have reviewed the twenty one (21) appendices that are currently adopted in the Planning and Building Manual. Of these twenty one (21) appendices, the City is currently advertising the rescission of five (5) appendices; Amendment No. 93, and another one (1) appendix is proposed to be rescinded and three (3) amended. Appendix No. 7 is proposed to be put on hold until Scheme Amendment No. 32 is determined and gazetted.

The following tables outline the current status and future actions of the appendices that are not subject to Amendment No. 93 or No. 97.

Appendix	Review Outcomes	Future Actions
Appendix No. 3 – Design Guidelines for Richmond on the Park	The Guidelines contain some development requirements relating to interaction with the parkland that can be incorporated into the RDE's.	Rescind Guidelines with the adoption of the amended RDE's, which will be completed after the release and review of the new R Codes.
Appendix No. 8 – Highgate Design Guidelines	There are many development requirements that differ from the R Codes and the RDE's.	The City's Officers have completed a further review of these guidelines and will write to the WAPC to ask whether these Design Guidelines can be rescinded as the development of design guidelines resulted from a condition of subdivision approval.
Appendix No. 9 – Walters Brook Design Guidelines for Lots 229-232 Pakenham Street, Mount Lawley	All lots from the subdivision have been built on except for one (1). A Planning Approval for a two-storey dwelling on this vacant lot was issued on 1 September 2011 and a Building Licence issued on 25 November 2011. A site inspection on 22 March 2012 indicated that construction has not yet started; however, the owner does have one (1) year from the issue of the Building Licence to commence works. These Guidelines provide very little differences in development requirements to the R Codes and RDE's.	The City's Officers wrote to the WAPC on 30 April 2012, to ask whether these Design Guidelines can be rescinded as the development of design guidelines resulted from a condition of subdivision approval.

Appendix	Review Outcomes	Future Actions
Appendix No. 11 – Non-Conforming Use Register	Currently under review – refer to Amendment No. 86 to Planning and Building Policy Manual.	The final amended register is being reported to Council on 12 June 2012.
Appendix No. 12 – Design Guidelines for Elven on the Park	The Guidelines contain some development requirements relating to interaction with the parkland that can be incorporated into the RDE's.	Rescind Guidelines with the adoption of the amended RDE's.
Appendix No. 13 – Design Guidelines for No. 57 (Lots 178, 179 and 416) Monmouth Street, Mount Lawley	All lots from the subdivision have been built on except for one (1). A Planning Approval for a two-storey dwelling on this vacant lot was issued on 15 August 2011 and a Building Application has not yet been submitted. These Guidelines provide very little differences in development requirements to the R Codes and RDE's.	The City's Officers wrote to the WAPC on 30 April 2012, to ask whether these Design Guidelines can be rescinded as the development of design guidelines resulted from a condition of subdivision approval.
Appendix No. 14 – Design Guidelines for No. 95 (Lot 75 and part lot 76) Chelmsford Road, Mount Lawley	These Design Guidelines exist over three (3) lots that each have a 6.1 metre frontage. The Policy lists several development requirements that cannot be varied in the R Codes and the remainder are very similar to the R Codes and RDE's.	The City's Officers wrote to the WAPC on 30 April 2012, to ask whether these Design Guidelines can be rescinded as the development of design guidelines resulted from a condition of subdivision approval.
Appendix No. 16 – Design Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth	This policy was developed in order to allow greater height and density in this area.	Rescind Guidelines with the gazettal of TPS No. 2 given that these densities and heights will be consistent with these Design Guidelines.
Appendix No. 18 – Design Guidelines for William Street, between Bulwer and Newcastle Streets, Perth	This policy was developed in order to allow greater height and density in this area.	Rescind Guidelines with the gazettal of TPS No. 2 given that these densities and heights will be consistent with these Design Guidelines.
Appendix No. 19 – Leederville Masterplan Built Form Guidelines	Pending the development of the Structure Plan.	Pending the development of the Structure Plan.
Appendix No. 20 – Refunding and Waiving of Planning and Building Fees	The City's Officers are exploring the idea of introducing an additional sub-heading in the Planning and Building Policy Manual called 'Planning Administration Policies'.	Further review required.

**9.2.4 Provision of Additional Motorcycle Parking in the Activity Centres – Progress Report No. 1**

<b>Ward:</b>	North	<b>Date:</b>	1 June 2012
<b>Precinct:</b>	Mt Lawley Centre (P11)	<b>File Ref:</b>	PKG0001 & PLA0084
<b>Attachments:</b>	001 – Proposed Motorcycle Parking Plan, Mt Lawley Centre		
<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 installation of the ten (10) additional motorcycle parking bays in the Mt Lawley Centre as shown on Plan 2923-PP-01A and 2923-PP-02A; estimated to cost \$3,500;
2. **NOTES** that:
  - 2.1 a program to install additional motorcycle parking within the City's other Activity Centres will be progressively over the next twelve (12) months as outlined in the report; and
  - 2.2 while the on-road motorcycle bays will be free, they will still be subject to the existing time restrictions and specifically any Clearway Restrictions; and
3. **RECIEVES** a further report when additional motorcycle parking sites when the program outlined in clause 2.1 has been developed.

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**COUNCIL DECISION ITEM 9.2.4**

**Moved Cr McGrath, Seconded Cr Buckels**

That the recommendation be adopted.

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

(Cr Wilcox was on approved leave of absence.)

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**PURPOSE OF REPORT:**

The purpose of this report is to seek Councils approval to install seven (7) additional motorcycle parking bays in the Mt Lawley Centre and to develop a program to increase motorcycle parking the other Town Centres and activity zones.

**BACKGROUND:**

The City's Car Parking Strategy, adopted by Council at it is Ordinary Meeting of 9 March 2010, made reference to the need to provide additional *Motorcycle and Scooter Parking*.

The strategy assumes that 2% of all private vehicles are motorcycles and scooters and is likely to increase as the cost of fuel increases. The strategy talks in general terms about increasing the motorcycle and scooter\* parking stock by converting existing car bays.

However the seven (7) additional motorcycle\* bays proposed for the Mt Lawley Centre are not reliant upon taking up existing cars bays but rather utilising other un-used spaces in both the Barlee Street carpark and on-road.

\*shortened to refer to motorcycles only throughout the report but intended include both categories.

#### **DETAILS:**

Amongst the many recommendations of the City's Car Parking Strategy, adopted by Council at its Ordinary Meeting of 9 March 2010, was one to increase the number of motorcycle and scooter parking bays within the City's main activity centres.

The implementation phase of the strategy to date has focused on the core recommendations in respect of introduction of ticket parking and more recently additional parking in the Mt Lawley and Oxford Centre Precincts.

However Council also included \$15,000 in the 2012/12 budget to *formalise (free) motorcycle and scooter parking.*

As highlighted in the strategy some 2% of all private vehicles are motorcycles and scooters with the numbers growing. However the number of dedicated parking spaces for motorcycles within the activities centres does not reflect this.

Therefore it is intended to address this shortfall by looking to install additional motorcycle parking throughout the City in areas of know demand.

#### **Mt Lawley Centre**

Currently there are only four (4) dedicated on-road motorcycle parking spaces within the Mt Lawley Centre, three (3) in Grosvenor Road adjacent the Flying Scotsman and one (1) in Harold Street near the corner of Beaufort Street. There is another motorcycle bay currently being installed in Stirling Street as part the additional perpendicular parking bay works underway in Harold and Stirling Streets. In respect of the paid car parks there is a single motorcycle bay in the Chelmsford Road car park.

Therefore it is proposed to install ten (10) new motorcycle bays at the following locations (*as shown on Plan 2923-PP-01A and 2923-PP-02A*).

- Three (3) angle parking bays on Walcott street east of Beaufort Street intersection.
- Two (2) parallel bays adjacent the IGA Supermarket in Grosvenor Road (and opposite the well used motorcycle bays outside the Flying Scotsman);
- Two (2) parallel bays in the Barlee Street car park;
- Two (2) parallel bays on the western side of Beaufort Street just north of Mary Street (and Soto Cafe); and
- One (1) parallel bay on the eastern side of Beaufort Street outside 500 Beaufort Street.

The five (5) on-road bays are all located within the extended No Stopping zones. The two No Stopping zones in Beaufort Street were extended to improve sight distance. However, because motorcycles, and therefore the bays, take up a much smaller footprint, and are parallel to the kerb, safety is not compromised.

The location in the Barlee Street car park was chosen as it is highly visible, protected by the island on one-side and does not affect circulation within the car park.

To clearly identify the motorcycle bays and thereby encourage greater use it is proposed to paint the road within the bay 'red' and stencilled M/C, as is the standard adopted by the City several years ago.

The existing motorcycle bays in the Chelmsford Road car park and Harold Street, and the new bay in Stirling Street will also be painted 'red' to standardise the motorcycle parking within the precinct.

Locations where the 'red' has previously been used, with some success are:

- Beaufort Street, Perth, corner Parry Street, 3 bays (install mid May 2012, adjacent Weld Square and Opposite Coles);
- Oxford and Newcastle Streets, Leederville, 3 locations, 10 bays in total (very popular with regular requests to expand);
- 29 Angove Street, North Perth, 3 bays (adjacent motorcycle shop and cafe strip, upgraded mid May 2012);
- Grosvenor Road, Mt Lawley, 2 bays (adjacent Flying Scotsman, well utilised);
- Forbes Road, Perth, 1 bay; and
- Robinson Ave, Perth, 2 bays.

#### **Other Locations to be investigated**

##### Oxford Centre

Current/recent works: Two (2) bays are to be installed in Melrose Street, Leederville, as part perpendicular parking works due to commence construction shortly.

Leederville Hotel car park, two (2) bays (in red) installed late May 2012 when control of the car park was vested with the City.

##### *Existing bays:*

In addition to the ten (10) bays in Oxford and Newcastle Streets there are four (4) existing bays in The Avenue car park and three (3) outside the Central TAFE in Richmond Street.

There are also six motorcycle bays in the Loftus Centre car park opposite the main entrance.

##### *Proposed:*

The City has been approached by businesses in the Leederville area seeking motorcycle parking in the Frame Court car park. The prospective users have requested commuter motorcycle as opposed to recreational motorcycle parking, which typically describes the majority of users of the aforementioned Oxford Street cafe strip motorcycle bays or those of the Mt Lawley Centre. Therefore the City is investigating converting one (1) or two (2) bays within the car park into long term motorcycle parking.

##### Mt Hawthorn Centre:

There is currently limited motorcycle parking within Mt Hawthorn Centre in general, including that of the Mezz Shopping Centre car park. Currently there are three (3) on-road bays, two (2) near The Boulevard and one (1) near Matlock Street. However the greatest demand appears to be around the hotel at the intersection of Scarborough Beach Road and Fairfield Streets and therefore Officers are investigating possibly converting an on-road car space in Fairfield Street (adjacent the hotel and away from residential properties) to motorcycle parking.

##### North Perth Centre:

Aside from Angove Street there may be some opportunities to add additional motorcycle parking in View Street (currently a single bay) and Alma Road either side of the North Perth Plaza and as part of the new Wasley Street perpendicular on-road parking.

Brisbane and William Streets, Perth:

There are limited opportunities on William Street specifically but possibilities on some of the side streets such as Monger Street (to complement the existing bays in Robinson Avenue and Forbes Road) and around the Lake Street intersection of Brisbane Street.

Nib Stadium:

Motorcycles and scooters are becoming a more popular means of getting to major sporting events as one can generally park a lot closer to the venue. However, to date a majority of venues continue to underestimate the demand for motorcycle parking and tend not to make adequate allowance. Therefore while the City will no longer controls the stadium it will continue to be responsible for external parking and an opportunity exists to create additional motorcycle parking in the vicinity of the stadium.

**CONSULTATION/ADVERTISING:**

The businesses adjacent the proposed on-road motorcycle parking bays will be advised of the Council's decision.

**LEGAL/POLICY:**

There is no legal consequence of the recommendation.

**RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

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

"Natural and Built Environment

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

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

**SUSTAINABILITY IMPLICATIONS:**

Motorcycle and scooter ownership is likely to progressively increase in the future as the cost of fuel increases. This would result in a more favourable environmental outcome.

**FINANCIAL/BUDGET IMPLICATIONS:**

An amount of \$15,000 has been allocated in the 2011/2012 budget for Scooter and Motorcycle Parking. The estimated cost of the current proposal is \$3,500.

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

Budget Amount:	\$15,000
Proposed spend	\$3,500
Spent to Date:	<u>\$0.00</u>
Balance:	\$15,000

**COMMENTS:**

While there is motorcycle parking throughout the City to date it has not been particularly well co-ordinated. The Parking Strategy identified the need for additional motorcycle and scooter parking and the City now has the opportunity and means to start addressing that demand.

**9.2.5 Britannia Reserve Master Plan – Progress Report No. 2**

<b>Ward:</b>	South	<b>Date:</b>	1 June 2012
<b>Precinct:</b>	Leederville (3)	<b>File Ref:</b>	RES0001
<b>Attachments:</b>	Confidential: Request for Quotation		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	J Anthony, Manager Community Development; J van den Bok, Manager Parks and Property Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** the information contained in Progress Report No. 2 Britannia Reserve Master Plan Working Group;
2. **APPROVES** the:
  - 2.1 Terms and Scope of Works outlined in the 'Request for Quotation' (RFQ) brief as attached in Appendix 9.2.5; and
  - 2.2 advertising of the RFQ brief for a period of twenty-one (21) days, inviting suitably qualified consultants to apply for the scope of works required; and
3. **RECEIVES** a further report, on the matter as outlined in Clause 2.2, at the conclusion of the submission period.

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**COUNCIL DECISION ITEM 9.2.5**

**Moved Cr McGrath, Seconded Cr Buckels**

That the recommendation be adopted.

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

(Cr Wilcox was on approved leave of absence.)

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**PURPOSE OF REPORT:**

The purpose of the report is to advise the Council of the progress of the Britannia Reserve Master Plan Working Group and seek approval to advertise the terms and scope of works outlined in the 'Request for Quotation' RFQ brief.

**BACKGROUND:**

**Ordinary Meeting held on 9 August 2011:**

The Council approved the formation of "The Britannia Reserve Working Group" to provide advice on revised concept Masterplan and Implementation Plan for Britannia Reserve.

Ordinary Meeting held on 22 November 2011:

The Council considered a progress report (No 1) on the matter and made the following decision (in part)

*“That the Council;*

2. *REFERS a presentation, on a model of open space planning developed by the Commission for Architecture and the Built Environment UK (CABE), to the Council Forum to be held on 13 December 2011;*
3. *APPROVES IN PRINCIPLE the proposal by the Leederville Cricket Club for the construction of additional cricket practice nets at the Britannia Road Reserve as shown in appendix 001 and Plan Nos. 2711-CP-1E, subject to all costs of the project to be met by the Club;*
4. *CONSULTS with the community regarding the proposal as outlined in Clause 3 in accordance with the City’s Community Consultation policy; and*
5. *RECEIVES a further report, on the matter as outlined in Clause 3, at the conclusion of the consultation period.”*

**DETAILS:**

**Council Forum held on 13 December 2011:**

Dr. May Carter from Placescape presented on a model of open space planning developed by the Commission for Architecture and the Built Environment UK (CABE). This model outlined the community consultation and engagement process which is tailored specifically to assist with issues pertaining to open space planning and space utilisation.

**Britannia Reserve Master Plan Working Group:**

The group has met a number of occasions to develop a suitable brief that appropriately outlines the scope and methodology of community engagement to address the issues in relation to the various stakeholders of Britannia Reserve.

The resultant brief is attached at attachment 9.2.9.

**CONSULTATION/ADVERTISING:**

Alternative community consultation methodology relating to open space planning will be included in the submissions to inform the group and the Council on options during the community engagement process.

**LEGAL/POLICY:**

- Policy No. 1.2.2 – Code of Tendering;
- Policy No. 1.2.3 – Purchasing.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** The community engagement process will assist in providing options for optimum utilisation of the reserve. The RFQ document has been well scrutinised by the City’s Officers and the working group of community representatives and Council Members.



**STRATEGIC IMPLICATIONS:**

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

"Natural and Built Environment

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

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

**SUSTAINABILITY IMPLICATIONS:**

The RFQ brief has been crafted to ensure sustainable practices are encouraged in the execution of the project.

**FINANCIAL/BUDGET IMPLICATIONS:**

An amount of \$10,000 has been allocated in the 2011/2012 budget for the Britannia Road Reserve Masterplan.

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

Budget Amount:	\$10,000
Spent to Date:	<u>\$0.00</u>
Balance:	\$10,000

**COMMENTS:**

The RFQ brief has been modelled on principles of community engagement and optimum utilisation to ensure that all stakeholders of Britannia Reserve are actively involved in producing range of options for the City to take into consideration in developing a Master Plan.

Given the diversity and range of users of the reserve including residents and ratepayers, the process of engaging the community needs to be well targeted and executed deliberately.

It is therefore requested that the Council APPROVES the attached terms and scope of works outlined in the 'Request for Quotation' (RFQ) brief advertises the RFQ brief for a period of twenty-one (21) days, inviting suitably qualified consultants to apply for the scope of works required.

**9.2.6 Tender No. 442/12 Clearing and Mowing of Specified Areas**

<b>Ward:</b>	Both	<b>Date:</b>	1 June 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	TEN0451
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	J Parker, Project Officer – Parks & Environment; J van den Bok, Manager Parks & Property Services		
<b>Responsible Officers:</b>	R Lotznicker, Director Technical Services; M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

That the Council **ACCEPTS** the tender submitted by **Greenworx Commercial Maintenance** as being the most acceptable to the City for the **Clearing and Mowing of Specified Areas** in accordance with the specifications as detailed in **Tender No. 442/12**.

**COUNCIL DECISION ITEM 9.2.6**

**Moved Cr McGrath, Seconded Cr Buckels**

That the recommendation be adopted.

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

(Cr Wilcox was on approved leave of absence.)

**PURPOSE OF REPORT:**

The purpose of this report is to obtain the Council’s approval for awarding of the tender for Clearing and Mowing of Specified Areas in accordance with the Bush Fires Act 1954.

**BACKGROUND**

Tenders for Clearing and Mowing of Specified Areas for a three (3) year period were advertised in the West Australian on 18 April 2012.

Tenders closed at 2.00pm on 2 May 2012 after a fourteen day (14) advertising period and three (3) tenders were received. Present at the opening of the tenders were Finance Officer, Mary Hopper, Property Maintenance Officer, Keith Steicke and the Parks Technical Officer, Kim Godfrey.

**DETAILS:**

The details of all tenders received for Tender No. 442/12 are listed below:

Note: All prices are per hour and *include* GST.

Description of Works	Greenworx	Turfmaster	Gecko
<b>Clearing/Mowing Council blocks/right of way</b>			
<u>Labour – Including Plant</u>			
Weekdays – hourly rate	*2 person work crew \$115.00*	\$82.50	\$132.00
Weekend – hourly rate	*2 person work crew \$145.00* (Cost is to be halved should a 1 person crew be used)	\$108.00	\$150.00

Description of Works	Greenworx	Turfmaster	Gecko
<u>Tipping Fees (Cost per Tonne)</u>	\$50	\$67.50	\$55.00
Weekdays – hourly rate	\$50	\$67.50	\$55.00
Weekend – hourly rate			
<b>Clearing/Mowing of Council verges</b>			
<u>Labour – Including Plant</u>			
Weekdays – hourly rate	*2 person work crew \$115.00*	\$82.50 \$108.00	\$121.00 \$132.00
Weekend – hourly rate	*2 person work crew \$145.00* (Cost is to be halved should a 1 person crew be used)		
<u>Tipping Fees (Cost per Tonne)</u>	\$50	\$67.50	\$55.00
Weekdays – hourly rate	\$50	\$67.50	\$55.00
Weekend – hourly rate			

**Tender Evaluation**

Evaluation Criteria

The following weighted criteria were used for the selection of the companies for the tender.

<i>Evaluation Criteria</i>	<i>Weighting</i>
Past experience in similar projects/works	30%
Contract price	30%
Organisational structure/capacity/resources	20%
Financial capacity	10%
Compliance with tender specification	5%
References	5%
<b>TOTAL</b>	<b>100%</b>

Tender Evaluation Panel

The Tender Evaluation Panel consisted of Jeremy van den Bok; Manager of Parks & Property Services, Ian Ellies; Coordinator Parks and Elena Currie; Senior Rates Officer. Each tender was assessed using the above evaluation criteria in accordance with the tender documentation.

The Tender Evaluation Panel met on 16 May 2012 to assess the submissions. The tenders were further independently evaluated by each of the Panel members and the final evaluation scores submitted for collation.

Tender Summary

	Weighting	Greenworx	Gecko Contracting	Turfmaster
Past experience in similar projects/works	30	26.0.	26.0	26.0
Contract price	30	30.0	26.9	20.9

	<b>Weighting</b>	<b>Greenworx</b>	<b>Gecko Contracting</b>	<b>Turfmaster</b>
Organisational structure/capacity/resources	20	16.0	16.0	16.0
Financial capacity	10	8.0	8.0	8.0
Compliance with tender specification	5	4.0	3.7	4.8
References	5	3.7	3.7	3.7
<b>TOTAL/SCORE</b>	<b>100</b>	<b>87.7</b>	<b>84.2</b>	<b>79.4</b>
		<b>1</b>	<b>2</b>	<b>3</b>

Tender Evaluation Panel comments are shown below:

**1. Greenworx**

Total Weighted Score	First: 87.7
Past Experience	
<ul style="list-style-type: none"> <li>Similar projects</li> </ul>	Evidence provided of experience in undertaking similar works for the City of Wanneroo.
<ul style="list-style-type: none"> <li>Experience</li> </ul>	Extensive experience in undertaking landscape maintenance.
Contract Price	
<ul style="list-style-type: none"> <li>Schedule of Rates</li> </ul>	Costs provided are similar rates to that of the successful contractor in 2009 and within the forecast budget projected for these works.
Organizational Structure	
<ul style="list-style-type: none"> <li>Capacity</li> </ul>	Evidence provided within the submission that the company has the capacity to undertake the requirements of this contract.
<ul style="list-style-type: none"> <li>Resources</li> </ul>	Adequately resourced to undertake the requirements of the contract.
Financial Capacity	Confirmation and references provided.
Compliance with Tender Specification	Submission generally complies with the tender specification.
References	References provided that confirm suitability for this contract.

Comment:

The tender received was very well documented, comprehensive and conformed to all of the City's tender requirements. Greenworx have previously tendered for this service to the City of Vincent and whilst they were not successful they are well suited and experienced to undertake the works specified. Their submission identifies a two (2) person operation which is the minimum required to undertake the works effectively.

**2. Gecko Contracting**

Total Weighted Score	Second; 84.2
Past Experience	
<ul style="list-style-type: none"> <li>Similar projects</li> </ul>	Evidence provided of experience in undertaking similar works for the City of Cockburn and Fremantle.
<ul style="list-style-type: none"> <li>Experience</li> </ul>	Extensive experience in undertaking various mowing contracts throughout the metropolitan area in both local government and the private sector.

Contract Price	
<ul style="list-style-type: none"> <li>Schedule of Rates</li> </ul>	Considerably higher than other submissions received.
Organizational Structure	
<ul style="list-style-type: none"> <li>Capacity</li> </ul>	Evidence provided within the submission that the company has the capacity to undertake the requirements of this contract.
<ul style="list-style-type: none"> <li>Resources</li> </ul>	Adequately resourced to undertake the requirements of the contract.
Financial Capacity	Confirmation and references provided.
Compliance with Tender Specification	Submission generally complies with the tender specification.
References	References and testimonials provided.

Comment:

The tender conformed with all of the City's tender requirements, however the prices per hour provided are significantly more than the other submissions received.

**3. Turfmaster Facility Management**

Total Weighted Score	Third;79.4
Past Experience	
<ul style="list-style-type: none"> <li>Similar projects</li> </ul>	Have undertaken works of this nature for many local government authorities over many years.
<ul style="list-style-type: none"> <li>Experience</li> </ul>	The company's mowing cleanup crews are experienced and have the plant & equipment support to undertake these works
Contract Price	
<ul style="list-style-type: none"> <li>Schedule of Rates</li> </ul>	Confirmation received that price provided per hour is for a one (1) person operation only.
Organizational Structure	
<ul style="list-style-type: none"> <li>Capacity</li> </ul>	Evidence provided within the submission that the company has the capacity to undertake the requirements of this contract.
<ul style="list-style-type: none"> <li>Resources</li> </ul>	Very well resourced to undertake the requirements of the contract.
Financial Capacity	Confirmation and references provided.
Compliance with Tender Specification	Submission complies with the tender specification.
References	References provided that confirm suitability for this contract.

Comment:

The tender was very well documented and comprehensive and the company have previously demonstrated their ability to undertake works of this nature to a high standard. However, the works require at least a two (2) man operation to safely and effectively undertake the requirements of the tender and their price for a one man operation is significantly higher than the other submissions received.

Comments/conclusion

*The tender submitted by Greenworx Commercial Maintenance has been assessed as being the most suitable for the City's requirements for the Clearing and Mowing of Specified Areas in accordance with the Bush Fires Act 1954.*

**CONSULTATION/ADVERTISING:**

The tender was advertised in the West Australian Newspaper on the 18 April 2012.

**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:**

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."*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The costs associated with the clearing and mowing of specified areas i.e. Verges, Seniors Mowing program, City owned & private Rights of Way, Council Blocks and Private Property (as required) are charged to the respective operating accounts.

The total cost of this contract per annum amounts to between \$90,000 and \$110,000 (*up to \$330,000 over the term of the tender*).

**COMMENTS:**

It is therefore recommended that the tender submitted by Greenworx Commercial Maintenance be accepted as being the most acceptable for the City for Clearing and Mowing of Specified Areas in accordance with the specifications as detailed in Tender 442/12.

**9.2.7 Tender No. 443/12 – Maintenance of Bores, Pumps and Associated Works**

<b>Ward:</b>	Both	<b>Date:</b>	1 June 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	TEN0452
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J van den Bok, Manager Parks & Property Services		
<b>Responsible Officers:</b>	R Lotznicker, Director Technical Services; M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

That the Council **ACCEPTS** the tender submitted by **K.S. Black (W.A.) Pty Ltd** as being the most acceptable to the City for the Maintenance of Bores, Pumps and associated works in accordance with the specifications as detailed in Tender No. 443/12.

**COUNCIL DECISION ITEM 9.2.7**

**Moved Cr McGrath, Seconded Cr Buckels**

That the recommendation be adopted.

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

(Cr Wilcox was on approved leave of absence.)

**PURPOSE OF REPORT:**

The purpose of this report is to seek the Council’s approval for the tender evaluated as being the best value for money for the Maintenance of Bores, Pumps and Associated Works for a three (3) year period.

**BACKGROUND:**

Tenders for the Maintenance of Bores, Pumps and Associated Works for a three (3) year period were advertised in the West Australian on 18 April 2012. Tenders closed at 2.00pm on 2 May 2012 after a fourteen day (14) advertising period and present at the opening of the tenders was Finance Officer, Mary Hopper, Property Maintenance Officer, Keith Steicke and the Parks Technical Officer, Kim Godfrey.

Only one (1) tender was received for Tender No. 443/12.

**DETAILS:**

Details of the only submission received for Tender No 443/12 is as follows:

<b>Pump Bore No</b>	<b>Reserve</b>	<b>Location</b>	<b>Suburb</b>	<b>K.S Black (inc GST)</b>
1	Ellesmere St Reserve	Selden/Eton Sts	North Perth	\$990.00
2	Menzies Park	Egina/Berryman Sts	Mt Hawthorn	\$1045.00
3	Les Lilleyman Reserve	Ellesmere/London Sts	North Perth	\$990.00
4	Kyilla Park	Selkirk/Hunter Sts	North Perth	\$990.00
5	Woodville Reserve	Fitzgerald St	North Perth	\$990.00
6	North Perth Tennis Club	Namur St	North Perth	Leased Premise

<b>Pump Bore No</b>	<b>Reserve</b>	<b>Location</b>	<b>Suburb</b>	<b>K.S Black (inc GST)</b>
7	Dorrien Gardens	Lawley St	West Perth	Leased Premise
8	Litis Stadium	Britannia Rd	Mt Hawthorn	Leased Premise
9	Leederville Tennis Club	Bourke St	Leederville	Leased Premise
10	Keith Frame Reserve	Loftus/Vincent St	Leederville	\$990.00
11	Medibank Stadium	Vincent St	Leederville	\$990.00
12	Loton Park	Bulwer/Lord St	Perth	\$990.00
13	Axford Park	Scarborough Beach Rd	Mt Hawthorn	\$935.00
14	Edinboro St Reserve	Edinboro St	Mt Hawthorn	\$999.00
15	Auckland/Hobart Reserve	Auckland/Hobart St	Mt Hawthorn	\$990.00
16	Braithwaite Park	Kalgoorlie St	Mt Hawthorn	\$990.00
17	Scarborough/Bondi/ Main St	Bondi St	Mt Hawthorn	\$1320.00
18	Forrest Park	Walcott St	Mt Lawley	\$990.00
19	Brigatti Gardens	Broome/Wright St	Mt Lawley	\$935.00
20	Fitzgerald Streetscape	Alma Road Cul-De-Sac	North Perth	\$825.00
21	nib Stadium	Bulwer/Lord St	Perth	Leased Premises
22	Birdwood Square	Bulwer/Beaufort St	Perth	\$990.00
23	Scarborough Bch. Rd Streetscape	Scarborough Beach Road	Mt Hawthorn	\$825.00
24	Hyde Park	Vincent St	Perth	\$1100.00
25	Hyde Park	Vincent St	Perth	\$990.00
26	Robertson Park	Fitzgerald St	Perth	\$990.00
27	Mick Michael Reserve	Charles/Violet St	West Perth	\$990.00
28	Charles Veryard Reserve	Bourke St	North Perth	\$1045.00
29	Hyde Park	Vincent St	Perth	\$1045.00
30	Britannia Rd Reserve	Britannia Rd	Leederville	\$1045.00
31	Robertson Park Tennis Courts	Fitzgerald St	Perth	\$935.00
32	Beatty Park Reserve	Charles/Vincent St	North Perth	\$935.00
33	Stuart St Reserve	Stuart St	Perth	\$990.00
34	Smith's Lake Reserve	Kayle St	North Perth	\$990.00
35	Leake/Alma St Reserve	Leake St	North Perth	\$990.00
36	Hyde Park	Vincent St	Perth	\$990.00
37	Oxford St Reserve	Oxford St	Leederville	\$990.00
38	Banks Reserve	Joel Terrace	Mt Lawley	\$1045.00



Pump Bore No	Reserve	Location	Suburb	K.S Black (inc GST)
39	Forrest Park Bowling Club	Harold St	Mt Lawley	Leased Premise
40	Britannia Rd Reserve	Bourke St	Leederville	\$990.00
41	Brentham St Reserve	Brentham St	Leederville	\$990.00
42	Banks Reserve	Joel Terrace	Mt Lawley	\$990.00
43	Multicultural Gardens	View St	North Perth	\$990.00
44	Works Depot	Linwood Ct	Osborne Park	\$935.00
45	Brownes Dairy	Kadina St	North Perth	\$825.00
46	Ivy Park	Charles St	West Perth	\$825.00
47	Lynton St Reserve	Lynton St	Mt Hawthorn	\$825.00
48	Charles Walcott St Reserve	Charles St	North Perth	\$825.00
49	Brisbane/Wade St Reserve	Brisbane St	Perth	\$825.00
50	Loftus St Streetscape	Loftus St	West Perth	\$825.00
51	Stirling/Brisbane St Reserve	Brisbane St	Perth	\$825.00
52	Albert/Angove Verge	Angove St	North Perth	\$825.00
54	Shakespeare St Reserve	Shakespeare St	Mt Hawthorn	\$825.00
55	Anzac/Scarb. Bch Rd Reserve	Anzac Rd	Mt Hawthorn	\$825.00
56	Redfern/Northam St Reserve	Redfern St	North Perth	\$825.00
57	Shalom Dental Clinic	Haynes St	North Perth	\$935.00
58	William St Streetscape	William/Monger Sts	Perth	\$825.00
60	Weld Square	Beaufort St	Perth	\$825.00
61	Gladstone St Reserve	Gladstone St	Perth	\$935.00
62	Sutherland St Reserve	Drummond St	West Perth	\$935.00
63	Norwood Park	Summers St	Perth	\$935.00

REQUIREMENT	Tendered Rate (Incl. GST)
<b>Percentage of List Price</b>	
The Tendered percentage to be added or deducted from a manufacturer's List Price for parts that are required to be replaced.	Deduct
GRUNDFOS	5%
LOWARA	5%
METCALF (Turbomaster)	5%
OTHER EQUIVALENT	5%

REQUIREMENT	Tendered Rate (Incl. GST)
Pump Maintenance Rig (two men)	\$121.00/Hour
Onsite Works (one man)	\$70.00/Hour
Electrician	\$70.00/Hour

REQUIREMENT	Tendered Rate (Incl. GST)
Workshop Fitter	\$60.50/Hour
Mobilise/demobilise cable tool drilling rig	\$187.00/Site
Cable tool bore development	\$77.00/Hour
Air surge bore development	\$88.00/Hour
Additional water analysis	\$132.00/Test
Flow test	\$154.00/Test

**SCHEDULE OF RATES PER Kg/LITRE FOR DEVELOPING**

REQUIREMENT	Tendered Rate (Incl. GST)	
CLEANING AGENT – POLYPHOSPHATE (e.g. Calgon)	\$13.20	/Kg
CLEANING AGENT – ACID (e.g. Nu Well Pellets)	\$13.20	/Kg
CLEANING AGENT – CHLORIDE (e.g. Sodium Hypochlorite)	\$13.20	/Litre
CLEANING AGENT – CHLORINE (e.g. Alba, Asca, Adpa)	\$23.10	/Litre or Kg

**Tender Evaluation**

Selection Criteria

The following weighted criteria were used for the selection of the companies for this tender.

<i>Evaluation Criteria</i>	<i>Weighting</i>
Past Experience in similar projects/works	30%
Contract Price	30%
Organisational structure/capacity/resources	20%
Financial capacity	10%
Compliance with Tender Specification	5%
References	5%
<b>TOTAL:</b>	<b>100%</b>

Tender Evaluation Panel

The Tender Evaluation Panel consisted of Jeremy van den Bok; Manager of Parks & Property Services, Ian Ellies; Coordinator Parks and Elena Currie; Senior Rates Officer. The tender was assessed using the above evaluation criteria in accordance with the tender documentation.

The Tender Evaluation Panel met on 16 May 2012 to assess the submission. The tender was further independently evaluated by each of the Panel members and the final evaluation scores submitted for collation.

Tender Summary

	<b>Weighting</b>	<b>K.S. Black (WA) Pty Ltd</b>
Past experience in similar projects/works	30%	30.0
Contract Price	30%	30.0
Organisational Structure/capacity/resources	20%	17.3
Financial capacity	10%	8.0
Compliance with tender specifications	5%	4.2
References	5%	4.8
<b>Total</b>	<b>100%</b>	<b>94.3</b>
<b>Rating</b>		<b>1</b>

Tender Evaluation Panel comments are shown below:

**1. KS Black (WA) Pty Ltd**

Total Weighted Score	First: 94.30
Past Experience	
<ul style="list-style-type: none"> <li>Similar projects</li> </ul>	Comprehensive list provided, undertakes similar contracts for City of Stirling and City of Swan.
<ul style="list-style-type: none"> <li>Experience</li> </ul>	Comprehensive outline provided, the company representatives are excellent to deal with, providing a professional approach and undertaking all requirements in a timely manner.
Contract Price	
<ul style="list-style-type: none"> <li>Schedule of Rates</li> </ul>	The schedule of rates provided has shown a minimal increase in costs since 2009, in line with CPI adjustments and labour/material increases. Some of the bores cleaning agents have actually decreased in price from their 2009 submission.
Organizational Structure	
<ul style="list-style-type: none"> <li>Capacity</li> </ul>	The company have shown previously they have the capacity to undertake the requirements of the tender on time and with regards to safety and sensitivity of the area, thus avoiding contamination of bores.
<ul style="list-style-type: none"> <li>Resources</li> </ul>	The Company is well resourced being able to undertake similar contracts with other Local Governments that require these works undertaken at the same time of year. When required for emergency works they have proven to be reliable and always available immediately.

Financial Capacity	Documentation provided as required within tender specification.
Compliance with Tender Specification	Complies with all the tender specification requirements.
References	Comprehensive list provided.

Comment:

*The tender received was very well documented, comprehensive and conformed to all of the City's tender requirements. K.S Black (WA) Pty Ltd has been undertaking this work for many years and has provided an excellent service.*

**CONSULTATION/ADVERTISING:**

The tender was advertised in the West Australian Newspaper on the 18 April 2012.

**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:**

**Low - Medium:** The works associated with this tender are undertaken in accordance with the City's adopted Bore/Pump maintenance program which ensures that all pumping units and bores are serviced regularly. Subsequently these infrastructure items are kept working to optimum performance and their life cycle is increased.

**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."*

**SUSTAINABILITY IMPLICATIONS:**

Not Applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost of works relating to this tender amounts to an estimated \$90,000 - \$130,000 per year (*up to \$390,000 over the term of the tender*) and is charged to the bore/pump maintenance activity at each respective park/reserve listed in the Council approved program.

**COMMENTS:**

It is therefore recommended that the Council approves the tender submitted by K.S. Black (W.A.) for the Maintenance of Bores, Pumps and Associated Works in accordance with the specifications as detailed in Tender No. 443/09.

**9.2.8 Tender No. 444/12 Pruning of Street Trees using Elevated Work Platforms**

<b>Ward:</b>	Both	<b>Date:</b>	1 June 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	TEN0453
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	J Parker, Project Officer – Parks & Environment; J van den Bok; Manager Parks & Property Services		
<b>Responsible Officer:</b>	R Lotznicker; Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council **ACCEPTS** the tenders submitted by Total Tree Services and Beaver Tree Services as being the most acceptable to the City for the Pruning of Street Trees using Elevated Work Platforms, in accordance with the specifications as detailed in Tender No. 444/12.

**COUNCIL DECISION ITEM 9.2.8**

**Moved Cr McGrath, Seconded Cr Buckels**

That the recommendation be adopted.

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

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

**PURPOSE OF REPORT:**

The purpose of this report is to obtain the Council's approval for awarding of the tender for the Pruning of Street Trees using Elevated Work Platforms.

**BACKGROUND:**

Tenders for the Pruning of Street Trees using Elevated Work Platforms were advertised in the West Australian on 18 April 2012.

The tenders closed at 2.00pm on 2 May 2012 after a fourteen day (14) advertising period and four (4) tenders were received. Present at the opening of the tenders were Finance Officer, Mary Hopper, Property Maintenance Officer, Keith Steicke and the Parks Technical Officer, Kim Godfrey.

**DETAILS:**

The details of all tenders received for Tender No. 444/12 are listed below:

Note: All prices are per hour and *include* GST.

<b>Description of Works</b>	<b>Total Tree Services</b>	<b>Beaver Tree Services</b>	<b>Tree Craft</b>	<b>Classic Trees*</b>
Pruning operations for trees below power lines, including disposal of prunings. Specification Items 2.2.2 (iv) a, b, c, d, e, f.	\$39.60/tree	\$57.20/tree	\$75.00/tree for trees pruned annually	Refer Note*

Description of Works	Total Tree Services	Beaver Tree Services	Tree Craft	Classic Trees*
Pruning operations for trees not located below power lines, including disposal of prunings.  Specification Items 2.2.2 (iv) b,d,e,f,g.	\$11.00/tree	\$33.00/tree	\$75.00/tree for trees pruned annually	
Extra work as specified, including disposal of prunings.	Price on viewing	\$286.00/hour	\$385.00/hour	Refer Note *
Advanced Traffic Management services (Tenderer to specify requirements)	\$55.00/hour	\$99.00/hour	\$150.00/hour	

Note:\* Did not submit correct pricing schedule for Tender 444/12.

The submission received from Classic Tree Services included the incorrect Schedule of Rates. This tender was deemed non-conforming and therefore was no longer considered as part of the evaluation process.

### Tender Evaluation

#### Evaluation Criteria

The following weighted criteria were used for the selection of the companies for the tender.

<i>Evaluation Criteria</i>	<i>Weighting</i>
Past experience in similar projects/works	30%
Contract price	30%
Organisational structure/capacity/resources	20%
Financial capacity	10%
Compliance with tender specification	5%
References	5%
<b>TOTAL</b>	<b>100%</b>

#### Tender Evaluation Panel

The Tender Evaluation Panel consisted of Jeremy van den Bok; Manager of Parks & Property Services, Ian Ellies; Coordinator Parks and Trish Moss; Rates Officer. Each tender was assessed using the above evaluation criteria in accordance with the tender documentation.

The Tender Evaluation Panel met on 16 May 2012 to assess the submissions. The tenders were further independently evaluated by each of the Panel members and the final evaluation scores submitted for collation.

Tender Summary

	<b>Weighting</b>	<b>Beaver Tree Services</b>	<b>Total Tree Services</b>	<b>Tree Craft</b>
Past experience in similar projects/works	30	25.0	21.0	19.0
Contract price	30	23.0	30.0	15.8
Organisational structure/capacity/resources	20	19.3	12.0	14.0
Financial capacity	10	9.3	8.3	7.3
Compliance with tender specification	5	4.0	4.2	4.0
References	5	4.0	3.2	2.7
<b>TOTAL/SCORE</b>	<b>100</b>	<b>84.6</b>	<b>78.7</b>	<b>62.8</b>
		<b>1</b>	<b>2</b>	<b>3</b>

Tender Evaluation Panel comments are shown below:

**1. Beaver Tree Services**

Total Weighted Score	First: 84.6
Past Experience	
<ul style="list-style-type: none"> <li>Similar projects</li> </ul>	Currently hold contracts for the provision of tree services to numerous local governments including this very contract for the City of Vincent.
<ul style="list-style-type: none"> <li>Experience</li> </ul>	Over 32 years experience, comprehensive outline of experience provided.
Contract Price	
<ul style="list-style-type: none"> <li>Schedule of Rates</li> </ul>	The schedule of rates provide increased minimally since their submission in 2009.and in line with CPI and material/labour increases
Organizational Structure	
<ul style="list-style-type: none"> <li>Capacity</li> </ul>	The company have proven over the past three years that they have the capacity to undertake these works, low risk to the City.
<ul style="list-style-type: none"> <li>Resources</li> </ul>	Well resourced to undertake the requirements of this project with up to three (3) teams if required.
Financial Capacity	Comprehensive outline provided of financial status, including references. Low risk to the City.
Compliance with Tender Specification	The tender generally complies with the specification.
References	Comprehensive list provided

Comment:

The tender received was very well documented, comprehensive and conformed to all of the City's tender requirements. Beaver Tree Services currently hold this contract with the City of Vincent and have provided a satisfactory service.

**2. Total Tree Services**

Total Weighted Score	Second: 78.7
Past Experience	
<ul style="list-style-type: none"> <li>Similar projects</li> </ul>	Little evidence of current contracts undertaking similar works, however evidence provided of previous powerline clearance work and techniques that look impressive.
<ul style="list-style-type: none"> <li>Experience</li> </ul>	Over 32 years experience, have been involved in powerline clearance works in a limited capacity since 1994.
Contract Price	
<ul style="list-style-type: none"> <li>Schedule of Rates</li> </ul>	Very competitive rates provided, in line with rates provided to outer metropolitan Councils who have better access etc
Organizational Structure	
<ul style="list-style-type: none"> <li>Capacity</li> </ul>	Small company, limited however evidence provided that the staff base is adequate.
<ul style="list-style-type: none"> <li>Resources</li> </ul>	Limited, currently only one 910 elevating work platform
Financial Capacity	References and statements provided
Compliance with Tender Specification	The tender generally complies with the specification
References	List provided

Comment:

The tender received conformed with all of the City's tender requirements. Total Tree Services have previously undertaken powerline clearance works and whilst they are under resourced to undertake all the requirements of this contract, given the prices submitted should be engaged, their performance monitored over a specific area and additional works provided should they be deemed suitable.

**3. Tree Craft**

Total Weighted Score	Third: 62.8
Past Experience	
<ul style="list-style-type: none"> <li>Similar projects</li> </ul>	Some evidence provided of undertaking similar projects. Have held this contract with the City previously for the pruning of street trees under powerlines.
<ul style="list-style-type: none"> <li>Experience</li> </ul>	Over 20 years experience in the pruning and removal of trees for various local governments.
Contract Price	
<ul style="list-style-type: none"> <li>Schedule of Rates</li> </ul>	Prices provided are significantly higher than other submissions received.
Organizational Structure	
<ul style="list-style-type: none"> <li>Capacity</li> </ul>	Have previously demonstrated that they have the capacity to undertake the requirements of this contract.
<ul style="list-style-type: none"> <li>Resources</li> </ul>	Very little information provided in submission. Based on previous experience the company should be resourced to undertake the requirements of the tender.
Financial Capacity	References and statements provided.
Compliance with Tender Specification	The tender complies with the specification, however information is lacking in some areas.
References	List provided

Comment:

The tender submission lacked information and the prices submitted for the schedule of rates were significantly higher than other submissions received.



Comments/Conclusion:

*The tenders submitted by Beaver Tree Services and Total Tree Services have been assessed as being the most suitable for the City's requirements for Pruning of Street Trees using Elevated Work Platforms. Beaver Tree Services have held this contract with the City for the past three (3) years and have provided a satisfactory service.*

*Whilst Total Tree Services lack the resources to undertake the entire pruning program (only one elevating work platform), it would be prudent given the prices submitted, to engage them to undertake at least a portion of the contract.*

**CONSULTATION/ADVERTISING:**

The tender was advertised in the West Australian Newspaper on the 18 April 2012.

**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:**

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."*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The costs associated with street tree pruning under powerlines are charged against the Street Tree maintenance budget and is estimated to cost in excess of \$250,000 per year dependant on the number of tree requiring pruning in any given year (*up to \$750,000 over the term of the tender*).

Should the Council accept the tenders by Beaver Tree Services and Total Tree Services, Total Tree Services will be given a specific area to work within and upon completion their performance based on their limited capacity will be reviewed and further works offered if suitable. Their reduced rate per tree pruning under powerlines should see a reduction in maintenance costs if their performance is satisfactory and ongoing.

**COMMENTS:**

It is therefore recommended that the tenders submitted by Total Tree Services and Beaver Tree Services be accepted as being the most acceptable for the City for the pruning of Street Trees using Elevated Work Platforms, in accordance with the specifications as detailed in Tender 444/12.

**9.2.9 Tender No. 445/12 Removal of Trees and Pruning of Trees within Parks and Reserves**

<b>Ward:</b>	Both	<b>Date:</b>	1 June 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	TEN0454
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	J Parker, Project Officer – Parks & Environment; J van den Bok, Manager Parks & Property Services		
<b>Responsible Officers:</b>	R Lotznicker, Director Technical Services; M Rootsey, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council **ACCEPTS** the tenders submitted by Dickies Tree Services and Beaver Tree Services as being the most acceptable to the City for the Removal of Trees and Pruning of Trees within Parks and Reserves in accordance with the specifications as detailed in Tender No. 445/12.

**COUNCIL DECISION ITEM 9.2.9**

**Moved Cr McGrath, Seconded Cr Buckels**

That the recommendation be adopted.

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

(Cr Wilcox was on approved leave of absence.)

**PURPOSE OF REPORT:**

The purpose of this report is to obtain the Council’s approval for awarding of the tender for the Removal of Trees and Pruning of Trees within Parks and Reserves.

**BACKGROUND:**

Tenders for the Removal of Trees and Pruning of Trees within Parks and Reserves were advertised in the West Australian on 18 April 2012.

The tenders closed at 2.00pm on 2 May 2012 after a fourteen day (14) advertising period and six (6) tenders were received. Present at the opening of the tenders were Finance Officer, Mary Hopper, Property Maintenance Officer, Keith Steicke and the Parks Technical Officer, Kim Godfrey.

**DETAILS:**

The details of all tenders received for Tender No. 445/12 are listed below:

Note: All prices are per hour and *include* GST.

Description of Works	Unit Cost	Beaver Tree	Dickies Tree	Specialised Tree	Classic Trees	Tree Craft
<b>Parks and Reserves Tree Pruning</b>						
0-8 Metres in height	Tree	\$143.00	\$143.00	\$154.00	\$203.50	\$385.00
8-15 Metres in height	Tree	\$242.00	\$242.00	\$264.00	\$346.50	\$715.00
Over 15 Metres in height	Hour	\$275.00	\$330.00	\$423.50	\$396.00	\$385.00

Description of Works	Unit Cost	Beaver Tree	Dickies Tree	Specialised Tree	Classic Trees	Tree Craft
<b>Tree Removal</b>						
0-5 Metres in height	Tree	\$165.00	\$187.00	\$198.00	\$225.50	\$495.00
5-10 Metres in height	Tree	\$440.00	\$319.00	\$308.00	\$434.50	\$1320.00
Over 10 Metres in height	Hour	\$286.00	\$363.00	\$423.50	\$396.00	\$470.00
<b>Stump Removal Grinding</b>						
Trunk Diameter	cm	\$1.21	\$1.98	\$0.99	\$2.50	\$1.50

The submission received from Total Tree Services included the incorrect Schedule of Rates. This tender was deemed non-conforming and therefore was no longer considered as part of the evaluation process.

### Tender Evaluation

#### Evaluation Criteria

The following weighted criteria were used for the selection of the companies for the tender.

<i>Evaluation Criteria</i>	<i>Weighting</i>
Past experience in similar projects/works	30%
Contract price	30%
Organisational structure/capacity/resources	20%
Financial capacity	10%
Compliance with tender specification	5%
References	5%
<b>TOTAL</b>	<b>100%</b>

#### Tender Evaluation Panel

The Tender Evaluation Panel consisted of Jeremy van den Bok; Manager of Parks & Property Services, Ian Ellies; Coordinator Parks Services and Elena Currie; Senior Rates Officer. Each tender was assessed using the above evaluation criteria in accordance with the tender documentation.

The Tender Evaluation Panel met on 16 May 2012 to assess the submissions. The tenders were further independently evaluated by each of the Panel members and the final evaluation scores submitted for collation.

#### Tender Summary

	Weighting	Dickies Tree Services	Beaver Tree Services	Classic Tree Services	Specialise d Tree Services	Tree Craft
Past experience in similar projects/works	30	30.0	27.0	27.0	27.0	27.0
Contract price	30	29.3	30.0	24.4	28.1	13.9

Organisational structure/capacity/resources	20	18.7	18.0	18.0	14.0	16.0
Financial capacity	10	8.7	8.7	8.7	8.7	7.7
Compliance with tender specification	5	4.5	4.5	4.2	4.2	3.5
References	5	4.7	4.5	4.5	4.5	3.3
<b>TOTAL/SCORE</b>	<b>100</b>	<b>95.8</b>	<b>92.7</b>	<b>86.7</b>	<b>86.5</b>	<b>71.4</b>
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>

Tender Evaluation Panel comments are shown below:

**1. Dickies Tree Services**

Total Weighted Score	First: 95.8
Past Experience	
<ul style="list-style-type: none"> <li>Similar projects</li> </ul>	Currently hold contracts for the provision of tree services for various organizations and numerous local governments including the City of Vincent.
<ul style="list-style-type: none"> <li>Experience</li> </ul>	Over 33 years experience, comprehensive outline of experience provided
Contract Price	
<ul style="list-style-type: none"> <li>Schedule of Rates</li> </ul>	The schedule of rates provided has increased minimally since their submission in 2009, in line with CPI and material/labour increases.
Organizational Structure	
<ul style="list-style-type: none"> <li>Capacity</li> </ul>	The company have proven over the past many years association with the City that they have the capacity to undertake these works, low risk to the City. Low risk to the City.
<ul style="list-style-type: none"> <li>Resources</li> </ul>	Well resourced, comprehensive list of plant & equipment available provided. Availability for emergency works has been excellent in the past.
Financial Capacity	References and statements provided. Low risk to the City.
Compliance with Tender Specification	The tender generally complies with the specification.
References	Comprehensive list provided

Comment:

The tender received was well documented, very comprehensive and conformed to all of the City's requirements. Dickies Tree Services have been undertaking this work throughout the City under contract for many years and have provided an excellent service.

**2. Beaver Tree Services**

Total Weighted Score	Second: 92.7
Past Experience	
<ul style="list-style-type: none"> <li>Similar projects</li> </ul>	Currently hold contracts for the provision of tree services to numerous local governments including the City of Vincent.
<ul style="list-style-type: none"> <li>Experience</li> </ul>	Over 32 years experience, comprehensive outline of experience provided.
Contract Price	
<ul style="list-style-type: none"> <li>Schedule of Rates</li> </ul>	The schedule of rates provided has not increased since their submission in 2009.

Organizational Structure	
• Capacity	The company have proven over the past three years that they have the capacity to undertake these works, low risk to the City.
• Resources	We'll resourced, states they are working at 65 % capacity. Availability for emergency works has been excellent in the past.
Financial Capacity	Comprehensive outline provided of financial status, including references. Low risk to the City.
Compliance with Tender Specification	The tender generally complies with the specification.
References	Comprehensive list provided

Comment:

The tender received was well documented, very comprehensive and conformed to all of the City's requirements. Beaver Tree Services have held this contract within the City with for the past three (3) years and whilst they are based well out of the metropolitan area they have provided excellent timely service.

**3. Classic Tree Services**

Total Weighted Score	Third; 86.7
Past Experience	
• Similar projects	Currently hold contracts for the provision of tree services to numerous local governments including the Town of Cambridge and City of Stirling.
• Experience	Over 20 years experience, comprehensive outline of experience provided.
Contract Price	
• Schedule of Rates	Prices submitted, somewhat higher than other submissions received
Organizational Structure	
• Capacity	References and statements provided. Low risk to the City.
• Resources	Well resourced to undertake the work requirements.
Financial Capacity	References and statements provided. Low risk to the City.
Compliance with Tender Specification	The tender generally complies with the specification.
References	Comprehensive list provided

Comment:

The tender was well documented and complies with all the City's requirements; however the costs provided were significantly higher than other submissions received.

**4. Specialised Tree Services**

Total Weighted Score	Forth; 86.5
Past Experience	
• Similar projects	Have previously held tree pruning contracts within the City of Vincent, experienced in all aspects of tree maintenance and pruning.
• Experience	Over 34 years experience, comprehensive outline of experience provided.

Contract Price	
• Schedule of Rates	Competitive rates provided
Organizational Structure	
• Capacity	Not specifically addressed, comprehensive list of safety policies and plans provided
• Resources	Well resourced to undertake the work requirements.
Financial Capacity	References and statements provided. Low risk to the City.
Compliance with Tender Specification	The tender generally complies with the specification.
References	Comprehensive list provided

Comment:

The tender complies with the City's requirements. Specialised Tree Lopping has held contracts with the City previously for the pruning of street trees under powerlines and has undertaken the requirements of that contract satisfactorily.

**5. Tree Craft**

Total Weighted Score	Fifth: 71.4
Past Experience	
• Similar projects	Some evidence provided of undertaking similar projects. Have held contracts with City previously for the pruning of street trees under powerlines.
• Experience	Over 20 years experience in the pruning and removal of trees for various local governments.
Contract Price	
• Schedule of Rates	Prices provided are significantly higher than other submissions received.
Organizational Structure	
• Capacity	References and statements provided. Low risk to the City.
• Resources	Very little information provided in submission. Based on previous experience the company should be resourced to undertake the requirements of the tender.
Financial Capacity	References and statements provided.
Compliance with Tender Specification	The tender complies with the specification, however information is lacking in some areas.
References	List provided

Comment:

The tender submission lacked information and the prices submitted for the schedule of rates were significantly higher than other submissions received.

Comments/conclusion

*The tenders submitted by both Dickies Tree Services and Beaver Tree Services have been assessed as being the most suitable for the City's requirements for Removal of Trees and Pruning of Trees within Parks and Reserves. Both companies have held this contract within the City for the past three (3) years and have provided excellent service.*

**CONSULTATION/ADVERTISING:**

The tender was advertised in the West Australian Newspaper on the 18 April 2012.

**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:**

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."*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The costs associated with the Removal of Trees and Pruning of Trees within Parks & Reserves is charged to the respective Operating accounts as required.

Costs associated with this contract can vary considerably from year to year dependant on approved works programs and/or storm events, however is estimated to be in the vicinity of around \$60,000 - \$150,000 per annum (*could be up to \$450,000 over the life of the tender*).

**COMMENTS:**

It is therefore recommended that the tender submitted by Dickies Tree Services and Beaver Tree Services be accepted as being the most acceptable to the City for the Removal of Trees and Pruning of Trees within Parks and Reserves in accordance with the specifications as detailed in Tender 445/12.

**9.2.10 Tender No. 447/12 – Tree Watering and Tree Planting Services**

<b>Ward:</b>	Both	<b>Date:</b>	1 June 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	TEN0456
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	J Parker, Project Officer – Parks & Environment; J van den Bok, Manager Parks & Property Services; R Lotznicker, Director Technical Services		
<b>Responsible Officers:</b>	R Lotznicker, Director Technical Services; M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

That the Council **ACCEPTS** the tenders submitted by Leo Heaney Pty Ltd and Brian Perich as being the most acceptable to the City for Tree Watering and Tree Planting Services in accordance with the specifications as detailed in Tender No. 447/12.

**COUNCIL DECISION ITEM 9.2.10**

**Moved Cr McGrath, Seconded Cr Buckels**

That the recommendation be adopted.

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

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

**PURPOSE OF REPORT:**

The purpose of this report is to obtain the Council’s approval for awarding of the tender for Tree Watering and Tree Planting Services.

**BACKGROUND:**

Tenders for Tree Watering and Tree Planting services for a three (3) year period were advertised in the West Australian on 18 April 2012.

Tenders closed at 2.00pm on 2 May 2012 after a fourteen day (14) advertising period and three (3) tenders were received. Present at the opening of the tenders were Finance Officer, Mary Hopper, Property Maintenance Officer, Keith Steicke and the Parks Technical Officer, Kim Godfrey.

**DETAILS:**

The details of all tenders received for Tender No. 447/12 are listed below:

Note: All prices are per hour and *include* GST.

<b>TENDERER</b>	<b>Leo Heaney</b>	<b>Brian Perich</b>	<b>Sustainable Outdoors</b>
Tree Watering	\$57.20	\$60.00	\$104.50
Tree Planting	\$57.20	\$60.00	\$104.50



**Tender Evaluation**

Evaluation Criteria

The following weighted criteria were used for the selection of the companies for the tender.

<i><b>Evaluation Criteria</b></i>	<i><b>Weighting</b></i>
Past experience in similar projects/works	30%
Contract price	30%
Organisational structure/capacity/resources	20%
Financial capacity	10%
Compliance with tender specification	5%
References	5%
<b>TOTAL</b>	<b>100%</b>

Tender Evaluation Panel

The Tender Evaluation Panel consisted of Manager Parks & Property Services, Jeremy van den Bok; Coordinator Parks Services, Ian Ellies; and the Senior Rates Officer Elena Currie. Each tender was assessed using the above evaluation criteria in accordance with the tender documentation.

The Tender Evaluation Panel met on 16 May 2012 to assess the submissions. The tenders were further independently evaluated by each of the Panel members and the final evaluation scores submitted for collation.

Tender Summary

	<b>Weighting</b>	<b>Leo Heaney</b>	<b>Brain Perich</b>	<b>Sustainable Outdoors</b>
Past experience in similar projects/works	30	30.0	22.0	27.0
Contract price	30	30.0	29.2	16.4
Organisational structure/capacity/resources	20	16.7	14.0	16.0
Financial capacity	10	8.0	8.0	8.0
Compliance with tender specification	5	4.0	3.0	3.5
References	5	4.8	4.2	4.5
<b>TOTAL/SCORE</b>	<b>100</b>	<b>93.5</b>	<b>80.4</b>	<b>75.4</b>
		<b>1</b>	<b>2</b>	<b>3</b>

Tender Evaluation Panel comments are shown below:

**1. Leo Heaney Pty Ltd**

Total Weighted Score	First: 93.5
Past Experience	
<ul style="list-style-type: none"> <li>• Similar projects</li> </ul>	Has been associated with this type of work throughout Local Government for over 30 years
<ul style="list-style-type: none"> <li>• Experience</li> </ul>	Well documented, comprehensive list of previous work and projects provided.

Contract Price	
<ul style="list-style-type: none"> <li>Schedule of Rates</li> </ul>	Pricing has increased in line with CPI/material increases over the past 12 months and minimally since tender submission of 2009.
Organizational Structure	
<ul style="list-style-type: none"> <li>Capacity</li> </ul>	Based on previous history and the information contained within the submission the tenderer has the capacity to undertake the requirements of the contract.
<ul style="list-style-type: none"> <li>Resources</li> </ul>	Well resourced and has the ability to provide additional trucks/plant & equipment if required.
Financial Capacity	Evidence/contacts provided to confirm financial status.
Compliance with Tender Specification	Submission complies with the tender specification.
References	Comprehensive list of referees provided that have confirmed suitability for this contract.

Comment:

The tender received was very well documented, comprehensive and conformed to all of the City's tender requirements. The contractor has been undertaking these duties within the City of Perth, Vincent and Town of Cambridge for over 30 years and has therefore proven experience to deliver a reliable and effective service to the City.

**2. Brian Perich**

Total Weighted Score	Second: 80.4
Past Experience	
<ul style="list-style-type: none"> <li>Similar projects</li> </ul>	Over 13 years experience in truck hire to the city's engineering section, has vast local knowledge and is fully aware of the requirements of the contract.
<ul style="list-style-type: none"> <li>Experience</li> </ul>	No direct experience with this particular work, however has been involved in the agricultural industry for many years and therefore has horticultural experience.
Contract Price	
<ul style="list-style-type: none"> <li>Schedule of Rates</li> </ul>	Competitive price provided that can be accommodated within the forecast budget for this work.
Organizational Structure	
<ul style="list-style-type: none"> <li>Capacity</li> </ul>	Based on previous work history the contractor has the capacity to undertake this type of work.
<ul style="list-style-type: none"> <li>Resources</li> </ul>	Comprehensive list of plant & equipment provided.
Financial Capacity	Statement provided confirming financial status.
Compliance with Tender Specification	Submission generally complies with the tender specification
References	List provided

Comment:

The tender received complies with all of the City's tender requirements. The contractor having worked within the City's Engineering Services section for many years has proven themselves to be able to deliver a reliable and effective service to the City. With the history and background provided the evaluation panel consider this contractor to be able to deliver the requirements of this tender.

**3. Sustainable Outdoors**

Total Weighted Score	Third: 75.4
Past Experience	
<ul style="list-style-type: none"> <li>• Similar projects</li> </ul>	Comprehensive list of contracts provided with other local governments and organizations undertaking similar works.
<ul style="list-style-type: none"> <li>• Experience</li> </ul>	Well documented and outlined within tender submission
Contract Price	
<ul style="list-style-type: none"> <li>• Schedule of Rates</li> </ul>	Significantly higher rate per hour than other submissions received.
Organizational Structure	
<ul style="list-style-type: none"> <li>• Capacity</li> </ul>	Experience and capacity to undertake this contract are well documented
<ul style="list-style-type: none"> <li>• Resources</li> </ul>	Well resourced, evidence provided of plant & equipment.
Financial Capacity	Evidence/contacts provided to confirm financial status
Compliance with Tender Specification	Submission generally complies with the tender specification
References	Comprehensive list of referees from various horticultural originations and local government.

Comment:

The tender was very well documented and comprehensive, however the hourly rate provided is significantly higher than the other submissions. Given the budget provided and the work requirements this tenderer could not be considered.

Comments/conclusion

*With the watering requirements of the area intensifying from year to year, it is likely that three (3) trucks will be required during the summer period; therefore a panel of two (2) contractors is preferred.*

*The tenders submitted by both Leo Heaney Pty Ltd and Brian Perich have been assessed as being the most suitable for the City's requirements for Tree Watering and Tree Planting Services.*

**Discussion on providing this service 'in house':**

The officers were recently asked to undertake a comparison of providing the Tree Watering and Tree Planting Service in house.

Contract Tree Watering/Planting

The current contractors utilise three (3) trucks where two (2) are used for twelve (12) months of the year and the other one (1) usually for up to eight (8) months of the year.

It should be noted that prices submitted (as part of the tender process) by the current contractors have generally been significantly lower than other submissions received.

The recommended tenderers have submitted process of \$57.50 (\$52/hour excluding GST) and \$60 (\$54.55/hour excluding GST).

In-House' Tree Watering/Planting

- *Purchase of Plant and equipment:*

Two (2) x five (5) tonne trucks fitted with 4,000 litre tanks/pump and ancillary equipment is estimated to cost in the order of \$180,000.

Three (3) x five (5) tonne trucks fitted with 4,000 litre tanks/pump and ancillary equipment is estimated to cost in the order of \$270,000.

- *Labour:*

Two (2) x truck drivers/labourers including overtime, allowance/on-costs would cost in the order of \$150,000 per annum.

Three (3) x truck drivers/labourers including overtime, allowance/on-costs would cost in the order of \$225,000 per annum

- *Vehicle Operating costs:*

Including fuel, depreciation, insurance, servicing & repairs, etc is estimated to cost in the order of \$110,000 per annum (two trucks) \$165,000.

Cost Comparison

- Contract \$250,000 - \$300,000 per annum (using 3 trucks)
- In-House \$260,000 per annum (using 2 trucks) plus Initial set up costs of \$180,000.  
\$390,000 per annum (using 3 trucks) plus Initial set up costs of \$270,000

Summary:

	<b>2 x trucks</b>	<b>3 x trucks Preferred</b>	<b>Contract (service as required)</b>
Set up Costs year 1	\$180,000	\$270,000	
Operating costs per annum	\$260,000	\$390,000	
<b>Total (1<sup>st</sup> year)</b>	<b>\$440,000</b>	<b>\$660,000</b>	<b>\$250,000 to \$300,000</b>
<b>Total (subsequent years)</b>	<b>\$260,000</b>	<b>\$390,000</b>	<b>\$250,000 to \$300,000</b>

Conclusion:

As mentioned above, the current operation utilises two (2) trucks for twelve (12) months and a third (3<sup>rd</sup>) truck for up to 8 months of the year.

With the dying climate and ever diminishing rainfall in Perth and the Council's expectation for more 'greening' three (3) trucks will be required for possibly 12 months of the year. Under contract this would be in the order of up to \$300,000 per annum.

The current arrangement works extremely well and is considered to be more cost effective than if the City were to establish its own team.

Attracting a retaining operational staff has its challenges at present due to the skills and personnel shortages in general and it is considered that this could adversely affect the level of service provision required to ensure the City's street trees and gardens are maintained to an acceptable level.

The contractors have provided a most professional and cost competitive service and it is considered that given the status quo remains and for the service to continue to be contracted out. Bringing this service in house is not supported by the officers.

**CONSULTATION/ADVERTISING:**

The tender was advertised in the West Australian Newspaper on the 18 April 2012.

**LEGAL/POLICY:**

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

**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."*

**SUSTAINABILITY IMPLICATIONS:**

Groundwater is used for watering of all trees and garden areas.

**FINANCIAL/BUDGET IMPLICATIONS:**

The total cost of the above operations amounts to approximately \$250,000 to \$300,000 per annum (*up to \$900,000 over the term of the tender*). All works associated with this tender are charged against the Street Tree Maintenance, Street Tree Enhancement program, or the respective Capital or Parks maintenance budget as required.

**COMMENTS:**

It is therefore recommended that the tenders submitted by Leo Heaney Pty Ltd. and Brian Perich be accepted as being the most acceptable for the City for the supply of Tree Watering and Tree Planting services in accordance with the specifications as detailed in Tender 447/12.

**9.3.1 Financial Statements as at 30 April 2012**

<b>Ward:</b>	Both	<b>Date:</b>	1 June 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0026
<b>Attachments:</b>	<a href="#">001</a> – Financial Reports		
<b>Tabled Items:</b>	<a href="#">002</a> – Significant Accounting Policies		
<b>Reporting Officers:</b>	B C Tan, Manager Financial Services; N Makwana, Accounting Officer		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

That the Council **RECEIVES** the Financial Statements for the month ended 30 April 2012 as shown in Appendix 9.3.1.

**COUNCIL DECISION ITEM 9.3.1**

**Moved Cr McGrath, Seconded Cr Buckels**

That the recommendation be adopted.

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

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

**PURPOSE OF REPORT:**

The purpose of this report is to present the Financial Statements for the period ended 30 April 2012.

**BACKGROUND:**

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

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

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

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

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

**DETAILS:**

The following documents represent the Statement of Financial Activity for the period ending 30 April 2012:

Note	Description	Page
1.	Summary of Programmes/Activities	1-17
2.	Statement of Financial Activity by Programme Report	18
3.	Statement of Financial Activity by Nature or Type Report	19
4.	Statement of Financial Position	20
5.	Statement of Changes in Equity	21
6.	Notes to the Net Current Funding Position	22-23
7.	Capital Works Schedule	24-31
8.	Restricted Cash Reserves	32
9.	Sundry Debtors Report	33
10.	Rate Debtors Report	34
11.	Beatty Park Leisure Centre Report – Financial Position	35
12.	Variance Comment Report	36-40
13.	Monthly Financial Positions Graph	41-43

**1. SIGNIFICANT ACCOUNTING POLICIES AND NOTES**

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

Comments on the financial performance are set out below:

**2. As per Appendix 9.3.1.**

**3. Statement of Financial Activity by Programme Report**

**Operating Revenue excluding Rates**

YTD Actual	\$13,178,431
YTD Revised Budget	\$13,709,055
YTD Variance	(\$530,625)
Full Year Budget	\$19,174,015

**Summary Comments:**

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

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

General Purpose Funding – 2% under budget;  
 Governance – 23% under budget;  
 Health – 3% under budget;  
 Education and Welfare – 4% under budget;  
 Community Amenities – 2% under budget;  
 Recreation and Culture – 2% under budget;  
 Transport – 6% under budget;  
 Economic Services – 7% under budget;  
 Other Property and Services – 10% over budget; and  
 General Administration (Allocated) – 89% over budget.

Note: Detailed variance comments are included on page 36 – 40 of Appendix 9.3.1.

**Operating Expenditure**

YTD Actual	\$34,198,420
YTD Revised Budget	\$33,456,997
YTD Variance	(\$741,423)
Full Year Budget	\$42,263,978

**Summary Comments:**

The total operating expenditure is currently 102% of the year to date Budget estimate

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

General Purpose Funding – 6% over budget;  
 Governance – 3% over budget;  
 Law Order and Public Safety – 2% under budget;  
 Health – 4% under budget;  
 Education and Welfare – 1% under budget;  
 Community Amenities – 1% over budget;  
 Recreation and Culture – 2% over budget;  
 Transport – 3% under budget;  
 Economic Services – 23% over budget;  
 Other Property & Services – 45% over budget; and  
 General Administration (Allocated) – 191% under budget.

Note: Detailed variance comments are included on page 36 – 40 of Appendix 9.3.1.



**Net Operating and Capital Excluding Rates**

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

YTD Actual	\$19,350,504
YTD Revised Budget	\$28,074,020
Variance	(\$8,723,516)
Full Year Budget	\$23,333,918

**Summary Comments:**

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

Note: Detailed variance comments are included on page 36 – 40 of Appendix 9.3.1.

**4. Statement of Financial Activity by Nature and Type Report**

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

**5 Statement of Financial Position and**

**6. Statement of Changes in Equity**

The statement shows the current assets of \$26,613,194 and non-current assets of \$191,177,439 for total assets of \$217,790,633.

The current liabilities amount to \$9,579,440 and non-current liabilities of \$18,854,189 for the total liabilities of \$28,433,629.

The net asset of the City or Equity is \$189,357,005.

**7. Net Current Funding Position**

	Note	30 Apr 2012 YTD Actual \$
<b>Current Assets</b>		
Cash Unrestricted	1	3,555,537
Cash Restricted	2	19,650,406
Receivables – Rubbish and Waste	3	318,324
Receivables – Others	4	3,455,339
Inventories	5	187,716
		<b>27,167,322</b>
<b>Less: Current Liabilities</b>		
Trade and Other Payables	6	(4,155,382)
Provisions	7	(2,467,357)
Accrued Interest (included in Borrowings)	8	(134,004)
		<b>(6,756,742)</b>
<b>Less: Restricted Cash Reserves</b>		(19,650,406)
<b>Net Current Funding Position</b>		<b>760,174</b>

The net current asset position as at 30 April 2012 is \$20,410,580.

Note: Detailed analyses are included on page 22-23 of Appendix 9.3.1.

**8. Capital Expenditure Summary**

The Capital Expenditure summary details projects included in the 2011/2012 budget and reports the original budget and compares actual expenditure to date against these.

	Budget	Year to date Revised Budget	Actual to Date	%
Furniture & Equipment	\$183,000	\$232,840	\$80,162	34%
Plant & Equipment	\$1,126,500	\$1,080,800	\$365,710	34%
Land & Building	\$15,154,425	\$12,405,875	\$5,196,645	42%
Infrastructure	\$12,082,448	\$5,847,870	\$3,293,354	56%
<b>Total</b>	<b>\$28,546,373</b>	<b>\$19,567,385</b>	<b>\$8,935,871</b>	<b>46%</b>

Note: Detailed analyses are included on page 24-31 of Appendix 9.3.1.

**9. Restricted Cash Reserves**

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

The balance as at 30 April 2012 is \$19.6m. The balance as at 30 April 2011 was \$9.1m. The increase is due to \$8.06m loan received from WA Treasury for Beatty Park Redevelopment and \$5m received from State Government of WA for a new lease agreement for the nib Stadium for 25 years with further 25 years option.

**10. Sundry Debtors**

Other Sundry Debtors are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts. Sundry Debtors of \$699,953 is outstanding at the end of April 2012.

Out of the total debt, \$293,496 (41.9%) relates to debts outstanding for over 60 days, which is related to Cash in Lieu Parking.

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

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

**11. Rate Debtors**

The notices for rates and charges levied for 2011/12 were issued on the 18 July 2011.

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

First Instalment	22 August 2011
Second Instalment	24 October 2011
Third Instalment	5 January 2012
Fourth Instalment	8 March 2012

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

Instalment Administration Charge (to apply to second, third, and fourth instalment)	\$8.00
Instalment Interest Rate	5.5% per annum
Late Payment Penalty Interest	11% per annum

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

Rates outstanding as at 30 April 2012 including deferred rates was \$440,752 which represents 1.92% of the outstanding collectable income compared to 1.84% at the same time last year.

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

As at 30 April 2012 the operating deficit for the Centre was \$1,665,770 in comparison to the year to date budgeted deficit of \$1,673,196.

The cash position showed a current cash deficit of \$1,203,829 in comparison year to date budget estimate of a cash deficit of \$1,260,034. The cash position is calculated by adding back depreciation to the operating position.

It should be noted that the Cafe and Retail shop closed on 26<sup>th</sup> October, 2011. Both outdoor and the indoor pool are now closed for the redevelopment.

In addition the Swim school has been made available to interested patrons at Aqualife at the Town of Victoria Park for the period of the redevelopment.

As a result a revised budget for Beatty Park to reflect these changes of the operations has been adopted.

## 13. Variance Comment Report

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

### CONSULTATION/ADVERTISING:

Not applicable.

### LEGAL/POLICY:

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

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

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2011-2016:

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

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

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

**SUSTAINABILITY IMPLICATIONS:**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable.

**COMMENT:**

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

**9.3.3 Beatty Park Redevelopment, 220 Vincent Street, North Perth – Progress Report No. 8**

<b>Ward:</b>	South	<b>Date:</b>	1 June 2012
<b>Precinct:</b>	Smiths Lake	<b>File Ref:</b>	CMS0003
<b>Attachments:</b>	001 – Progress Photos		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	D Morrissy; Manager Beatty Park Leisure Centre; K Bilyk; Property Officer; J Fondacaro; Coordinator Aquatic & Operations; J van den Bok; Manager Parks & Property Services; M Rootsey, Director Corporate Services		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council RECEIVES Progress Report No. 8 as at 1 June 2012, relating to the Beatty Park Leisure Centre Redevelopment Project, 220 Vincent Street, North Perth.

**COUNCIL DECISION ITEM 9.3.3**

**Moved Cr McGrath, Seconded Cr Buckels**

That the recommendation be adopted.

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

(Cr Wilcox was on approved leave of absence.)

**PURPOSE OF REPORT:**

The purpose of the report is to update the Council on the progress of the Beatty Park Leisure Centre Redevelopment Project, 220 Vincent Street North Perth.

**BACKGROUND:**

**Progress Reports**

Progress reports have been submitted to the Council on 7 December 2010, 22 November 2011, 20 December 2011, 14 February 2012, 13 March 2012, 10 April 2012 and 8 May 2012.

At the Ordinary Meeting of Council held on 23 August 2011, the Council considered the Beatty Park Leisure Centre Redevelopment Project Stage 1 and resolved (in part) the following:

“That the Council;

2. APPROVES:

2.1 (a) the Beatty Park Leisure Centre Redevelopment Stage 1 at an estimated Total Project Cost of \$17,065,000 to be funded as follows;

Federal Government	Nil
State Government - CSRFF	\$2,500,000
State Government – nib Stadium payment	\$3,000,000
Beatty Park Leisure Centre Reserve Fund	\$3,500,000
Loan Funds	\$8,065,000
<i>Total:</i>	<i>\$17,065,000</i>

**DETAILS:**

1. CONTRACT DOCUMENTATION

1.1 **Tender**

Tender No. 429/11 Construction  
Advertised: 14 May 2011  
Closed: 26 July 2011  
Awarded: Perkins Builders

Tender No. 430/11 Geothermal  
Advertised: 14 May 2011  
Closed: 15 July 2011  
Awarded: Drilling Contractors of Australia

Tender No. 436/11 Fire detection system and water tanks  
Advertised: 17 September 2011  
Closed: 12 October 2011  
Awarded: Perkins Builders

1.2 **Contracts**

Construction contract signed on 7 October 2011.

Fire Detection and Water Tanks to be treated as a variation to the Head Agreement.

Geothermal contract signed on 6 September 2011.

1.3 **Contract Variations/Additional Scope of Works**

Construction

- Removal of existing concrete pool concourse;
- Removal of Water Tanks and Water Tank Screens;
- Roof Safety Fall Arrest System;
- Door Hardware;
- Additional Anchor Points to Indoor Pool, Dive Pool and Beginners Pool;
- Removal of Dive Pool windows;
- Kitchen Equipment;
- Temporary Entrance Work;
- Removal of indoor pool marble sheen layer and rendering;
- Signage;
- Removal of building rubble, discovered after excavation;
- Remove and dispose of 50mm screed to existing slab;
- New water supply to slides;
- Replacement of water filter return line; and
- Existing pool dive board modifications.

Geothermal

- Additional 100m drilling to obtain adequate temperature;
- Additional time required to develop production bore;
- Variations to design of injection bore, based on production bore geophysical data;
- Loss of drilling mud due to porous nature of bore;
- Bore testing schedule revised to save costs (both together);
- Variations to pumping controls to cater for slower flow rates required;
- Additional meters required by Department of Water to meet new Licence conditions; and
- Removal of valves and flanges replaced by meters.

1.4 **Cost Variations**

Construction

Provisional Sums:

Description	Provisional Sum	Amount Agreed	Variation
Temporary Entrance Works	20,000	\$27,154	(\$7,154)
Safemaster roof safety system	\$7,000	(\$6,055)	\$945
Door hardware	\$85,000	(\$59,170)	\$25,830
Western Power charges	\$5,000	(\$1,363)	\$3,637
Kitchen equipment	\$200,000	(\$143,887)	\$56,113
Internal bollards and retractable belts	\$5,000	(\$3,680)	\$1,320
Hoist to family accessible change 4	\$6,000	(\$4,037)	\$1,963
Signage	\$8,000	(\$5,661)	\$2,339
<b>Total</b>	<b>\$336,000</b>	<b>(\$251,007)</b>	<b>\$84,993</b>

Client Requests:

Description	Amount
Anchor points to indoor pool	\$5,016
Additional Pool features/furniture	\$19,789
Removal of marble sheen to indoor pool	\$46,200
Removal of dive pool windows and make good concrete structure	\$9,735
Anchor points to beginners pool	\$3,344
<b>Total</b>	<b>\$84,084</b>

Latent Conditions:

Description	Amount
Removal of original pool concourse	\$29,920
Replacement of indoor pool valves	\$1,595
Removal of building rubble, discovered after excavation	\$2,850
Remove and dispose of 50mm screed to existing slab	\$2,904
Relocation of 300mm stormwater drainage pipe	\$3,433
New water supply to slides	\$7,548
Replacement of water filter return line	\$10,798
Existing pool dive board modifications	\$2,844
<b>Total</b>	<b>\$61,892</b>

Summary of Variations

<b>Total Variation Savings</b>	<b>(\$84,993)</b>
<b>Total Variation Additions</b>	<b>\$145,976</b>
<b>Total Variation</b>	<b>\$60,983</b>

Geothermal

Provisional Sum	Description	Variation Amount	Adjustments
Nil	Additional 100m drilling	\$61,000	-\$61,000
Nil	Additional time for production bore development	\$46,500	-\$46,500
Nil	Loss of cement during grouting	\$968	-\$968
Nil	Test pumping of production bore delayed- rescheduled to coincide with injection bore pumping	-\$15,500	\$15,500
Nil	Headworks removed from scope	-\$18,800	\$18,800
Nil.	Variations to design of injection bore, based on production bore geophysical data.	\$3,672	-\$3,672
Nil.	Dorot valve and flanges removed from scope	-\$2,405	\$2,405
Nil.	Bore head meters as required by Department of Water under new Licence conditions	\$10,150	-\$10,150
Nil.	Cooling shroud	\$2,120	-\$2,120
Nil.	Sub Mains	\$8,995	-\$8,995

<b>Total Variation Savings</b>	\$36,705
<b>Total Variation Additions</b>	\$133,405
<b>Total Additional cost</b>	<b>\$96,700</b>

1.5 **Claims**

Not applicable at this time.

1.6 **Insurance**

The City of Vincent insurances have been adjusted to cater for the coverage of existing and constructed buildings, during the construction period.

2. GEOTHERMAL WORKS

2.1 **Groundworks**

Completed.

2.2 **Bores**

Drilling complete – Rig to leave site by end of June.

2.3 **Commissioning**

The water licence has been received from the Department of Water, however more stringent conditions have been imposed requiring additional equipment for a higher level of monitoring and reporting which is currently being assessed by our Consultant.

2.4 **Pipe works**

Pipework for connection of bores to plantroom now underway.



3. BUILDING WORKS/EXISTING BUILDING

3.1 **Temporary works**

No changes to previous report.

3.2 **Car parking, Landscaping and interim external works**

Car park designs for geothermal area being developed. Relocation of injection bore has necessitated a change from the previous design. Technical services will provide an updated design for Council comment.

3.3 **Earthworks**

Not applicable at this time.

3.4 **Structural and Civil Engineering**

No changes to previous report.

3.5 **Hydraulic services**

Sensor controls for hand basins and showers being installed.

3.6 **Electrical Services**

No changes to previous report.

3.7 **Mechanical services**

No changes to previous report.

3.8 **Environmental services**

Not applicable at this time.

3.9 **Interior finishing**

Tiling of changeroom walls well advanced

Ceilings being installed

4. BUILDING WORKS-NEW

4.1 **Temporary works**

Not applicable at this time.

4.2 **Earthworks/Demolition**

Completed.

4.3 **Structural and Civil Engineering**

Café area block work underway.

Concrete columns and steelwork for upper level nearing completion.

Internal blockwork for female changerooms and storerooms complete.

4.4 **Hydraulic services**

No change from previous report.

4.5 **Electrical Services**

Relocation of existing indoor pool hall switchboard complete.

Electrical rough in underway for gym, group fitness and changeroom areas.

4.6 **Mechanical Services**

Ventilation services to new building still being installed.

4.7 **Environmental Services**

No changes to previous report.

4.8 **Building External and Internal Colour Finishes**

No changes to previous report.

5. POOLS AND PLANT ROOM

5.1 **Outdoor Main Pool**

50m pool tiles have arrived and are in the pool awaiting completion of indoor pool before installation commences.

Some areas around pool have been backfilled.

Pipe work to connect to plant room underway.

5.2 **Dive Pool**

Dive pool tiles have arrived and are in the pool awaiting completion of indoor pool before installation commences.

Rendering of dive pool underway.

5.3 **New Learn to swim pool**

Excavation of pool has commenced. The area is currently being levelled and prepared for concreting.

5.4 **Indoor pool/Leisure area**

Tiling has commenced. Approximately 75% completed.

5.5 **Plant Room**

Pipework for 25m pool completed

Balance tank remedial work underway to fix concrete cancer in existing walls.

6. INDICATIVE TIMELINE

6.1 **Progress**

Pool work is on schedule.

Geothermal work is on schedule.

**6.2 Days Claimed**

Five (5) extension of time requests have been received from the Builder, of which four (4) requests have been approved.

**7. COMMUNICATION PLAN**

Various communication methods have been utilised to advise patrons, stakeholders and employees of the redevelopment, these are listed below:

- Frequently asked questions (FAQ's) posted on the City's website and displayed within the facility;
- A number of mailouts to members, clubs and stakeholders (Newsletter to Members and Swim School patrons during May 2012);
- City of Vincent quarterly newsletter;
- A letter drop to surrounding residents;
- Fencing signage around geothermal compound;
- Internal signage;
- Website updates, including a photo diary, plans and a detailed project overview;
- Twitter account @BeattyPark in operation to provide regular updates on the redevelopment and other related information. (71 followers as at 29 May 2012).

**8. MEMBERSHIP**

Extensions were provided to all current members as at 1 October 2011.

A number of members have opted to suspend their membership throughout the redevelopment period. The number of suspensions applied for since the project commenced is 162.

Refunds have been provided to those members who requested this option. As at the 29 May 2012 a total of \$25,241 has been refunded. As at 30 May 2012 there have been no further refunds issued associated with the redevelopment.

A revised membership fee structure was implemented from the 1 December 2011 due to the closure of the indoor pool, spa, sauna and steam room. This structure has been well received and includes cheaper one (1), three (3) and twelve (12) month options as well as a reduced rate for direct debit memberships.

The current number of members is 1,056.

**9. EMPLOYEE MATTERS**

Several permanent part time staff have had their hours reduced during the redevelopment and staff have taken the opportunity to reduce their accumulated long service or annual leave.

Other employees have been offered work within the City, where available, and the Manager Beatty Park Leisure Centre continues to work closely with the Manager Human Resources to provide employment and training opportunities during the redevelopment.

Swimschool has relocated to Lords Subiaco in Term 2 and is running a small angelfish plus siblings program on Tuesday's and Saturday's. Current enrolments are at one hundred and twenty (120) students.

10. HISTORY

A complete photo history is being compiled throughout the course of the redevelopment. A photo diary has been set up on the City's website which is being regularly updated.

The Library and Local History Centre is currently working on a book to celebrate the history of the facility. This will be prepared to be ready in time for the 50th anniversary and the completion of the redevelopment. A first draft is now prepared and currently being reviewed.

In addition to the book, a Heritage room is being planned for Beatty Park. This will be a permanent display of memorabilia for patrons of the centre to celebrate the diversity and history of the facility.

**CONSULTATION/ADVERTISING:**

A letter drop was distributed to residents in the surrounding areas.

The City's Communications Officer has created a "Corporate Projects" site on the City's web page and background information together with weekly photographs are included on this site.

A list of frequently asked questions and project plans are also located on the website. The site will be updated on a regular basis.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

**Medium-High:** The redevelopment project is significant in terms of magnitude, complexity and financial implications. It will require close management to ensure that costs are strictly controlled, particularly as it involves a Heritage listed building which is 49.5 years old. Notwithstanding the risk, the City has an experienced project team and a good track record for successfully completing significant infrastructure projects (e.g. Loftus Centre Redevelopment, rectangular stadium, DSR Office Building, Leederville Oval redevelopment).

The risk of serious plant failure will continue until the plant is replaced and/or upgraded.

**STRATEGIC IMPLICATIONS:**

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

"Natural and Built Environment

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

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

(e) *Implement the Redevelopment of Beatty Park Leisure Centre."*

**SUSTAINABILITY IMPLICATIONS:**

The redevelopment is committed to a number of sustainability initiatives.

**FINANCIAL/BUDGET IMPLICATIONS:**

At the Ordinary Meeting of Council held on 23 August 2011. The Council approved this project at a total cost of \$17,065,000.

The construction tender amounts to \$11,987,000 exclusive of GST and the Geothermal Energy System tender amounts to \$2,930,541 exclusive GST.

Building Construction Tender Progress Claim Payments – Perkins Builders

Six (6) progress claims have been received to date, as follows:

Progress Payment Number	Date Received	Amount Requested ( <i>excl GST</i> )	Amount Paid ( <i>excl GST</i> )	Date Paid
No. 1	14/11/2011	\$168,597.91	\$168,597.91	30/11/2011
No. 2	09/12/2011	\$330,358.48	\$330,358.48	11/01/2012
No. 3	09/01/2012	\$426,642.09	\$426,642.09	08/02/2012
No. 4	09/02/2012	\$262,230.86	\$262,230.86	07/03/2012
No. 5	08/03/2012	\$999,561.79	\$999,361.79	04/04/2012
No. 6	10/04/2012	\$641,879.57	\$641,879.57	02/05/2012
No. 7	15/05/2012	\$1,094,498.76		

**Total Paid \$2,829,070.70**

Geothermal Tender Progress Claim Payments – Drilling Contractors Australia

Four (4) progress claims have been received to date, as follows:

Progress Payment Number	Date Received	Amount Requested ( <i>excl GST</i> )	Amount Paid ( <i>excl GST</i> )	Date Paid
No. 1	18/11/2011	\$482,899.18	\$482,899.18	20/12/2011
No. 2	16/12/2011	\$638,710.00	\$638,710.00	25/01/2012
No. 3	31/12/2011	\$501,120.57	\$501,120.57	08/02/2012
No. 4	12/04/2012	\$214,355.86	\$214,355.86	02/05/2012
No. 5	21/05/2012	\$604,149.38		
No. 6				
No. 7				
No. 8				
No. 9				
No. 10				

**Total Paid \$1,837,084.61**

Fire Detection and Water Tanks Tender Progress Claim Payments

No progress claims have been received to date as works have only just commenced.

Progress Payment Number	Date Received	Amount Requested ( <i>excl GST</i> )	Amount Paid ( <i>excl GST</i> )	Date Paid
No. 1				
No. 2				
No. 3				
No. 4				
No. 5				

**Total Paid Nil.**

Funding

On 15 March 2012, the City received \$5 million from the State Government, being the upfront payment of the nib Stadium Lease. As per the Council decision, \$3 million has been placed in the Beatty Park Leisure Centre Reserve Fund and \$2 million placed in the Hyde Park Lakes Restoration Reserve Fund.

Loan

The Western Australian Treasury Corporation has approved a loan of \$8,065,000 at 5.49% per annum for 20 years.

Loan funds were received on 3 January 2012, repayments to commence on 3 September 2012.

CSRFF Funding

The City of Vincent will claim funds from this Department of Sport and Recreation grant for the Pool, Geothermal and Change room works.

<b>Progress Payment Number</b>	<b>Date Requested</b>	<b>Amount Requested (excl GST)</b>	<b>Amount Received (excl GST)</b>	<b>Date Received</b>
No. 1	03/01/2012	\$217,165.69	\$217,165	06/01/2012
No. 2	31/01/2012	\$191,614.00	\$191,614	06/02/2012
No. 3	17/04/2012	\$839,971	\$839,971	24/05/2012
No. 4				
No. 5				

**Total Received                    \$1,248,750**

Additional Funds

The Administration is following up grant enquiries from the following organisations:

- Lotterywest;
  - Liaising with other City of Vincent departments on projects that will be beneficial to the community.
- Heritage Council;
  - No funding available for Local Governments from the Heritage Council.
- Healthways;
  - Sponsorship of up to \$50,000 for promoting healthy lifestyles is available per Local Government per year and we will be liaising with other City of Vincent Departments to see what areas or programs would most benefit by applying for this funding.
- Community Energy Efficiency Program (CEEP);
  - A grant application has been submitted by the City to assist with the cost of utilising extra heat produced by the new geothermal bore at Beatty Park at the Administration Centre.
  - A further grant application is being prepared to assist with the cost of changing existing light fittings at Beatty Park that are not being touched during the current renovations. There are currently over 500 fluorescent globes that could be replaced with LED panels in the Centre.
- Community Sport and Recreation Facility Fund;
  - Small grants are available for local clubs and we will be meeting with resident Beatty Park water polo and swimming clubs to coordinate any request to the Department of Sport and Recreation for this funding.

**COMMENTS:**

The Beatty Park Redevelopment Project is continuing to make good progress. An updated program schedule has been provided by the builder with the indoor pool and refurbished change rooms scheduled to open in mid July 2012, the outdoor pools in September 2012 and the new extensions in December 2012.

Positive feedback has been received from facility users in regards to how the project is progressing. The West Australian newspaper published a photo of the indoor pool (featuring the Mayor, Chief Executive Officer and Centre Manager) on 16 May 2012 and this has generated considerable positive media coverage.

Monthly progress reports will be provided to the Council throughout the project.

**9.3.5 Review of Long Term Financial Plan – Progress Report No. 1**

<b>Ward:</b>	Both	<b>Date:</b>	1 June 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0025
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	M Rootsey, Director Corporate Services		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council;

1. **NOTES** the progress report on the review of the City's Long Term Financial Plan; and
2. **REQUESTS** that:
  - 2.1 the Chief Executive Officer arranges a workshop in September/October 2012 (in conjunction with the review of the City's Strategic Community Plan) for the Council Members to have input into the preparation of the City of Vincent Long Term Financial Plan 2012-2022; and
  - 2.2 the City of Vincent Long Term Financial Plan for the period 2012 – 2022 be reported to Council in December 2012.

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**COUNCIL DECISION ITEM 9.3.5**

**Moved Cr Harley, Seconded Cr Pintabona**

That the item be DEFERRED to the Ordinary Meeting of Council to be held on 26 June 2012, due to the severe storm conditions.

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

(Cr Wilcox was on approved leave of absence.)

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**PURPOSE OF REPORT:**

To inform the Council of the current status of the review of the Long Term Financial Plan.

**BACKGROUND:**

The City's current Long Term Financial Plan is for the period 2006 – 2016.

As part of the Strategic Community Plan 2011 – 2021 under Key Result Area Four – Leadership, Governance and Management.

*Objective 4.1.4 Plan effectively for the future:*

*(a) Review and update the City's Long Term Financial Plan to ensure the long term sustainability of the City.*

In the Strategic Community Plan it is proposed that the long term financial plan be updated and reviewed in 2011/2012.



However, as part of the Local Government Department's Integrated Planning Framework the City has to prepare a Strategic Community Plan and Corporate Business Plan in support of these documents, the following must be provided:

- Workforce Plan;
- Asset Management Plans; and
- Long Term Financial Plan.

The regulations require the City to comply with these requirements by 30 June 2013.

As a result of the new regulations requirements the Administration has begun preparation of a new Long Term Financial Plan for the City for a ten (10) year period.

The Local Government Department has produced a Long Term Financial Planning Framework and Guidelines, these are as follows:

The Long Term Financial Plan should be a high – level document that can be easily understood by the community.

The high – level Long Term Financial Plan should be supported by detailed spreadsheets and other information that would usually be prepared for internal use, although not included in the published plan.

A Long Term Financial Plan can be presented separately as part of a range of other informing plans and documents, or can be included in the Corporate Business Plan document.

As a minimum the Long Term Financial Plan should included ten (10) year financial forecasts comprising:

- Forecast income statement;
- Statement of cash flows;
- Rate setting statement;
- Statement of financial position; and
- Equity statement.

These statements must be supported by:

- Details of assumptions on which the plan has been developed;
- Projected income and expenditure;
- Methods of measuring performance – Key Performance Indicators (KPIs);
- Scenario modelling and sensitivity analysis;
- Major capital works schedules; and
- Risk assessments of major projects.

#### **DETAILS:**

The preparation of a new Long Term Financial Plan has commenced, using current information from our works programmes and existing operating budget documentation.

However, it is important that input is received from the Council Members to ensure that the plan reflects the direction of the Council.

It is also important that the Long Term Financial Plan is as current as possible and is a working document. The 2012/13 Annual Budget should be used as the base document for this plan.

It is therefore proposed that the timeframe for the review and update on the current Strategic Community Plan be moved from the period 2011-12 to 2012-13.

**CONSULTATION/ADVERTISING:**

Not Applicable.

**LEGAL/POLICY:**

Not Applicable.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** The Long Term Financial Plan will reflect more accurate estimates and have greater validity with the movement of the review date.

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2011-2016 states:

*"4.1.4 Plan effectively for the future*

*(a) Review and update the City's Long Term Financial Plan to ensure the long term sustainability of the City."*

**SUSTAINABILITY IMPLICATIONS:**

Not Applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Not Applicable.

**COMMENTS:**

The amendment to the timeframe will allow alignment with the documentation requirements for the Local Government Department Integrated Planning Framework and Reporting which needs to be complied with by 30 June 2013.

Accordingly, approval of the Officer Recommendation is requested.

**9.4.1 Reach Programme – Community Health and Wellness Training Centre Initiative**

<b>Ward:</b>	Both	<b>Date:</b>	1 June 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	ENS0017
<b>Attachments:</b>	<a href="#">001</a> – Reach Programme Draft Service Level Agreement <a href="#">002</a> – Draft Model Overview Paper <a href="#">003</a> – Community Group Consultation List		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	S Teymant, Manager Health Services		
<b>Responsible Officer:</b>	R Boardman, Director Community Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** the Draft Service Level Agreement between the City of Vincent and the Reach Programme Project Partners, as shown in Appendix 9.4.1; and
2. **APPROVES** the City’s participation in the Reach Programme as a support partner, as detailed in the Draft Services Level Agreement.

**COUNCIL DECISION ITEM 9.4.1**

**Moved Cr McGrath, Seconded Cr Buckels**

That the recommendation be adopted.

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

(Cr Wilcox was on approved leave of absence.)

**PURPOSE OF REPORT:**

The purpose of this report is to provide an overview of the Reach Programme to the Council and detail the proposed role of the City as a support partner, as outlined in the Draft Service Level Agreement.

**BACKGROUND:**

The Reach Programme is described as “a community health and wellness training centre initiative”. The initiative/programme is a joint project between Central Institute of Technology, the Department of Health and Curtin University for the purpose of providing training opportunities for nursing students and professionals in a community setting. The ‘Trainers’ will provide a health service that best meet the needs of the group of individuals identified/targeted; either by providing health education/promotion through workshops or seminars, or, by undertaking individual health screenings (blood pressure, body mass index, blood sugar, etc).

The Overview Paper, as shown in Appendix 9.4.1 details the purpose of the Reach Programme as being designed to provide the following:

- Training opportunities for undergraduate enrolled nurses, registered nurses and nurse practitioners through the establishment of functioning clinical environments;
- Improving access and equity for patients;
- Better management of chronic diseases;
- Increased focus on prevention through education and life skills; and
- Improving the quality, safety, performance and accountability of chronic disease patient care.

The initiative is being funded by Health Workforce Australia to the sum of \$2,636,364.

**DETAILS:**

The City's Officers were first approached by the Reach Programme's Project Manager in November 2011. At this time, the programme did not have a name and the specific details of how it was going to be implemented in the community had not been fully devised; nor had the specific roles, responsibilities or agreements between the Programme Project Partners and support agencies. These details were later established during a series of Working Group Meetings involving representatives from the City of Vincent, City of Subiaco Saint Bartholomew's, Anglicare, The Foyer (Leederville), Central Institute of Technology, Curtin University and the Office of the Chief Nurse.

During early discussions with the City's Officers, the initial proposal was for the City to use Council owned buildings from which to operate community health clinics. These clinics were to be known as Reach Programme 'satellite clinics', with the two 'main clinics' to be located at the Mount Lawley and Leederville Challenger Institute of Technology buildings (formerly TAFE).

However, from a logistical perspective the City's Officers considered this idea to be too restrictive, from an access and availability perspective. Instead, the City's Officers put forward an alternate proposal of taking health clinics directly to the local community groups identified. This proposal removed the accessibility and availability impediments associated with fixed location clinics. As a result, it is expected that greater uptake of services offered will occur.

A working list of local sporting, recreational and cultural and linguistically diverse (CALD) community groups has been developed, as shown in Appendix 9.4.1. The City's Health Services are currently working through the process of making contact with a number of community groups to gauge their interest and in-principle support, with regard to participation.

The City's Officers have reviewed the Draft Service Level Agreement and are satisfied that it reflects formative discussions. The City's Health Services will oversee the City's involvement with the Programme.

**CONSULTATION/ADVERTISING:**

As part of the proposed Service Level Agreement requirements, the City will need to commit to promote and advertise the Reach Programme. The City's quarterly newsletter, website and local newspapers will be utilised for this purpose.

**LEGAL/POLICY:**

Healthy Vincent Policy No. 3.8.9.

**RISK MANAGEMENT IMPLICATIONS:**

Involvement in the partnership will further strengthen the City's status as a progressive local government authority, particularly in relation to providing better access for local community group for the purpose of the treatment and reduction of chronic illness/disease. Such initiatives, combined with other proactive programmes such as the Vincent Accord, Menuwise, Food Hall of Fame, and Food Handler Training, are considered to assist in reducing the overall health risk of the local and broader community.

As the City's Officers will not be directly involved in any aspect of staffing or coordinating delivery of the clinical care provision, public liability risks are considered negligible.

**STRATEGIC IMPLICATIONS:**

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

- 2.1.2 *Develop and promote partnerships and alliances with key stakeholders;*
- 2.1.3 *Develop business strategies that reduce reliance on rates revenue;*
- 3.1.3 *Promote health and wellbeing in the community; and*
- 3.1.6 *Build capacity within the community to meet its needs”.*

**SUSTAINABILITY IMPLICATIONS:**

Partnership arrangements are an effective way of conducting business on a meaningful scale and providing services to the community in a fiscally responsible manner.

**FINANCIAL/BUDGET IMPLICATIONS:**

The costs associated with the Programme will be limited to the following:

- Staff time involved with recruiting community group participants;
- Attendance at ongoing working group meetings; and
- Promotion in the City's newsletter, website and local newspapers.

These costs will not be significant and will be absorbed within the Health Services budget.

In addition, there will be no financial cost to community members or groups involved in the Programme.

**COMMENTS:**

It is recommended that the Council support the Officer Recommendation detailed in this report.

**9.4.3 City of Vincent Volunteer Plan 2012-2017**

<b>Ward:</b>	Both	<b>Date:</b>	1 June 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	CMS0133
<b>Attachments:</b>	<a href="#">001</a> – Volunteer Plan 2012-2017		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	J Symons, Community Development Officer; J Anthony, Manager Community Development		
<b>Responsible Officer:</b>	R Boardman, Director Community Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **ADOPTS** in principle the City of Vincent *Volunteer Plan 2012-2017* as shown in Appendix 9.4.3; and
2. **AUTHORISES** the Chief Executive to advertise the City of Vincent *Volunteer Plan 2012-2017* as shown in the Appendix 9.4.3 for public comment for a period of twenty-one (21) days inviting written submissions from the public in accordance with the City's Policy No. 4.1.5 relating to Community Consultation.

**COUNCIL DECISION ITEM 9.4.3**

**Moved Cr McGrath, Seconded Cr Buckels**

That the recommendation be adopted.

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

(Cr Wilcox was on approved leave of absence.)

**PURPOSE OF REPORT:**

To present a report to the Council that outlines a Volunteer Plan for the City of Vincent from 2012 through to 2017.

**BACKGROUND:**

Volunteering Australia defines formal volunteering as an activity which takes place through not for profit organisations or projects and is undertaken:

- to be of benefit to the community and the volunteer;
- of the volunteer's own free will and without coercion;
- for no financial payment; and
- in designated volunteer positions only.

Local Governments in Western Australia are not required to have a Volunteer Plan, unlike the statutory requirement to have a Disability Access and Inclusion Plan or a Community Safety and Crime Prevention Plan. However, the City sees the benefits in considering how to best engage with volunteers and not-for-profit organisations, and in implementing initiatives that result in good outcomes for agencies as well as volunteers, and to articulate this in a volunteer focused plan.

A Volunteer Plan has been developed for the City that addresses the City's *Strategic Plan 2011-2016* and takes into cognisance the core business activities across the various Service areas in the City.

The intention of developing the Volunteer Plan is to ensure the City's volunteers are managed within a structured system by capable personnel, with appropriate authority and resources.

The City is also committed to continually work towards best practice in volunteer management, utilising the 'Volunteering Australia National Standards for Involving Volunteers in Not-for-Profit Organisations'.

**DETAILS:**

The Volunteer Plan has three primary objectives:

1. To explore the concept and benefits of volunteering;
2. To review current volunteering programs within the local community; and
3. To plan future volunteering initiatives in the City of Vincent.

Volunteering occurs in every society around the world out of a universal desire to contribute to the common good. Volunteers work in all spheres of the community and across many sectors, some of which include health and welfare, emergency services, arts and culture, heritage, environment and conservation, sport and recreation and education.

The work that volunteers do offers a number of benefits to both the community and to the volunteer from a health, social and financial perspective.

The City of Vincent Library and Local History Centre currently utilise four (4) volunteers for tasks including book covering, shelving and the house bound readers service. Positions are not advertised; rather volunteers are obtained through people enquiring about opportunities, mainly from educational institutions for the purpose of work experience.

The Community Development section also works alongside and utilises volunteers. Community Development partners with volunteer agencies for the annual ANZAC Day memorial service and volunteers have assisted at community celebration festivals. The City's Officers also work alongside volunteers in the community in assisting to set up local projects, such as the Men's Shed and Community Gardens. Volunteers also participate in the various Advisory Groups.

Officers also interact regularly with local voluntary groups regarding service referral including:

- Loftus Community Centre;
- ARAFMI Mental Health Carers & Friends Association;
- Carers Association of WA Inc;
- Volunteer Taskforce;
- YMCA HQ;
- Volunteering WA;
- People Who Care; and
- Mission Church.

The City, through the Community Welfare Grants programme, provides funds for agencies such as Volunteer Taskforce, People Who Care, ARAFMI, Carers WA and the Salvation Army, all of whom utilise volunteers as an integral part of their workforce.

**CONSULTATION/ADVERTISING:**

The *Volunteer Plan 2012-2017* will be advertised for community consultation for a period of twenty one (21) days in accordance with the Community Consultation Policy No 4.1.5, as follows:

- Advertisement in local newspaper;
- Notice on the City's website;
- Copies displayed at City of Vincent Administration and Civic Centre and Library and Local History Centre; and
- Volunteer Agencies and Groups.

**LEGAL/POLICY:**

Nil.

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

The Volunteer Plan is in keeping with the City of Vincent *Strategic Plan 2011 - 2016*:

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

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

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

**SUSTAINABILITY IMPLICATIONS:**

The Volunteer Plan will contribute to the service delivery, economic, health and social value of volunteering to the community of the City of Vincent.

**FINANCIAL/BUDGET IMPLICATIONS:**

The Volunteer Strategy, as proposed in this report, is designed to direct current resources to priority areas rather than to generate new unfunded initiatives. Any projects that may be brought forward over and above those outlined in the proposed Plan and that require additional resources would be considered as part of the City's normal budgeting process.

**COMMENTS:**

Volunteering by individuals contributes to the quality of the community and to the individual themselves. The City of Vincent utilises a manageable number of volunteers through the Library and Local History Centre. Officers within Community Development work with volunteers for annual events and festivals. The Officers also work alongside volunteers in assisting to set up local projects such as the Men's Shed and Community Gardens. There are a number of organisations in and around the City that utilise volunteers that are, in part, funded through the City's Community and Welfare Grants programme.

The proposed Volunteer Plan provides a broad framework to guide potential volunteers and agencies in volunteer management over the period 2012-2017. While there are some specific strategies stated in this Strategy, there are many that are ongoing and are in line with current funding opportunities. In essence, the Strategy sets out a mechanism whereby:

- Strategies are outlined;
- Current initiatives recorded; and
- The City's role in those initiatives is clearly defined.

Consistent with the City's approach as the service provider of last resort, Officers will always look to capacity in the community for responses before considering taking on direct service delivery. There are many benefits in this 'Maximum Outcome with Minimum Intervention' approach including:

- Building capacity in local organisations;
- Creating an environment of collaboration between stakeholders;
- Engendering ownership of issues and solutions;
- Far greater pool of expertise to consider issues and responses; and
- Significant advocacy power to other levels of government.

Most significantly, this approach works towards creating a stronger, more resilient and sustainable community.



**9.5.1 Use of the Council's Common Seal**

<b>Ward:</b>	-	<b>Date:</b>	1 June 2012
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0042
<b>Attachments:</b>	-		
<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 **NOTES** the use of the Council's Common Seal on the documents listed in the report, for the month of May 2012.

**COUNCIL DECISION ITEM 9.5.1**

**Moved Cr McGrath, Seconded Cr Buckels**

That the recommendation be adopted.

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

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

**BACKGROUND:**

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

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

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

<b>Date</b>	<b>Document</b>	<b>No of copies</b>	<b>Details</b>
03/05/2012	Deed	4	City of Vincent and Pent Pty Ltd as Trustee for the Leederville Trust, C/o PO Box 470, Claremont WA 6910 re: Formal Agreement with the Leederville Hotel for the City of Vincent to manage their Car Park
03/05/2012	Service Agreement	2	City of Vincent and Centrecare Inc ( <i>One Life Suicide Prevention Strategy</i> ), C/o 456 Hay Street, Perth 6000 re: Service Agreement relating to funding to implement the Western Australian Suicide Prevention Strategy

Date	Document	No of copies	Details
07/05/2012	Restrictive Covenant	3	City of Vincent and N C Harch and R Linfoot Harch of 148 Coogee Street, Mount Hawthorn re: No. 150 (Lot 214) Coogee Street, Mount Hawthorn 6016 - Restrictive Covenant relating to Future Right of Way Widening - <i>To satisfy Condition 3 of conditional subdivision approval of the lot from the Western Australian Planning Commission (WAPC) dated 24 May 2010</i>
07/05/2012	Deed of Covenant	2	City of Vincent and K R J Litjens and J M Litjens of 27 The Boulevard, Mount Hawthorn re: No. 27 (Lot 314 & 9928) The Boulevard, Mount Hawthorn 6016 - Deed of Covenant (where Lots to be amalgamated) - <i>To satisfy Delegated Authority Conditional Approval dated 13 December 2011 for Alterations and Additions to Existing Single House involving additions spanning over both Lots 314 and 9928</i>
07/05/2012	Withdrawal of Caveat	1	City of Vincent and Downings Legal of Level 11, 167 St Georges Terrace, Perth 6000 re: Nos. 317-321 (Lots: 12, 13 and 14) Vincent Street, Leederville - Demolition of the Existing Service Station and the Construction of New Service Station
21/05/2012	Deed	2	City of Vincent and N J Ioannopoulos of 125 Glendower Street, Perth re: No. 4 Brookman Street, Perth - <i>Relating to works to put the property at No. 4 Brookman Street, Perth, which is listed on the State Register of Heritage Places and the City of Vincent Municipal Heritage Inventory into such state of repair and good condition to the satisfaction of the City</i>
23/05/2012	Transfer of Land	14	City of Vincent and Cities of Perth, Wanneroo, Joondalup, Stirling and Towns of Cambridge and Victoria Park and Purchasers ( <i>Purchasers names available on request</i> ) re: Lots 89, 90, 91, 94, 136, 138, 139, 141, 142, 143, 144, 145, 196, 197 and 198 on Deposited Plan 73462 ( <i>Tamala Park land</i> )
29/05/2012	Withdrawal of Caveat	1	City of Vincent and Downings Legal, Level 11, 167 St Georges Terrace, Perth re: NO. 13A-15 (Strata Lot 2 on Strata Plan 26712 and Lot 2; D/P 9815) Barnet Street, North Perth - Withdrawal of Caveat relating to Amalgamation of Lots - <i>To satisfy Clause (vi) of conditional approval of the Ordinary Meeting of Council held on 16 December 2008 and Clause (vi) of the Ordinary Meeting of Council held on 9 November 2010</i>
29/05/2012	Notification under Section 70A	1	City of Vincent and Sunswept Corporation Pty Ltd of 11/50 Oxford Close, West Leederville re: Nos. 173=179 (Lot 802; D/P 301679) Stirling Street and Nos. 208-212 (Lot 123; D/P 9320) Beaufort Street, Perth - Proposed Demolition of Existing Car Park and Construction of a Five (5) Storey Mixed Use Development comprising Thirty-Seven (37) Single Bedroom Multiple Dwellings, Twenty (20) Multiple Dwellings, Seven (7) Offices and Associated Car Park - <i>To satisfy Clause (vii)(c) of conditional approval of the Ordinary Meeting of Council held on 26 October 2010</i>
29/05/2012	Deed of Consent and Covenant	2	City of Vincent and P and M Della-Maddalena, of 30 Millerick Way, Noranda re: No. 421 Walcott Street, Coolbinia - <i>To satisfy conditional approval by the Western Australian Planning Commission (WAPC)</i>

**9.1.1 Further Report - Nos. 117a & 119 (Lots 8 & 9; D/P: 854) Richmond Street, Leederville - Proposed Demolition of Existing Single House and Construction of Seven (7) Two-Storey Single Bedroom Multiple Dwellings.**

<b>Ward:</b>	South	<b>Date:</b>	1 June 2012
<b>Precinct:</b>	Leederville, P3	<b>File Ref:</b>	PRO4279; 5.2011.611.2
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Amended Development Application Plans		
<b>Tabled Items</b>	Applicant's Submission		
<b>Reporting Officer:</b>	A Dyson, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	C Eldridge, Director Planning Services		

**FURTHER OFFICER RECOMMENDATION:**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Gary Batt & Associates on behalf of the owner D De Fiddes for Proposed Demolition of Existing Single House and Construction of Seven (7) Two-Storey Single Bedroom Multiple Dwellings, at Nos. 117a & 119 (Lots 8 & 9; D/P: 854) Richmond Street, Leederville, and as shown on the amended plans stamp-dated 25 May 2012, subject to the following conditions:

1. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Richmond Street;
2. Any new street/front wall, fence and gate within the Richmond Street setback area, including along the side boundaries within this street setback area, shall comply with the Residential Design Codes provisions relating to Street Walls and Fences;
3. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site;
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;
5. Subject to first obtaining the consent of the owners of No. 121 Richmond Street and No. 20 Melrose Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 121 Richmond Street and No. 20 Melrose Street in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork;
6. PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:

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

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

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

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

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

6.2 **Construction Management Plan**

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

6.3 **Amalgamation of Lots**

The subject land shall be amalgamated into one (1) lot on Certificate of Title; OR alternatively, prior to the issue of a Building Permit the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the City, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the City's solicitors or other solicitors agreed upon by the City, undertaking to amalgamate the subject land into one (1) lot within six (6) months of the issue of the subject Building Permit. All costs associated with this condition shall be borne by the applicant/owner(s);

6.4 **Schedule of External Finishes**

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

6.5 **Landscape and Reticulation Plan**

A detailed landscape and reticulation plan for the development site and adjoining road verge shall be submitted to the City's Parks and Property Services 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:

- 6.5.1 Provision of increased soft landscaping of ten (10) percent of the total site common areas with a view to significantly reduce areas of hardstand and paving;
- 6.5.2 Planting to a minimum width of 0.5 metres be provided along the entire length of the eastern and southern boundaries common area including trees planted at a minimum width of five (5) metre spacings;
- 6.5.3 Planting to a minimum width of 0.5 metres from the boundary fence be provided in both courtyards to Units 2 and 3;
- 6.5.4 Planting to a minimum width of 0.5 metres be provided to Unit 1 courtyard along the inside of the northern boundary fence;

- 6.5.5 Planting be provided between the front boundary and the Unit 1 front courtyard fence;
- 6.5.6 the location and type of existing and proposed trees and plants;
- 6.5.7 all vegetation including lawns;
- 6.5.8 areas to be irrigated or reticulated;
- 6.5.9 proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 6.5.10 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 prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);

6.6 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 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;

6.7 Refuse and Recycling Management Plan

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

6.8 Truncations

Fencing along the eastern boundary to be truncated to a maximum height of 0.65 metres for a distance of 1.5 metres from the front of the property;

6.9 Screen Wall

The height of the boundary walls (along the western boundary) to the courtyards for Units 2 and 3 shall be provided to a maximum height of 2.2 metres with an acoustic glass screen above to a height of 3.0 metres;

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

7.1 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;

7.2 Clothes Dryer

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

**7.3 Residential Car Bays**

A minimum of five (5) and two (2) car bays shall be provided for the residents and visitors respectively. The seven (7) car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents and visitors of the development; and

**7.4 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.

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**Moved Cr Topelberg, Seconded Cr Maier**

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

"That clause 6.5.2 be amended, 6.6 be deleted and the remaining clauses renumbered as follows:

**6.5 Landscape and Reticulation Plan**

6.5.2 Planting to a minimum width of 0.5 metres be provided along the entire length of the eastern and southern boundaries common area including trees planted at ~~a minimum width of five (5) metre spacings~~ a maximum spacing of five (5) metres;

~~6.6 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 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;~~

~~6.76 Refuse and Recycling Management Plan~~

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

~~6.87 Truncations~~

~~Fencing along the eastern boundary to be truncated to a maximum height of 0.65 metres for a distance of 1.5 metres from the front of the property;~~

~~6.98 Screen Wall~~

~~The height of the boundary walls (along the western boundary) to the courtyards for Units 2 and 3 shall be provided to a maximum height of 2.2 metres with an acoustic glass screen above to a height of 3.0 metres;"~~

Debate ensued.

**AMENDMENT NO 1**

**Moved Cr Maier, Seconded Cr Pintabona**

“That a new clause 6.5.11 be inserted as follows:

**6.5.11 the visitors parking and driveway shall be landscaped and shall comprise of grass-crete or concrete rings placed cylindrically with grass-seed grown within or an equivalent alternative treatment to the satisfaction of the City’s Manager Parks and Property Services, whilst providing sufficient pedestrian access along the driveway.”**

Debate ensued.

**AMENDMENT NO 1 PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Wilcox was on approved leave of absence.)

Debate ensued.

**AMENDMENT NO 2**

**Moved Cr Maier, Seconded Cr Topelberg**

That clause 7.3 be amended to read as follows:

“7.3 **Residential Car Bays**

A minimum of ~~five (5)~~ **six (6)** and ~~two (2)~~ **one (1)** car bays shall be provided for the residents and visitors respectively. The seven (7) car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents and visitors of the development; and”

Debate ensued.

**AMENDMENT NO 2 PUT AND LOST (1-7)**

**For:** Cr Maier

**Against:** Mayor Hon. MacTiernan, Cr Buckels, Cr Carey, Cr Harley, Cr McGrath, Cr Pintabona, Cr Topelberg

(Cr Wilcox was on approved leave of absence.)

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

(Cr Wilcox was on approved leave of absence.)

**COUNCIL DECISION ITEM 9.1.1**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Gary Batt & Associates on behalf of the owner D De Fiddes for Proposed Demolition of Existing Single House and Construction of Seven (7) Two-Storey Single Bedroom Multiple Dwellings, at Nos. 117a & 119 (Lots 8 & 9; D/P: 854) Richmond Street, Leederville, and as shown on the amended plans stamp-dated 25 May 2012, subject to the following conditions:

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

2. Any new street/front wall, fence and gate within the Richmond Street setback area, including along the side boundaries within this street setback area, shall comply with the Residential Design Codes provisions relating to Street Walls and Fences;
3. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site;
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;
5. Subject to first obtaining the consent of the owners of No. 121 Richmond Street and No. 20 Melrose Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 121 Richmond Street and No. 20 Melrose Street in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork;
6. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION**, the following shall be submitted to and approved by the City:

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

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

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

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

**6.2 Construction Management Plan**

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

**6.3 Amalgamation of Lots**

The subject land shall be amalgamated into one (1) lot on Certificate of Title; OR alternatively, prior to the issue of a Building Permit the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the City, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the City's solicitors or other solicitors agreed upon by the City, undertaking to amalgamate the subject land into one (1) lot within six (6) months of the issue of the subject Building Permit. All costs associated with this condition shall be borne by the applicant/owner(s);



**6.4 Schedule of External Finishes**

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

**6.5 Landscape and Reticulation Plan**

A detailed landscape and reticulation plan for the development site and adjoining road verge shall be submitted to the City's Parks and Property Services 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:

- 6.5.1 Provision of increased soft landscaping of ten (10) percent of the total site common areas with a view to significantly reduce areas of hardstand and paving;
- 6.5.2 Planting to a minimum width of 0.5 metres be provided along the entire length of the eastern and southern boundaries common area including trees planted at a maximum spacing of five (5) metres;
- 6.5.3 Planting to a minimum width of 0.5 metres from the boundary fence be provided in both courtyards to Units 2 and 3;
- 6.5.4 Planting to a minimum width of 0.5 metres be provided to Unit 1 courtyard along the inside of the northern boundary fence;
- 6.5.5 Planting be provided between the front boundary and the Unit 1 front courtyard fence;
- 6.5.6 the location and type of existing and proposed trees and plants;
- 6.5.7 all vegetation including lawns;
- 6.5.8 areas to be irrigated or reticulated;
- 6.5.9 proposed watering system to ensure the establishment of species and their survival during the hot and dry months;
- 6.5.10 separate soft and hard landscaping plans (indicating details of plant species and materials to be used); and
- 6.5.11 the visitors parking and driveway shall be landscaped and shall comprise of grass-crete or concrete rings placed cylindrically with grass-seed grown within or an equivalent alternative treatment to the satisfaction of the City's Manager Parks and Property Services, whilst providing sufficient pedestrian access along the driveway.

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

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

**6.6 Refuse and Recycling Management Plan**

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

**6.7 Truncations**

Fencing along the eastern boundary to be truncated to a maximum height of 0.65 metres for a distance of 1.5 metres from the front of the property;

**6.8 Screen Wall**

The height of the boundary walls (along the western boundary) to the courtyards for Units 2 and 3 shall be provided to a maximum height of 2.2 metres with an acoustic glass screen above to a height of 3.0 metres;

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

**7.1 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;

**7.2 Clothes Dryer**

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

**7.3 Residential Car Bays**

A minimum of five (5) and two (2) car bays shall be provided for the residents and visitors respectively. The seven (7) car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents and visitors of the development; and

**7.4 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.

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**FURTHER REPORT:**

The Council at its Ordinary Meeting held on 8 May 2012 resolved as follows:

*"That the item be DEFERRED for further consideration (and clarification of matters raised during consideration of the Item)."*

In light of the Council decision, the applicant has submitted amended plans detailing the following:

- Privacy Screen added to Unit 7 Balcony on western elevation;
- Reduction in total height of the development from 7.2 metres to 7.0 metres; and
- Significant increase in soft landscaping across site.

These changes achieve the following in terms of compliance:

- Compliance with Acceptable Development provisions for privacy for all of the development;
- Compliance with Acceptable Development provisions for height;
- Compliance with Acceptable Development provisions for the setback to the upper floor from western boundary; and
- Increase of 128.08 square metres; or twenty (20) percent, of landscaped areas including in ground landscaping and grass-concrete paving to driveway and visitors bays.

The applicant has also provided additional justification; please refer to the tabled item "Applicant's Submission", which is to be read in conjunction with the Amended Assessment of the application below:

*"The proposed plot ratio is slightly over the requirement and will not have a significant impact on the overall built form, such that it will not unduly affect the neighbouring properties or streetscape. Using principles of universal design, the apartments are required to be easily accessible, particularly on the ground level, and provide sufficient space for manoeuvrability for residents who have a disability. Providing housing to meet an increased demand for one bedroom units is an important consideration in an area which is in close proximity to the City and a transport hub. Richmond Street is within close proximity to Leederville Town Centre and reflects the higher density housing which is consistent with the changing nature of the suburban environment.*

*Careful design consideration has been given to the design of the apartments to ensure adequate natural sunlight and ventilation to each and every unit. Due to the careful design and the placing of the courtyards and the staggering of the building, adjoining properties are presented with significant sunlight throughout the day. Privacy is highly considered with the careful placement of windows, high use of privacy screening and the use of obscure glazing facing neighbouring properties, so overlooking issues are satisfied.*

*The bathroom parapet wall located in the southern boundary of the proposed building is significantly small at 3.7 metres in length, with no significant impact on the adjoining properties. The bathroom is not classified as a habitable space therefore we do not envisage any overlooking or privacy issues. There is sufficient sunlight and ventilation provided to the outdoor area of the neighbouring property. A significant proportion of the southern boundary is open space/parking/driveway, and is not used as habitable space."*

**AMENDED ASSESSMENT:**

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

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Density/Plot Ratio			✓
Streetscape	✓		
Front Fence	✓		
Front Setback			✓
Building Setbacks			✓
Boundary Walls			✓
Building Height	✓		✗
Building Storeys	✓		
Open Space	✓		
Bicycle Parking	✓		
Car Parking	✓		
Privacy	✓		✗
Solar Access	✓		

Amendments to Proposal

The amendments to the proposal now have the building height and privacy provisions meeting the Acceptable Development provisions. The upper floor setback to the western boundary is now compliant and significant additional landscaping is included.

### Setbacks

The applicant has included an attached drawing, as shown in Appendix 9.1.1, showing the proposed setbacks using the performance criteria with the Acceptable Development setback shown, identifying areas forward and back of this.

### Landscaping

The amended plans show the increase in landscaping including in-ground planting to the eastern and southern boundaries including trees, in-ground planting to courtyards, a reduction in hard paving to the front courtyard and changing the driveway from hard paving to grass-crete.

### **COMMENTS:**

In view of the above amendments to the height, privacy and increase of soft landscaping, the application is supportable. It is considered that the proposal complies with the Acceptable Development Provisions and Performance Criteria of the Residential Design Codes and City's Policy relating to Residential Design Elements with respect to plot ratio, front setbacks, boundary walls, and boundary setbacks. In addition, it is considered that within the Leederville locality, given the site's close proximity to public transport nodes and the Leederville Town Centre, a development of seven (7) single bedroom multiple dwellings will allow for greater housing choice of land use than what is presently provided on site. In addition, it is considered the contemporary appearance of the dwelling will suit the recently constructed and under construction developments along Richmond Street. Accordingly, it is noted that the Officer's recommendation remains unchanged with the addition of a condition relating to the provision of a screen wall along the western boundary.

The Minutes of Item 9.1.3 from the Ordinary Meeting of Council held on 8 May 2012, 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).

**9.1.2 Nos. 454-456 (Lot 1; STR: 8318) Fitzgerald Street, North Perth – Demolition of Existing Building and Construction of Three Storey Commercial Building including Basement, Ground Floor Retail and Two Floors of Office Space**

<b>Ward:</b>	South	<b>Date:</b>	1 June 2012
<b>Precinct:</b>	North Perth Centre; P9	<b>File Ref:</b>	PRO0504; 5.2012.16.2
<b>Attachments:</b>	<a href="#">001</a> - Property Information Report and Development Application Plans		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	S Radosevich, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	C Eldridge, Director Planning Services		

**OFFICER RECOMMENDATION:**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Geogeston Homes Pty Ltd for Demolition of Existing Building and Construction of Three Storey Commercial Building including Basement, Ground Floor Retail and Two (2) Floors of Office Space at Nos. 454-456 (Lot 1; STR: 8318) Fitzgerald Street, North Perth, and as shown on plans stamp-dated 23 April 2012, subject to the following conditions:

1. a Demolition Licence shall be obtained from the City prior to commencement of any demolition works on the site;
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;
3. first obtaining the consent of the owners of Nos. 452 and 458-460 Fitzgerald Street, North Perth for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 452 and Nos. 458-460 Fitzgerald Street, North Perth in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork;
4. 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;
5. the owner(s), or the applicant on behalf of the owner(s), shall comply with the City's Policy No. 3.5.13 relating to Percent for Public Art and the Percent for Public Art Guidelines for Developers, including:
  - 5.1 **WITHIN TWENTY EIGHT (28) DAYS OF THE 'APPROVAL TO COMMENCE DEVELOPMENT'**, elect to either obtain approval from the City for an Artist to undertake a Public Art Project (Option 1) or pay the Cash-in-Lieu Percent for Public Art Contribution, of \$19,000 (Option 2), for the equivalent value of one percent (1%) of the estimated total cost of the development (\$1,900,000);

5.2 in conjunction with the above chosen option;

5.2.1 Option 1 – prior to the commencement of the development, obtain approval for the Public Art Project and associated Artist;

and

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

OR

5.2.2 Option 2 – prior to the commencement of 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.

The approved artwork in accordance with Option 1 above, shall be installed prior to the issue of a Certificate of Occupancy for the development;

6. the doors, windows and adjacent floor areas on the ground floor fronting Fitzgerald Street shall maintain an active and interactive relationship with this street;
7. the maximum gross floor area of the shop and office shall be limited to 187.22 square metres and 439.5 square metres respectively. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the City;
8. continuous and complementary awnings being provided over the Fitzgerald Street footpath in accordance with the City's Local Laws relating to Verandahs and Awnings over Streets, with the awnings being a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 500 millimetres and a maximum of 750 millimetres from the kerb line of Fitzgerald Street;
9. the owner/applicant is required to underground the power across the frontage of Fitzgerald Street, thereby relocating the terminating pole and eliminating one (1) or more bays, at the owner/applicant's expense;
10. all permanent structures are to be setback 500 millimetres from the rear property boundary abutting the right-of-way to facilitate future right-of-way widening;
11. all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath, right-of-way and road levels;
12. PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:

12.1 Cash-in-lieu

12.1.1 pay a cash-in-lieu contribution of \$14,167 for the equivalent value of 4.57 car parking spaces, based on the cost of \$3,100 per bay as set out in the City's 2011/2012 Budget; or

**12.1.2 lodge an appropriate assurance bond/bank guarantee of a value of \$14,167 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;**

**12.2 Construction Management Plan**

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

**12.3 Acoustic Report**

**Prepare and 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, and the applicant/owners shall submit a further report from an acoustic consultant six (6) months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;**

**12.4 Refuse Management**

**A Refuse and Recycling Management Plan shall be submitted and approved by the City prior to commencement of any works. The Plan shall include details of refuse bin location, number of rubbish and recycling receptacles, vehicle access and manoeuvring.**

**Revised plans and details shall be submitted demonstrating a bin compound being provided in accordance with the City's Health Services Specifications:**

**Commercial:**

**1 x mobile garbage bin per unit; and**

**1 x paper recycle bin per unit, or per 200 square metres of floor space;**

**12.5 Schedule of External Finishes**

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

**12.6 Vehicular Access**

Where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the City; and

**12.7 Design Features**

A minimum of two (2) appropriate significant design features being incorporated into the northern elevation of the building; and

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

**13.1 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;

**13.2 Bicycle Parking Facilities**

Three (3) class one or two and one (1) class three bicycle facilities shall be provided at a location convenient to the entrances and within the approved development. 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

**13.3 Vehicular Entry Gates**

Any proposed vehicular entry gates shall be a minimum fifty (50) percent visually permeable, and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors at all times. Details of the management measures shall be submitted.

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**Moved Cr Topelberg, Seconded Cr Buckels**

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

“That new clauses 12.8 and 12.9 and advice notes 1 and 2 be inserted as follows:

**12.8 Dilapidation Reports**

Independent Dilapidation reports shall be prepared for the adjoining properties; and

**12.9 Works Affecting Other Land**

As required under the Building Act 2011, written consent or court order will be required in regards to Works Affecting Other Land.



**Advice Notes:**

1. In regards to **Clauses** 12.2, 12.8 and 12.9 the City recommends early liaison with the adjoining properties in regards to proposed basement and construction works; and
2. The City does not support sheet piling as a construction method for retaining.”

Debate ensued.

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

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

**Against:** Cr Carey

(Cr Wilcox was on approved leave of absence.)

**COUNCIL DECISION ITEM 9.1.2**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Geogeston Homes Pty Ltd for Demolition of Existing Building and Construction of Three Storey Commercial Building including Basement, Ground Floor Retail and Two (2) Floors of Office Space at Nos. 454-456 (Lot 1; STR: 8318) Fitzgerald Street, North Perth, and as shown on plans stamp-dated 23 April 2012, subject to the following conditions:

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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;
3. first obtaining the consent of the owners of Nos. 452 and 458-460 Fitzgerald Street, North Perth for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 452 and Nos. 458-460 Fitzgerald Street, North Perth in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork;
4. 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;
5. the owner(s), or the applicant on behalf of the owner(s), shall comply with the City's Policy No. 3.5.13 relating to Percent for Public Art and the Percent for Public Art Guidelines for Developers, including:
  - 5.1 **WITHIN TWENTY EIGHT (28) DAYS OF THE 'APPROVAL TO COMMENCE DEVELOPMENT'**, elect to either obtain approval from the City for an Artist to undertake a Public Art Project (Option 1) or pay the Cash-in-Lieu Percent for Public Art Contribution, of \$19,000 (Option 2), for the equivalent value of one percent (1%) of the estimated total cost of the development (\$1,900,000);

**5.2 in conjunction with the above chosen option;**

**5.2.1 Option 1 – prior to the commencement of the development, obtain approval for the Public Art Project and associated Artist;**

**and**

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

**OR**

**5.2.2 Option 2 – prior to the commencement of 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.**

**The approved artwork in accordance with Option 1 above, shall be installed prior to the issue of a Certificate of Occupancy for the development;**

- 6. the doors, windows and adjacent floor areas on the ground floor fronting Fitzgerald Street shall maintain an active and interactive relationship with this street;**
- 7. the maximum gross floor area of the shop and office shall be limited to 187.22 square metres and 439.5 square metres respectively. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the City;**
- 8. continuous and complementary awnings being provided over the Fitzgerald Street footpath in accordance with the City's Local Laws relating to Verandahs and Awnings over Streets, with the awnings being a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 500 millimetres and a maximum of 750 millimetres from the kerb line of Fitzgerald Street;**
- 9. the owner/applicant is required to underground the power across the frontage of Fitzgerald Street, thereby relocating the terminating pole and eliminating one (1) or more bays, at the owner/applicant's expense;**
- 10. all permanent structures are to be setback 500 millimetres from the rear property boundary abutting the right-of-way to facilitate future right-of-way widening;**
- 11. all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath, right-of-way and road levels;**
- 12. PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:**

**12.1 Cash-in-lieu**

**12.1.1 pay a cash-in-lieu contribution of \$14,167 for the equivalent value of 4.57 car parking spaces, based on the cost of \$3,100 per bay as set out in the City's 2011/2012 Budget; or**

**12.1.2 lodge an appropriate assurance bond/bank guarantee of a value of \$14,167 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;**

**12.2 Construction Management Plan**

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

**12.3 Acoustic Report**

**Prepare and 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, and the applicant/owners shall submit a further report from an acoustic consultant six (6) months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;**

**12.4 Refuse Management**

**A Refuse and Recycling Management Plan shall be submitted and approved by the City prior to commencement of any works. The Plan shall include details of refuse bin location, number of rubbish and recycling receptacles, vehicle access and manoeuvring.**

**Revised plans and details shall be submitted demonstrating a bin compound being provided in accordance with the City's Health Services Specifications:**

**Commercial:**

**1 x mobile garbage bin per unit; and**

**1 x paper recycle bin per unit, or per 200 square metres of floor space;**

**12.5 Schedule of External Finishes**

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

**12.6 Vehicular Access**

Where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the City;

**12.7 Design Features**

A minimum of two (2) appropriate significant design features being incorporated into the northern elevation of the building;

**12.8 Dilapidation Reports**

Independent Dilapidation reports shall be prepared for the adjoining properties; and

**12.9 Works Affecting Other Land**

As required under the Building Act 2011, written consent or court order will be required in regards to Works Affecting Other Land.

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

**13.1 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;

**13.2 Bicycle Parking Facilities**

Three (3) class one or two and one (1) class three bicycle facilities shall be provided at a location convenient to the entrances and within the approved development. 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

**13.3 Vehicular Entry Gates**

Any proposed vehicular entry gates shall be a minimum fifty (50) percent visually permeable, and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors at all times. Details of the management measures shall be submitted.

**Advice Notes:**

- 1. In regards to clauses 12.2, 12.8 and 12.9 the City recommends early liaison with the adjoining properties in regards to proposed basement and construction works; and**
- 2. The City does not support sheet piling as a construction method for retaining.**

**PURPOSE OF REPORT:**

This proposal requires referral to the Council for determination given that the development comprises more than two (2) storeys.

**BACKGROUND:**

**History:**

Date	Comment
24 September 1997	The City approved a development application for a canopy over the car parking/loading area to the existing building under delegated authority.

**Previous Reports to Council:**

Nil.

**DETAILS:**

The application proposes the demolition of the existing single storey building which currently exists as two (2) shops. The proposal comprises the construction of a three-storey commercial building, including basement car parking, ground floor retail and two (2) floors of office space.

<b>Landowner:</b>	Kitis Nominees Pty Ltd
<b>Applicant:</b>	Georgestan Homes Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): District Centre
<b>Existing Land Use:</b>	Shop
<b>Use Class:</b>	Shop and Office
<b>Use Classification:</b>	"P" and "P"
<b>Lot Area:</b>	364 square metres
<b>Right of Way:</b>	Eastern side, 5 metres wide, sealed

**ASSESSMENT:**

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

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

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

<b>Car Parking</b>	
Car parking requirement (nearest whole number)	= 21 car bays
<ul style="list-style-type: none"> <li>Retail Premises (Shop) – 1 space per 15 square metres of gross floor area 187.22 square metres – 12.48 spaces</li> <li>Office – 1 space per 50 square metres of gross floor area 439.5 square metres – 8.79 spaces</li> </ul>	
Total car bays required = 21.27 car bays = 21 car bays	
Apply the adjustment factors.	(0.5508)
<ul style="list-style-type: none"> <li>0.85 (the proposed development is within 400 metres of a bus stop/station)</li> <li>0.80 (the proposed development is within 50 metres of one or more existing public car parking place(s) with in excess of 50 car parking spaces)</li> <li>0.90 (the proposed development provides 'end-of-trip' facilities for bicycle users)</li> <li>0.90 (the proposed development is within a District Centre zone)</li> </ul>	= 11.5668 car bays
Minus the car parking provided on-site	7 car bays
Minus the most recently approved on-site car parking shortfall	N/A
Resultant shortfall	4.5668 car bays

<b>Bicycle Parking</b>	
Retail Premises – Shop (187.22 square metres):	
<ul style="list-style-type: none"> <li>1 space per 300 square metres gross floor area (class 1 or 2) = 0.6241 spaces</li> <li>1 space per 200 square metres (class 3) = 0.9361 spaces</li> </ul>	
Office (439.5 square metres):	
<ul style="list-style-type: none"> <li>1 space per 200 square metres gross floor area (class 1 or 2) = 2.1975 spaces</li> <li>1 space per 750 square metres over 1,000 square metres (class 3) = N/A</li> </ul>	
<u>Required:</u>	
Total class one or two bicycle spaces = 2.8216 spaces = 3 spaces	
Total class three bicycle spaces = 0.9361 spaces = 1 space	
<u>Provided</u>	
Class two = 6 spaces	

After applying the relevant adjustment factors, a total of 11.5668 car bays will be required for the shop and offices. Seven (7) compliant car bays have been provided for the proposed building, resulting in a shortfall of 4.57 car bays.

The proposed shortfall of 4.57 is supported in this instance, subject to the payment of cash-in-lieu for the bays, as subject site is located on Fitzgerald Street, which is a high frequency public transport route, providing alternative forms of transport to the subject site. The proposal also provides an excess number of bicycle facilities, encouraging other modes of transport. Further to this, the payment of cash-in-lieu for 4.57 car bays is considered acceptable as there are many constraints associated with small lot sizes, with regards to providing the required number of parking spaces and adequate manoeuvring on-site as the subject site is 10.1 metres wide.

Although the proposal comprises a new three-storey building including basement; it is considered that in this instance it is appropriate to support the payment of cash-in-lieu for 4.57 car bays. This is due to the site having a District Centre zoning, and the proposed Perth Light Rail Plan which runs down Fitzgerald Street, combined with the constraint associated with providing parking bays with adequate manoeuvring whilst having a ground floor that maintains interaction with the street at a pedestrian level.

**CONSULTATION/ADVERTISING:**

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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<b>Comments Period:</b>	30 April 2012 to 13 May 2012
<b>Comments Received:</b>	<p>Community consultation was undertaken in relation to the proposed car parking shortfall, with one (1) support and one (1) neither support nor object being received. One (1) objection was also received outside the community consultation period.</p> <p>As the subject site abuts Fitzgerald Street, which is reserved as a Category 2 Other Regional Road in the Metropolitan Region Scheme, the development application required referral to the Department of Planning for comment pursuant to the Western Australian Planning Commission Notice of Delegation 2011/12. The Department of Planning have advised that the subject site is not affected by the Other Regional Road reservation. The proposal is also in accordance with the Commission's Regional Roads Policy D.C. 5.1, as the three-storey commercial building, including basement car parking, proposes that the access to the site is via the rear right-of-way, with no additional access being provided via Fitzgerald Street. In light of these comments, the Department of Planning have advised that they have no objection to the proposal.</p>

<b>Summary of Comments Received:</b>	<b>Officers Technical Comment:</b>
<p><b>Issue: Limiting height</b></p> <p>The approval of the three-storey structure in this instance should not set a precedent for future development by limiting buildings to this height along the eastern side of Fitzgerald Street.</p> <p>Buildings along the eastern side of Fitzgerald Street should have a height restriction of 5-8 storeys as recommended for structures along the western side of Fitzgerald Street as proposed in the draft Master plan for the area.</p>	<p><b>Dismiss.</b> The City has drafted a North Perth Master Plan, which aims to provide a guide for future development within the North Perth Town Centre. The Masterplan recommends indicative heights that are considered to be appropriate for the town centre. For the street block fronting Fitzgerald Street, between Burt and Wasley Street, where No. 454 Fitzgerald Street is located, the recommended heights are 1 to 2 storeys to the street with a minimum height of 2 to 3 storeys. Anything additional would need to be considerate of the surrounding residential amenity. These heights are considered appropriate for the locality given the depth of the lots and low scale residential dwellings to the rear.</p> <p>Greater heights have been proposed along the western side of Fitzgerald Street where the lot sizes are larger and as such can accommodate greater heights without having a detrimental impact on the surrounding residential amenity.</p> <p>The Draft North Perth Masterplan is scheduled to begin the formal community consultation in early June.</p>
<p><b>Issue: Noise</b></p> <p>Dur to the proximity of the development to surrounding properties and the type of operation, it is recommended that this is taken into account when determining sound proofing requirements in the design and the type of materials used.</p>	<p><b>Condition.</b> It is a condition of approval that an acoustic report is submitted and assessed by the City, in accordance with the City's Policy No. 3.5.21 relating to Sound Attenuation, prior to the submission of a building permit.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Streetscape</p> <p>Concerns regarding the prospect of the demolition of No. 454 Fitzgerald Street to make way for a three-storey block of residential units. The building forms part of the late 19<sup>th</sup> and early 20<sup>th</sup> century streetscape that is quickly being removed to make way for speculative profit motivated developers.</p> <p>It is suggested that what remains of the Fitzgerald Street streetscape be maintained and that this building is included in the heritage list. One only needs to look at the corner of Wasley and Fitzgerald Street to see how wrong the City of Vincent have got it.</p>	<p>Dismiss. The City's Heritage Officers have undertaken an assessment of the proposed demolition of the existing building and advised that the adjoining property at No. 452 Fitzgerald Street, North Perth, is listed on the City's Municipal Heritage Inventory; however, there is no listing for the subject site. As it is considered that there is no heritage significance to the subject site, approval for the demolition is recommended subject to a Demolition Permit being obtained.</p>

**Design Advisory Committee:**

Referred to Design Advisory Committee: Not required.

**LEGAL/POLICY:**

1. City of Vincent *Town Planning Scheme No. 1* and associated Policies; and
2. State Planning Policy 4.2 "*Activity Centre for Perth and Peel*".

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

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

*Natural and Built Environment*

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

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

*Economic Development*

2.1 *Progress economic development with adequate financial resources.*

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

**SUSTAINABILITY IMPLICATIONS:**

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

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



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

ENVIRONMENTAL	
Issue	Comment
The development consists of a one hundred (100) percent non-permeable surface, comprising basement car parking. As there are no permeable surfaces, stormwater management is important. The proposal has no environmental design features incorporated.	

SOCIAL	
Issue	Comment
The proposal provides for access to a wider range of services to the local community.	

ECONOMIC	
Issue	Comment
The construction of the building will assist in creating employment opportunities. In addition, the proposed shop and office land uses will facilitate business development within the City, as they provide the potential for new businesses to invest whilst also creating job opportunities within the locality.	

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS & CONCLUSION:**

The overall scale of the proposed three-storey commercial building, including basement car parking, ground floor retail and two (2) floors of office space is consistent with the type of development desired within a district centre. It is considered that the proposal is in keeping with the type of development and building form stipulated within the City's Precinct Policy No. 3.1.9 relating to the North Perth Centre Precinct, by virtue of it complying with the required land uses, height limits, setbacks, street front openings, pedestrian access and roof forms.

It is considered that the proposed shortfall of 4.5668 car parking bays is supportable in this instance due to the availability of alternate forms of transport and the proposed development providing an excess number of bicycle facilities; therefore, encouraging other modes of transport.

The proposal is also in keeping with State Planning Policy 4.2 "Activity Centre for Perth and Peel", where Fitzgerald Street is listed as one of the District Centres under Table 2 "Activity Centres Hierarchy", which states that:

*"5.3 Movement*

*5.3.1 Prioritising public transport and other modes*

- (1) Increasing demands for access, particularly to the Perth Capital City, strategic metropolitan, secondary and specialised centres, may have adverse environmental and quality of life impacts due to increased peak period traffic congestion. Future demands for access and movement cannot be met efficiently if there is a continued reliance on private cars and only a limited mode shift towards public transport, walking and cycling.*
- (3) Activity centres should be planned in line with transit-oriented development principles to make it convenient and practicable for residents, employees and visitors to travel by public transport instead of by private car. These principles are elaborated in Development Control Policy 1.6 Planning to Support Transit Use and Transit-Oriented Development.*

5.3.2 *Traffic and Parking*

*General requirements*

- (2) *The planning of activity centres should also:*
- *take account of the need for access and parking priority accorded to different users and modes including public transport, freight/delivery, people with a disability, bicycles, pedestrians and private cars, and balance competing user needs such as workers and visitors;*
  - *promote an efficient supply of car parking by a suitable allocation of on-street, off-street public and shared parking including cash-in-lieu and reciprocal/shared use arrangements;*
  - *prioritise access by different users and modes. e.g. central locations for short-stay parking with commuter and other long-stay parking near the edge of centres;*
  - *enable most parking in higher-order centres to be supplied in the form of public or common-user facilities rather than reserved for a class of users. e.g. customers of a particular site or business; and*
  - *identify necessary improvements to public transport, walking and cycling infrastructure and capital and recurrent service funding needs.*
- (3) *For land within the boundary of an activity centre, the responsible authority should as a rule, set upper limits to car parking in view of opportunities for reciprocal and shared parking, availability of on-street or other public parking and the need for land efficiency.*
- (4) *As a guide, two bays per 100m<sup>2</sup> for showrooms and offices and 4-5 bays per 100m<sup>2</sup> for shops. Minimums may be required, however, there should be flexibility for developers to provide less or no parking on-site and contribute cash-in-lieu towards facilities and services for common-use parking, public transport and alternative modes."*

In accordance with the City's Precinct Policy No. 3.1.9 relating to the North Perth Centre Precinct and State Planning Policy 4.2 "*Activity Centre for Perth and Peel*", the proposed three-storey commercial building is in keeping with the desired built form, whilst providing services and facilities for the daily and weekly needs of residents.

In view of the above, it is recommended that the Council approve the development, subject to standard and appropriate conditions.

**9.1.3 Minister for Planning; Culture and the Arts; Science and Innovation Decision relating to Concrete Batching Plants at No. 71 (Lot 200; D/P: 92012) Edward Street, Perth, (Hanson Batching Plant DR 264 of 2011) and No. 120 (Lot 1010; D/P: 1149) Claisebrook Road, corner Caversham Street, Perth (Holcim Batching Plant DR 225 of 2011)**

<b>Ward:</b>	South	<b>Date:</b>	1 June 2012
<b>Precinct:</b>	Claisebrook Road North-P15	<b>File Ref:</b>	PRO4024; 5.2011.243.1; PRO0733; 5.2011.173.1
<b>Attachments:</b>	<p><a href="#">001</a> – Letter and Notice of Determination from the Minister for Planning; Culture and the Arts; Science and Innovation - Hanson Concrete Batching Plant dated 22 May 2012 and 21 May 2012 respectively.</p> <p><a href="#">002</a> – Letter and Notice of Determination from the Minister for Planning; Culture and the Arts; Science and Innovation - Holcim Concrete Batching Plant dated 22 May 2012 and 21 May 2012 respectively.</p>		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	R Rasiah, Co-ordinator Statutory Planning		
<b>Responsible Officer:</b>	C Eldridge, Director Planning Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** the Notices of Determinations of the Minister for Planning; Culture and the Arts; Science and Innovation dated 21 May 2012, as shown in Appendices 9.1.3A and 9.1.3B, to conditionally approve the continued operation of both the Hanson and Holcim Concrete Batching Plants for a further five (5) years until 16 October 2017;
2. **APPROVES BY AN ABSOLUTE MAJORITY** the reallocation of \$208,380 to the Town Planning legal/consultant expense account from the following items:

NO.	ITEM	AMOUNT
1	Little Parry Street	\$100,000
2	Hyde Park Lakes Playground Upgrade	\$49,000
3	Central irrigation Control System	\$40,000
4	Drainage Retention Basin, Robertson Park	\$19,380
	<b>TOTAL</b>	<b>\$208,380</b>

3. **NOTES** that:
  - 3.1 the total cost incurred by the City in defending the two above appeals was:
 

(a)	Legal Fees:	\$155,660
(b)	Planning Consultant:	\$ 44,076
	<b>TOTAL:</b>	<b>\$199,736</b>
  - 3.2 the City's Administration will be monitoring the implementing of conditions imposed in the Minister's approvals;
  - 3.3 the City's Administration will contact the Western Australian Planning Commission to progress the strategic planning for the Claisebrook area;
  - 3.4 all landowners and residents in the immediate area previously contacted by the City will be notified in writing of the Minister's respective decisions; and
  - 3.5 a Community Forum will be held on Monday evening 25 June 2012 (to be confirmed).

**Moved Cr Buckels, Seconded Cr Maier**

That the recommendation be adopted.

Debate ensued.

**AMENDMENT**

**Moved Cr Maier, Seconded Cr Buckels**

That clause 2 be amended to read as follows:

- “2. **APPROVES BY AN ABSOLUTE MAJORITY the reallocation of ~~\$208,380~~ \$199,850 to the Town Planning legal/consultant expense account from the following items:**

NO.	ITEM	AMOUNT
1	Little Parry Street	\$100,000
2	Hyde Park Lakes Playground Upgrade	\$49,000
3	Central irrigation Control System	\$40,000
4	Drainage Retention Basin, Robertson Park	<del>\$19,380</del> \$10,850
	<b>TOTAL</b>	<del>\$208,380</del> \$199,850”

Debate ensued.

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

(Cr Wilcox was on approved leave of absence.)

Debate ensued.

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

(Cr Wilcox was on approved leave of absence.)

**COUNCIL DECISION ITEM 9.1.3**

That the Council;

1. **RECEIVES the Notices of Determinations of the Minister for Planning; Culture and the Arts; Science and Innovation dated 21 May 2012, as shown in Appendices 9.1.3A and 9.1.3B, to conditionally approve the continued operation of both the Hanson and Holcim Concrete Batching Plants for a further five (5) years until 16 October 2017;**
2. **APPROVES BY AN ABSOLUTE MAJORITY the reallocation of \$199,850 to the Town Planning legal/consultant expense account from the following items:**

NO.	ITEM	AMOUNT
1	Little Parry Street	\$100,000
2	Hyde Park Lakes Playground Upgrade	\$49,000
3	Central irrigation Control System	\$40,000
4	Drainage Retention Basin, Robertson Park	\$10,850
	<b>TOTAL</b>	\$199,850

**3. NOTES that:**

**3.1 the total cost incurred by the City in defending the two above appeals was:**

<b>(a)</b>	<b>Legal Fees:</b>	<b>\$155,660</b>
<b>(b)</b>	<b>Planning Consultant:</b>	<b>\$ 44,076</b>
	<b>TOTAL:</b>	<b>\$199,736</b>

**3.2 the City's Administration will be monitoring the implementing of conditions imposed in the Minister's approvals;**

**3.3 the City's Administration will contact the Western Australian Planning Commission to progress the strategic planning for the Claisebrook area;**

**3.4 all landowners and residents in the immediate area previously contacted by the City will be notified in writing of the Minister's respective decisions; and**

**3.5 a Community Forum will be held on Monday evening 25 June 2012 (to be confirmed).**

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**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of the recent Notices of Determination handed down by the Minister for Planning; Culture and the Arts; Science and Innovation in relation to the Hanson and Holcim Concrete Batching Plants at the above mentioned sites and to approve of a re-allocation of funds to cover the over-expenditure for Town Planning legal/consultant expenses.

**BACKGROUND:**

Below is an extract of the matters reported to the Ordinary Meeting of the Council held on 10 April 2012:

*"Hanson and Holcim Development Applications"*

*Both the above subject sites are located within Claisebrook Road North-P15, within the East Perth Redevelopment Scheme Area, which came into the City of Vincent local authority boundaries in July 2007. The subject sites are currently operating as concrete batching plants. The use is considered as "General Industry" and an "Unlisted" use within the East Perth Redevelopment Scheme.*

*The Hanson application was for alterations and additions to the existing concrete batching plant and the lifting of a time limited condition, requiring the concrete batching plant to cease operating by 26 June 2012.*

*This Holcim application was for alterations and additions to the existing concrete batching plant and the lifting of time limited condition requiring the concrete batching to cease operating by 16 October 2012.*

*Both the above appeals were heard at the State Administrative Tribunal on 28 February 2012, where the City was successful in convincing the State Administrative Tribunal to restrict the approval to a maximum of five (5) years only and not indefinitely as applied for by both Hanson and Holcim."*

**DETAILS:**

The City has received letters from the Minister for Planning; Culture and the Arts; Science and Innovation dated 22 May 2012, regarding his Notices of Determination on 21 May 2012, to conditionally approve the continued operation of both the Hanson and Holcim Concrete Batching Plants at the above sites for a further five (5) years, until 16 October 2017.

**History:**

Date	Comment
28 February till 2 March 2012	Appeal Hearings held at the State Administrative Tribunal relating to the Hanson and Holcim Concrete Batching Plants.
15 March 2012	The State Administrative Tribunal forwarded its recommendation to the Minister for his consideration and determination, which included both the applications be approved conditionally, for a further period of five (5) years.
22 May 2012	Letter received from the Minister for Planning; Culture and Arts; Science and Innovation relating to his decision on 21 May 2012 to conditionally approve the continued operation of both the Hanson and Holcim Concrete Batching Plants for a further five (5) years until 16 October 2017.

**Previous Reports to Council:**

13 March 2012 Council was advised as follows:

"1. the State Administrative Tribunal (SAT) delivered its decision on Friday 2 March 2012 concerning the applications for:

1.1 No. 71 (Lot 200; D/P: 92012) Edward Street, Perth – Alterations and Additions to Existing Concrete Batching Plant and the Lifting of Time Limited Condition and Extended Hours of Operation (Hanson Batching Plant) – State Administrative Tribunal DR 264 of 2011; and

1.2 No. 120 (Lot 1010; D/P: 1149) Claisebrook Road, corner Caversham Road, Perth – Alterations and Additions to Existing Concrete Batching Plant and the Lifting of Time Limited Condition and Extended Hours of Operation (Holcim Batching Plant) – State Administrative Tribunal DR 225 of 2011;

and imposed five (5) year time periods WITH CONDITIONS, for the Hanson Batching Plant from 26 June 2012 and Holcim Batching Plant from 16 October 2012,

2. the SAT will now refer the above 2 review matters to the Minister for Planning for consideration and determination; and

3. the SAT Hearing Transcript has not yet been completed and will be reported to the Council once this is received."

10 April 2012 The Council at its Ordinary Meeting resolved as follows:

"That the Council;

1. be ADVISED that the State Administrative Tribunal (SAT) delivered its decisions on Friday 2 March 2012 on both the Hanson and Holcim Concrete Batching Plants appeals, and has forwarded its recommendations on 15 March 2012 to the Minister for his determination;

2. *RESOLVES to advise the Western Australian Planning Commission to not proceed with Scheme Amendment No. 29 to the City's Town Planning Scheme No. 1 pursuant to regulation 25AA 6 (b) of the Town Planning Regulations 1967, for the following reasons:*
  - 2.1 *the Minister for Planning, in a letter dated 16 March 2012 has refused the Council's request to extend the statutory forty two (42) days to undertake the modifications to the amendment prior to advertising;*
  - 2.2 *the advertising of Scheme Amendment No. 29 of the City's Town Planning Scheme No. 1 may prejudice the determination of the Minister for Planning on State Administration Matter No. DR 255 of 2011 and State Administration Matter No. DR 264 of 2011;*
  - 2.3 *to allow for the undertaking of the Community Visioning Workshop for the portion of the area in Scheme Amendment No. 29 bounded by Lord Street, Summers Street and the Graham Farmer Freeway (known as Claisebrook North) scheduled for 14 April 2012;*
  - 2.4 *to allow for the preparation of a Structure Plan for the area bounded by Lord Street, Summers Street and the Graham Farmer Freeway to be completed, prior to the Council endorsing the statutory planning framework and associated policy provisions to guide development within this area; and*
  - 2.5 *to allow for a separate Scheme Amendment No. 32 to the City's Town Planning Scheme No. 1; and*
3. *NOTES that a report will be presented to the Council at its Ordinary Meeting of Council to be held on 24 April 2012, to allow for a separate Scheme Amendment No. 32 to the City's Town Planning Scheme No. 1, to advertise as a minor amendment for the area ceded to the City of Vincent from the City of Stirling in July 2007."*

**Design Advisory Committee:**

Referred to the City of Vincent Design Advisory Committee: No

**CONSULTATION/ADVERTISING:**

As previously reported to Council at its Ordinary Meeting held on 13 March 2012.

**LEGAL/POLICY:**

1. *East Perth Redevelopment Authority Scheme No. 1;*
2. *Planning and Development Act 2005 which provides the ability for the Minister for Planning to call in a review matter that is being lodged with the State Administrative Tribunal for the Minister's final determination. In this instance, the Minister has called in both the above applications that were heard at the State Administrative Tribunal; and*
3. *Town Planning Regulations 1967.*

**RISK MANAGEMENT IMPLICATIONS:**

**High:** This matter is the subject of considerable community interest in the local area. The SAT has provided its recommendation to the Minister for Planning for his consideration and determination. The Minister's decision in this matter is final. The City will communicate this decision by letter and hold a Community Forum.

**STRATEGIC IMPLICATIONS:**

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

"Natural and Built Environment

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

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable as the matters are procedural considerations.

**FINANCIAL/BUDGET IMPLICATIONS:**

The following costs have been incurred in the representation of the City in this matter at the State Administrative Tribunal (SAT):

**Legal Fees:** \$155,660

Legal fees for the Holcim matter totalled \$54,219 with legal fees for the Hanson matter totalling \$101,441.

**Planning Consultants:** \$44,076

The costs from the planning consultants have not been separated between each matter.

**Total Costs:** \$199,736

All the costs for relating to these matters have been charged to the consultants account in Town Planning:

Town Planning Consultants Account

Budget Amount: \$40,000  
Spent to Date: \$248,380  
Balance: (\$208,380)

Town Planning Legal Fees Account

Budget Amount: \$20,000  
Spent to Date: \$11,464  
Balance: \$8,536

Funding Source Item	Amount	Reason for Reallocation
Hyde Park Lakes Playground Upgrade	\$49,000	Negotiated contractor claim funds not required.
Little Parry Street	\$100,000	Work on hold pending major sewer works to be conducted.
Central Irrigation Control System	\$40,000	Tender prices received significantly lower than estimated.
Drainage Retention Basin - Robertson Park	\$19,380	Alternate options being considered which will result in cost savings.



**COMMENTS/CONCLUSION:**

The Minister, in his determination in approving the continued operation of both plants, has stated that *“conditional approval to operate for a further five years, during which time the necessary strategic planning framework should be finalised to indicate clearly the ultimate development intent for the subject land. I have written to the Western Australian Planning Commission to request that this planning be commenced and carried out as a priority, in liaison with the City of Vincent, in order to provide certainty to all parties with an interest in the future of the area.”*

Recognising the strategic importance of this area, as a matter of priority, the City of Vincent Officers will contact the Western Australian Planning Commission to work together on formalising the strategic direction for this area. Given that in the City’s draft 2012/2013 Budget a total of \$50,000 has been allocated to the preparation of a Structure Plan for Claisebrook, the City’s Officers will recommend that the strategic direction of the area will be incorporated into a Local Structure Plan for the area bounded by Lord and Summers Street and the Graham Farmer Freeway.

It is envisaged that the Structure Plan will be prepared in accordance with the Western Australian Planning Commission’s Guidelines for preparing a Local Structure Plan and will involve on-going community engagement and liaison with key service providers such as Western Power, the Water Corporation and relevant State agencies; including Main Roads WA, the Department of Transport and the Department of Planning.

In terms of the conditions imposed by the Minister, one of the conditions is for the five (5) years approval to expire on 16 October 2017 for both the concrete batching plants, even though their current expiry dates are different. The City’s Officers are of the view that the other conditions imposed by the Minister would assist in reducing any undue impact of the continued operation of both the concrete batching plants.

**9.1.4 West Perth Regeneration Masterplan - Progress Report No. 4**

<b>Ward:</b>	South	<b>Date:</b>	1 June 2012
<b>Precinct:</b>	Cleaver (P5)	<b>File Ref:</b>	PLA0147
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	R Marie, Planning Officer (Strategic)		
<b>Responsible Officer:</b>	C Eldridge, Director Planning Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **DOES NOT PROCEED** with the West Perth Regeneration Masterplan until such time that the following major planning projects have been substantially completed;
  - 1.1 **Town Planning Scheme Review;**
  - 1.2 **Leederville Activity Centre Structure Plan;**
  - 1.3 **Claisebrook Structure Plan; and**
  - 1.4 **North Perth Masterplan; and**
2. **ADVISES** the Western Australian Planning Commission and all affected land owners of the Council's decision.

---

Cr Carey departed the Chamber at 6.42pm.

**Moved Cr McGrath, Seconded Cr Buckels**

That the recommendation be adopted.

Debate ensued.

Cr Carey returned to the Chamber at 6.44pm.

Debate ensued.

**PROPOSED AMENDMENT NO 1**

**Moved Cr McGrath, Seconded Cr .....**

That a new clause 3 be inserted as follows:

- “3. **REQUESTS** the Chief Executive Officer to investigate the advantages and disadvantages of the regeneration area retaining its industrial zoning and the MRS in terms of desired land uses and potential employment opportunities in the City in context to the *State Industrial Land use Strategy*.”

The Presiding Member, Mayor Hon Alannah MacTiernan ruled that she would not accept this amendment as it is considered contrary to the Officer Recommendation.

The proposed Mover, Cr McGrath advised that he wished to withdraw his amendment.

Debate ensued.

**AMENDMENT NO 2**

**Moved Cr Topelberg, Seconded Cr Pintabona**

That the recommendation amended to read as follows:

“That the Council;

1. **DOES NOT PROCEED** with the West Perth Regeneration Masterplan **at this time; until such time**
2. **NOTES** that the following major planning projects have been substantially **completed; commenced;**
  - 1.2.1 Town Planning Scheme Review;
  - 1.2.2 Leederville Activity Centre Structure Plan;
  - 1.2.3 Claisebrook Structure Plan; and
  - 1.2.4 North Perth Masterplan; and
- 2.3. **ADVISES** the Western Australian Planning Commission and all affected land owners of the Council’s decision.”

Debate ensued.

**AMENDMENT NO 2 PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Wilcox was on approved leave of absence.)

Debate ensued.

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

(Cr Wilcox was on approved leave of absence.)

**COUNCIL DECISION ITEM 9.1.4**

That the Council;

1. **DOES NOT PROCEED** with the West Perth Regeneration Masterplan at this time;
  2. **NOTES** that the following major planning projects have been substantially commenced:
    - 2.1 Town Planning Scheme Review;
    - 2.2 Leederville Activity Centre Structure Plan;
    - 2.3 Claisebrook Structure Plan; and
    - 2.4 North Perth Masterplan; and
  3. **ADVISES** the Western Australian Planning Commission and all affected land owners of the Council’s decision.”
-

**PURPOSE OF REPORT:**

The purpose of this report is to provide an update to the Council on the West Perth Regeneration Masterplan to assess whether it is an appropriate time to move forward with the project.

**BACKGROUND:**

In 2007, the City acquired an area of land from the City of Perth bounded by Loftus Street, Newcastle Street, Charles Street and the Graham Farmer Freeway, as part of a local government boundary change. Following the transfer of land, the Council requested that a West Perth Regeneration Masterplan be developed, as an extension to the Leederville Masterplan, to revitalise the area. The land in the Masterplan area, south of Newcastle Street, is zoned 'Industrial' under the Metropolitan Region Scheme (MRS) and in order to implement the Masterplan, the land would need to be rezoned to 'Urban'.

The City liaised with the Western Australian Planning Commission (WAPC) to progress the MRS amendment and in December 2010 the MRS amendment was advertised. In March 2011, the City requested that the MRS amendment be put on hold due to a number of reasons outlined in the 'Details' section of this report. Notwithstanding this decision, the Council requested that a Progress Report be presented to the Council in June 2012, relating to the proposed West Perth Regeneration Masterplan, to assess whether it is an appropriate time to move forward with the project.

Date	Comment
1 July 2007	Following a local government boundary change, the City acquired a number of new areas including a former City of Perth area bounded by Loftus Street, Newcastle Street, Charles Street and the Graham Farmer Freeway.
2 December 2008	The City requested the Western Australian Planning Commission (WAPC) to consider a proposed rezoning for the West Perth area from 'Industrial' to 'Urban' under the MRS to allow the City to implement the West Perth Regeneration Masterplan.
10 December 2010	The three (3) month formal public inspection period for the MRS Amendment, facilitated by the WAPC, began. Advertising closed on 18 March 2011.
22 March 2011	The Council resolved to advise the Western Australian Planning Commission that the City wishes to hold in abeyance Metropolitan Region Scheme Amendment 1199/41 relating to the proposed rezoning of the area bounded by Loftus Street, Newcastle Street, Charles Street and the Graham Farmer Freeway, West Perth, from 'Industrial' to 'Urban', at this point in time.
22 March 2011	The Council resolved to initiate Scheme Amendment No. 30 to include the area bounded by Loftus Street, Newcastle Street, Charles Street and the Graham Farmer Freeway into the City of Vincent Town Planning Scheme No. 1.
10 February 2012	Scheme Amendment No. 30 was finalised and published in the Government Gazette. The land is zoned 'Commercial' under Town Planning Scheme No. 1.

**Previous Reports to Council:**

This matter was previously reported to the Council on the 22 March 2011.

The Minutes of Item 9.1.3 from the Ordinary Meeting of Council held on 22 March 2011 relating to this report is available on the City's website at the following link:  
[http://www.vincent.wa.gov.au/Your\\_Council/Agenda\\_Minutes/Minutes\\_2011](http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes/Minutes_2011)

**DETAILS:**

The West Perth Regeneration Masterplan was a project designed to revitalise the light and service industrial area of West Perth bounded by Loftus Street, Newcastle Street, Charles Street and the Graham Farmer Freeway, and the properties on the northern side of Newcastle Street, and develop it as a high density mixed use area. In order to implement the Masterplan, the City required that the MRS be amended to rezone the land south of Newcastle Street from 'Industrial' to 'Urban'. The MRS amendment was advertised in December 2010 for a period of three (3) months. Following the consultation period, the Council resolved to hold in abeyance the MRS amendment and requested that a Progress Report be presented to the Council in June 2012 relating to the proposed West Perth Regeneration Masterplan, to assess whether it is an appropriate time to move forward with the project.

**Holding MRS Amendment in Abeyance:**

The key reasons for holding the MRS amendment in abeyance are outlined below, followed by an Officer comment to provide a response to the current situation.

The costs associated with preparing the Strategic Transport Assessment Noise Abatement Study and a Water and Waste Water Infrastructure Assessment are significant; approximately \$215,000, and have not been budgeted for at this point in time.

Officer Comment:

*It is considered that the City would still be required to undertake the abovementioned studies and these have not been budgeted for. It is also noted that Main Roads WA wrote to the City advising that they support the City's decision to put the MRS Amendment on hold as it is essential that the Council undertakes a Strategic Transport Assessment, Noise Abatement Study and other important infrastructure assessments to ensure that all infrastructure is able to properly meet the needs of the future growth and the potential growth resulting from the Leederville Masterplan.*

The West Perth Regeneration Masterplan is considered to be outdated as it was prepared prior to the release of *Directions 2031 Spatial Framework for Perth and Peel*, the Multi Unit Housing Code and the Draft Central Metropolitan Perth Sub-Regional Strategy.

Officer Comment:

*This comment is still valid and the Masterplan does not take into account any of the abovementioned documents.*

There is limited interest from land owners in the West Perth area south of Newcastle Street to develop in the area in the short to medium term.

Officer Comment:

*The Council requested that the City writes to the land owners in the West Perth area south of Newcastle Street to advise them of the City's intention to hold the MRS Amendment in abeyance and seek any comments they may have. The City wrote to the landowners and to date only three (3) responses were received. One (1) submission supported the City's decision to hold the MRS amendment in abeyance and two (2) submissions were supportive of redevelopment plans. This is not considered sufficient support at this point in time, given the significant cost implications.*

The City has prioritised the promotion and implementation of the Leederville Masterplan and resources should be focused on efficiently managing and implementing this Masterplan.

Officer Comment:

*Leederville has been recognised as a Secondary Centre in State Planning Policy 4.2 – Activity Centres for Perth and Peel and therefore the City is required to prepare a Structure Plan for the area. This project is a priority at the City and should be completed prior to beginning work on the West Perth Regeneration Masterplan.*

The City's Town Planning Scheme No. 1 requires amendment to address the 2007 Local Government boundary changes, and the proposed Metropolitan Region Scheme Amendment in its current form will delay amendments to the local scheme.

Officer Comment:

*This amendment to the Town Planning Scheme No. 1 has now been completed and would therefore not be an issue in this regard.*

**Other Priority Projects:**

In addition to the above comments, the City is currently progressing with a number of key projects including the Town Planning Scheme Review, Leederville Structure Plan, Claisebrook Structure Plan and North Perth Masterplan. The City's Officers are of the opinion that it is more appropriate to progress with these in the first instance and following their completion, use them to guide any redevelopment plans for the West Perth area, if required.

Town Planning Scheme Review

The review of the Town Planning Scheme is considered to be the highest priority project for Strategic Planning. To ensure that the review is progressed in a timely manner, staff resources need to be made available. The review of the Town Planning Scheme will also set up the framework to manage greater levels of development and the development of larger sites through provisions for developer contributions, special control areas, dedicated design guidelines and bonuses for greater height. It is more appropriate to wait until these provisions are in the Town Planning Scheme to better align with any redevelopment plans for West Perth.

Leederville Activity Structure Plan

The preparation of a Structure Plan for Leederville is a requirement under State Planning Policy 4.2. The work required to prepare such a document is extensive and requires a high level of staff commitment to the project. There is insufficient staff capacity to take on an additional project the size of the West Perth Regeneration Masterplan and the associated MRS Amendment that would be required for this to be realised.

As part of the development of the Leederville Activity Centre Structure Plan, the City will be required to investigate many issues relating to service provision, traffic and transport infrastructure, retail needs and the proposed scale of development envisaged for the centre. The outcomes of these investigations may assist in providing advice for the West Perth area; therefore, it is more appropriate to await their completion. The scale of the development proposed for Leederville may also provide a guide of what is appropriate for West Perth.

Claisebrook Structure Plan

The current character of West Perth is similar to that of Claisebrook, where the predominant uses are light and service industry. As part of the preparation of the Claisebrook Structure Plan, the City will be investigating the how the service and light industry uses can be integrated with the proposed high density mixed use development. The outcomes of this investigation may provide a guide for the development of West Perth.

North Perth Masterplan

The North Perth Masterplan is a high level strategic document that creates a vision for the future development of North Perth. This document has been approved by the Council for public consultation. Whilst the Masterplan is nearing the final stages of completion, it is considered that there is insufficient staff available to take on the workload associated with the West Perth Regeneration Masterplan and the MRS Amendment.

**CONSULTATION/ADVERTISING:**

No consultation is proposed at this point in time; however, the City will write to the landowners within the Masterplan area and the WAPC to advise them of the City's decision to put the Masterplan and MRS Amendment on hold until such time that the City has completed the other key projects.

**LEGAL/POLICY:**

- *City of Vincent Town Planning Scheme No. 1* and associated Policies; and
- *Metropolitan Region Scheme*.

**RISK MANAGEMENT IMPLICATIONS:**

**High:** The City already has a number of large strategic planning projects taking place and it would be a risk to take on another project as Officers will not be able to allocate enough resources to individual projects.

The financial costs are also significant for this project and are unbudgeted and there is a risk that should the area not develop, the money could not be recouped.

**STRATEGIC IMPLICATIONS:**

The City of Vincent *Strategic Plan 2011-2016* states:

*"Economic Development*

2.1 *Progress economic development with adequate financial resources.*

2.1.4 *Implement the Leederville Masterplan and West Perth Regeneration Project."*

**SUSTAINABILITY IMPLICATIONS:**

The City's Sustainable *Environment Strategy 2011-2016* states the following key 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."*

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

ENVIRONMENTAL	
Issue	Comment
	The Masterplan would need to be further developed to incorporate a greater level of environmental sustainability. At this point in time the document is very high level and does not cover this sort of detail.
	Notwithstanding the above, the Masterplan does propose a new train station which aims to promote greater use of public transport and less reliance on private cars.

<b>SOCIAL</b>	
<b>Issue</b>	<b>Comment</b>
At this point in time, the City has received little feedback from the community in the affected area, in support of the redevelopment plans. In addition, the current uses in the area are considered to play a vital role in the provision of services to the inner city areas.	

<b>ECONOMIC</b>	
<b>Issue</b>	<b>Comment</b>
The financial costs to the City to progress this project would be significant. To date, there has been no mechanism developed to implement Developer Contributions successfully in an established area with multiple land owners; therefore, it may be difficult to recoup the costs of the infrastructure upgrades required to progress the Masterplan.	

**FINANCIAL/BUDGET IMPLICATIONS:**

There is no money allocated to the West Perth Regeneration Masterplan in the 2011/2012 or 2012/2013 Budgets.

The anticipated costs for studies range from \$200,000 to \$250,000; excluding any planning or consultation advice or work which may be required.

**COMMENTS:**

The area within the West Perth Regeneration Masterplan is located within close proximity to the central city and has good access to services; however, the majority of the area is currently zoned 'Industrial' under the MRS. These light and service industry uses that currently exist, provide a valuable service to the inner city areas. In addition, the City has a number of key strategic planning projects currently being undertaken, which are considered to be a greater priority at this point in time. The West Perth Regeneration Masterplan and associated MRS Amendment are not considered to be a priority in the short term and it is more appropriate to await the outcomes of the City's other projects, before progressing with this Masterplan.

In light of the above, it is recommended that the Council adopt the Officer Recommendation.



**9.1.5 Amendment No. 86 to Planning and Building Policies – Appendix No. 11 relating to the City’s Non-Conforming Use Register**

<b>Ward:</b>	Both	<b>Date:</b>	1 June 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	PLA0081
<b>Attachments:</b>	<a href="#">001</a> – Appendix No. 11; Non-Conforming Use Register <a href="#">002</a> – Schedule of Submissions		
<b>Reporting Officer:</b>	A Fox, Strategic Planning Officer		
<b>Responsible Officer:</b>	C Eldridge, Director Planning Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **ADOPTS** the final amended version of Draft Amended Appendix No. 11 relating to the City’s Non-Conforming Use Register in accordance with Clause 47 (5) (b) of the City’s Town Planning Scheme No. 1, with regard to the nine (9) submissions received during the formal advertising; and
2. **AUTHORISES** the Chief Executive Officer to advertise the final amended version of Draft Amended Appendix No. 11, relating to the City’s Non-Conforming Use Register in accordance with Clause 47 (6) of the City’s Town Planning Scheme No. 1.

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**Moved Cr Maier, Seconded Cr Buckels**

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

“That clause 1 be amended to read as follows:

1. **ADOPTS** the final amended version of Draft Amended Appendix No. 11 relating to the City’s Non-Conforming Use Register in accordance with Clause 47 (5) (b) of the City’s Town Planning Scheme No. 1, with regard to the nine (9) submissions received during the formal advertising subject to the final amended version to Draft Amended Appendix No. 11 being further amended to include the following;
  - 1.1 Non-conforming Use listing No. 9 being amended to indicate that the Non-conforming Warehouse Use applies to the rear of the site only; and
  - 1.2 Notes Nos. 1 – 5 under the table of Appendix No. 11 - Non-Conforming Use Register being amended to provide property address details of previous amendments made to the Non-conforming Use Register.”

Debate ensued.

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

(Cr Wilcox was on approved leave of absence.)

**COUNCIL DECISION ITEM 9.1.5**

That the Council;

1. **ADOPTS** the final amended version of Draft Amended Appendix No. 11 relating to the City's Non-Conforming Use Register in accordance with Clause 47 (5) (b) of the City's Town Planning Scheme No. 1, with regard to the nine (9) submissions received during the formal advertising subject to the final amended version to Draft Amended Appendix No. 11 being further amended to include the following:
  - 1.1 **Non-conforming Use listing No. 9** being amended to indicate that the Non-conforming Warehouse Use applies to the rear of the site only; and
  - 1.2 **Notes Nos. 1 – 5** under the table of Appendix No. 11 - Non-Conforming Use Register being amended to provide property address details of previous amendments made to the Non-conforming Use Register; and
2. **AUTHORISES** the Chief Executive Officer to advertise the final amended version of Draft Amended Appendix No. 11, relating to the City's Non-Conforming Use Register in accordance with Clause 47 (6) of the City's Town Planning Scheme No. 1.

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**PURPOSE OF REPORT:**

The purpose of this report is to provide the Council with an overview of the outcomes of the formal advertising period for Draft Amended Appendix No. 11, relating to the City's Non-Conforming Use Register; to present to the Council the final amended version of Draft Amended Appendix No. 11 and to seek final adoption of the Draft Amended Appendix No. 11.

**BACKGROUND:**

A 'non-conforming use' means any use of land or building which was lawful immediately prior to the coming into operation of the Scheme, but is now not in conformity with the provisions of the Scheme.

On 20 November 2001, the City adopted the Non-Conforming Use Register (NCU Register) as Appendix No. 11 to Planning and Building Policy Manual. The Non-Conforming Use Register contains all details relating to properties nominated by the City as having a non-conforming use.

As significant time has passed since the original NCU Register was adopted by the Council, the City's Officers have undertaken a recent review of the listed non-conforming uses to determine their current status.

**History:**

<b>Date</b>	<b>Comment</b>
20 November 2001	The Council adopted the Non-Conforming Use Register (NCU Register) as Appendix No. 11 to Planning and Building Policy Manual.
14 February 2012	The Council authorised the Draft Amended Appendix No. 11 to be advertised.
20 March 2012	The public consultation period commenced for Draft Amended Appendix No. 11.
26 April 2012	The public consultation period closed for Draft Amended Appendix No. 11.

**Previous Reports to Council:**

14 February 2012 The Council considered a report relating to Draft Amended Appendix No. 11, relating to the City's Non-Conforming Use Register, and resolved to authorise the Draft Amended Policy to be advertised for public comment, in accordance with Clause 47 of the Town Planning Scheme No. 1.

The Minutes of Item 9.1.7 from the Ordinary Meeting of Council held on 14 February 2012 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:**

As part of the review of the Non-Conforming Use Register, initial site inspections of the listed properties confirmed that a number of these properties no longer operate in accordance with the approved non-conforming use. In some cases the site inspections alone were sufficient to confirm discontinuation of use; for example, new residential use may have been established at the site and as such these properties were proposed to be removed from the register. In other cases further evidence was required to confirm the status of 'non-conforming uses' at some properties.

At the Council meeting held on 14 February 2012. Of the original fifty-seven (57) listed properties, eighteen (18) properties were proposed to be deleted from the Non-Conforming Use Register.

In accordance with the Council resolution of 14 February 2012, as part of the formal advertising, the City sought comment from landowners of all fifty-seven (57) properties listed on the Non-Conforming Use Register for a period of twenty-eight (28) days. The City received nine (9) submissions during this time. A copy of the summary of submissions is shown in Appendix 9.1.5.

Of the nine (9) submissions received, all were from the property owners in relation to individual listed properties. The City's Officers make the following comments and recommendations in relation to the submissions received:

**No. 6 (Lot 6) Church Street, Perth – Light Industry**

Initial Observation

A site visit undertaken on 5 January 2012 indicated that the building on site was being used as an art studio and no longer operating as Light Industry. The City's Officers proposed to remove the property from the Non-Conforming Use Register if no evidence to the contrary was presented.

Comments Received

The owner indicated that the property had not been used for Light Industry for some time and will not be tenanted for Light Industry in the future and supports the City's proposal to remove the property from the Non-Conforming Use Register.

Officer Recommendation

The Non-Conforming Use Register has been amended accordingly to remove the property at No. 6 Church Street, Perth.

**No. 29 (Lot 47) Scarborough Beach Road, Mount Hawthorn – Service Station**

Initial Observation

A site visit undertaken on 28 November 2011 indicated that the property was still being used in accordance with the approved non-conforming use of Service Station. The City's Officers proposed to maintain the current listing of the property as Service Station on the Register.

Comments Received

The owner acknowledged the current use of the property as a Service Station and supports the City's proposal to maintain the current non-conforming use listing of Service Station.

Officer Recommendation

The property at No. 29 Scarborough Beach Road, Mount Hawthorn, will remain on the non-conforming use register as current.

**No. 423-427 (Lot 11) Charles Street, North Perth – Service Station**

Initial Observation

A site visit undertaken on 5 January 2012 confirmed that the property was still being used in accordance with the approved non-conforming use of Service Station. The City's Officers proposed to maintain the current listing of the property as Service Station on the Register.

Comments Received

The owner acknowledged the current use of the property as a Service Station and supports the City's proposal to maintain this listing as current on the Non-Conforming Use Register.

Officer Recommendation

The property at No. 423-427 Charles Street, North Perth, will remain current on the Non-Conforming Use Register as Service Station.

**No. 264 (Lot 3) Charles Street, North Perth – Warehouse**

Initial Observation

Site visits undertaken of the property on 28 November 2011 and 5 January 2012 respectively were unable to conclusively determine the current use of the property. In light of this, during the formal consultation period, the owner was contacted to provide evidence of the continued use of the property for warehouse purposes.

Comments Received

The owner provided evidence of the continued use of the premises as a warehouse for the storage of building materials in association with the business; Apex Ceilings and Partitions.

Officer Recommendation

When the Non-Conforming Use Register was originally adopted in 2001, the property at 264 Charles Street, North Perth, had an approved non-conforming use as Warehouse and was used for the storing of goods associated with a plastering business; The Plaster Shop.

The continued use of the premises for the storage of goods associated with the plastering business is consistent with the approved non-conforming use of Warehouse.

In light of the information received from the owner and further investigation undertaken by the City's Officers, it is recommended that the non-conforming use of Warehouse at No. 264 Charles Street, North Perth, be acknowledged and the listing be maintained on the City Non-Conforming Use Register as current.

**Nos. 155–157 (Lots 345 and 346) and 159 (Lot 347) Federation Street, Mount Hawthorn – Light Industry and Car Park**

Initial Observation

On an initial site inspection of Nos. 155-157 Federation Street, Mount Hawthorn, undertaken on 28 November 2011 the property appeared vacant. In light of this, during the formal consultation period, the owner was contacted to provide evidence of the continued use of the properties for Light Industry and Car Park.

Comments Received

The occupier of the premises advised that the premise at Nos. 155-157 Federation Street, Mount Hawthorn, is still being used for Light Industrial and adjoining site No. 159 Federation Street, Mount Hawthorn, is a Car Park associated with the printing business; Image Source.

Officer Comment

A further site inspection undertaken on 30 April 2012 confirmed that the abovementioned premises are being used by the printing company; Image Source, in accordance with the approved non-conforming use of Light Industry and adjoining Car Park use.

It is recommended that the properties at Nos. 155-157 and 159 Federation Street, Mount Hawthorn, maintain their non-conforming use status as Light Industry and Car Park and the Non-Conforming Use Register reflect this.

**No. 17 (Part Lot 14) Burt Street, Mount Lawley – Warehouse**

Initial Observation

A site visit undertaken on 28 November 2011 confirmed that the property was still being used in accordance with the approved non-conforming use of Warehouse. The City's Officers proposed to maintain the current listing of the property as Warehouse on the Register.

Comments Received

The owner acknowledged the current use of the property as a Warehouse and supports the City's proposal to maintain this listing as current on the Non-Conforming Use Register.

Officer Recommendation

The property at No. 17 Burt Street, Mount Lawley, will remain on the Non-Conforming Use Register as a Warehouse.

**No. 21 (Lot 12) Eden Street, Perth – Car Park**

Initial Observation

Site visits on 28 November 2011 and 5 January 2012 indicated that that the Car Park was no longer being used and that adjoining motor vehicle repair business is no longer in operation. In light of this, during the formal consultation period, the owner was contacted to provide evidence of the continued use of the property for Car Park.

Comments Received

The owner advised that they are aware of the expiring non-conforming use rights on the property and that property is intended to be developed for residential purposes.

Officer Recommendation

In light of the above confirmation of the owner, the City's Officers have proposed to remove No. 21 Eden Street, Perth, from the Non-Conforming Use Register.

**No. 295 (Lot 4) Stirling Street, Perth – Car Park**

Initial Observation

A site inspection undertaken on 28 November 2011 indicated that the property was vacant and not being used as a Car Park. In light of this, during the formal consultation period, the owner was contacted to provide evidence of the continued use of the property for Car Park.

Comments Received

The owner of the property advised that the site has historically and is currently used as the overflow Car Park for the adjoining commercial building at Nos. 291-293 (Lot 3) Bulwer Street, Perth.

They also advised that they were presently in preliminary discussions with tenants at Nos. 291-293 (Lot 3) Bulwer Street for the sublease of the upper floor of the building at Nos. 291-293 (Lot 3) Bulwer Street and the subject property at 295 Stirling Street, Perth, as a Car Park may be critical in the success or otherwise.

Officer Comments

It has been confirmed via archive records that the City of Perth originally acknowledged the non-conforming use of the site as a Car Park in 1990. At this time there was no requirement of the owner to further develop the site as a Car Park; for example sealing, draining and line marking the site, and since this time the site has continued to be used as a Car Park on an ad-hock basis in association with the adjoining property at Nos. 291-293 (Lot 3) Bulwer Street, Perth.

The City's Officers acknowledge the continued non-conforming use of the site as a Car Park on a casual basis, and propose to maintain the current listing of Car Park on the Non-Conforming Use Register. Notwithstanding this, the City's Officers recommend that the site be further investigated following a six (6) month period to ensure continuation of the use as a Car Park.

**No. 359 (Lot 638) Oxford Street, Leederville – Light Industry**

Initial Observation

An initial site inspection of No. 359 Oxford Street, Leederville, was undertaken of the building fronting Oxford Street, Leederville, which indicated that the property was vacant. In light of this, during the formal consultation period, the owner was contacted to provide evidence of the current use of the property.

Comments Received

During the formal consultation period, the owner of the property advised that the rear of the property in which the non-conforming use applies is still being used for Light Industrial purposes associated with the business; Central City Cars.

Officer Comments

Subsequent investigation confirmed that there is a split zoning on the site with the non-conforming use applying only to the building at the rear of the site which has a Residential zoning.

A further site inspection on 30 April 2012 confirmed that the building at the rear of the site is being used for automotive repairs in association with the car yard business; Central City Cars, which is also located on the corner of Oxford and Britannia Streets. This use is consistent with the approved non-conforming use acknowledged by the City in 2001 when the business 'BZ Autos' was using the site for automotive repairs.

It is acknowledged that the non-conforming use of the site at No. 359 Oxford Street, Leederville, for Light Industry is current and this is reflected on the Non-Conforming Use Register. A further note will be added to the Non-Conforming Use Register that the non-conforming use only applies to the rear of the property.

**CONSULTATION/ADVERTISING:**

Required by legislation:	No	Required by City of Vincent Policy:	Yes
<b>Consultation Type:</b>	<ul style="list-style-type: none"> <li>• Advertisement in local newspaper;</li> <li>• Notice on the City's website;</li> <li>• Copies displayed at City of Vincent Administration and Civic Building and Library and Local History Centre; and</li> <li>• Written notification to owner(s) and occupier(s) of adjacent affected properties as determined by the City of Vincent and to the Western Australian Planning Commission and other appropriate government agencies as determined by the City of Vincent.</li> </ul>		
<b>Comments Period:</b>	28 days.		

In total, nine (9) submissions were received as follows:

- one (1) stated no objection;
- four (4) stated support; and
- four (4) stated objection.

A detail of the submissions received are shown in Appendix 9.1.5.

**LEGAL/POLICY:**

*Town Planning Scheme No. 1* and associated Policies.

**RISK MANAGEMENT IMPLICATIONS:**

**Medium:** The review of the City's Non-Conforming Use Register will ensure that the City is aware of current non-conforming uses within the City and that the Non-Conforming Use Register is kept up to date in accordance with Clause 17 of the City's Town Planning Scheme No. 1.

**STRATEGIC IMPLICATIONS:**

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

*"Improve and Maintain the Environment and Infrastructure*

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

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

Town Planning Scheme Amendments and Policies

Budget Amount: \$40,000  
Spent to Date: \$37,463  
Balance: \$2,537

**COMMENTS:**

In light of the above justification and the submissions received, it is recommended that the Council receives and adopts the final version of the Draft Amended Appendix No. 11 relating to the Non-Conforming Use Register in accordance with the Officer Recommendation.

**9.1.7 Investigation of Activation of Non Leased Premises in City Town Centres**

<b>Ward:</b>	Both	<b>Date:</b>	1 June 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	ADM0067
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	P McAuliffe, Economic Development Officer		
<b>Responsible Officer:</b>	C Eldridge, Director Planning		

**OFFICER RECOMMENDATION:**

That the Council;

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

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**COUNCIL DECISION ITEM 9.1.7**

**Moved** Cr Carey, **Seconded** Cr Maier

That the recommendation be adopted.

Debate ensued.

**AMENDMENT**

**Moved** Cr Maier, **Seconded** Cr McGrath

"That clause 2 be amended to read as follows:

2. **AUTHORISES** the Chief Executive Officer to obtain quotations from suitable qualified agents to facilitate a trial Pop Up Shop Scheme across the City which has a preference creative industries and/or the not for profit sector, with interested businesses; and all of the people who participated in the community workshops held in August and September 2011 and the surrounding land and business owners and occupiers, of the consultation; and"

Debate ensued.

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

**For:** Cr Maier, Cr Pintabona

**Against:** Mayor Hon. MacTiernan, Cr Buckels, Cr Carey, Cr Harley, Cr McGrath, Cr Topelberg

(Cr Wilcox was on approved leave of absence.)

Debate ensued.

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

(Cr Wilcox was on approved leave of absence.)



**PURPOSE OF REPORT:**

The purpose of this report is to present findings from research undertaken in the City's Town Centres and with a range of organisations with expertise in the activation of Non Leased Premises. This report also provides recommendations on how the City can facilitate the trialling of a Pop Up Shop Scheme across the five (5) Town Centres with those owners/agents who have expressed an interest in either being involved or discussing further. This report includes the results of surveying of all identified owners or managers of current non leased properties in the City of Vincent regards trialling a Pop Up Shop Scheme.

**BACKGROUND:**

The Council at its Ordinary Meeting held on 28 February 2012, considered a Notice of Motion from Cr John Carey requesting to investigate the Activation of Non Leased Premises within the Beaufort Street Precinct. The motion moved then changed to include the investigation of all Town Centres by Councillor Wilcox. The resolution was worded as follows:

*"That the Council REQUESTS:*

1. *the Chief Executive Officer to investigate the activation of non leased premises within the City of Vincent precinct via the establishment of a temporary "Pop Up Shops" scheme. This investigation will include, but not be limited to:*
  - 1.1 *liaison with the City of Fremantle and Metropolitan Redevelopment Authority regarding the successful adoption of temporary "Pop Up Shops" of non leased premises and opportunity to trial such scheme in the City of Vincent;*
  - 1.2 *identification of current non leased premises the City of Vincent and liaison with current owner/s or representing agents regarding potential interest in "Pop Up Shops" scheme;*
  - 1.3 *potential financial implications, resourcing, liability and risk management considerations for the establishment of "Pop Up Shops" scheme;*
  - 1.4 *earliest timeframe required to establish "Pop Up Shops" within non leased premises; and*
  - 1.5 *any other relevant matters; and*
2. *that a report be submitted to the Council by no later than May 2012."*

**DETAILS:**

In accordance with the request made by the Council above, the City's Officers have investigated the matter in line with the above Notice of Motion, as outlined below:

*"1.1 Liaison with the City of Fremantle and Metropolitan Redevelopment Authority regarding the successful adoption of temporary "Pop Up Shops" of non leased premises and opportunity to trial such scheme in the City of Vincent."*

Investigation of the Metropolitan Redevelopment Authority (MRA) and City of Fremantle Pop Up Shop programs identified the key aim was to support activation of particular locations where they had ownership of property. Details of the investigation and liaison with these two organisations is summarised below.

### **Metropolitan Redevelopment Authority**

The MRA have a small offering of Pop Up Shops in William Street which is managed by a specialist commercial retail agent; Metier. Their main aim for the street is to attract long term tenants that fit the vision and tenancy mix of the street. Most short term tenants come from the Creative Industries or the Not for Profit sector.

Metier currently manages seven (7) Pop Up Shop sites within the MRA William Street portfolio of twenty-nine (29) properties. They use five (5) properties that have not been redeveloped, solely for Pop Up Shop usage as these properties are awaiting redevelopment, and two (2) of the developed sites are currently being used as incubators for tenants that will be moving into long term leases.

The MRA have focused on strategic targeting of tenants and worked on short term licenses. These are administered by Metier and are called 'Permission to Occupy Agreement'. The licenses are for a specific short term period and tenants are required to respond to usual licensing requirements and secure normal approvals. The agreement includes the tenant providing a Certificate of Currency in relation to their having Public Liability, Workers Compensation and Product Liability Insurance. Building Insurance is covered by the MRA as owners of the property.

The use of the 'Permission to Occupy Agreement' simplifies the process and is for a period of eighty-nine (89) days. This means that short term or casual tenants do not come under the Commercial Tenancy (Retail Shops) Agreements Act 1985, which currently requires tenants be offered a minimum five (5) year lease for any tenancy more than ninety (90) days.

### **City of Fremantle**

The City of Fremantle own five (5) shops on the corner of Point and Queen Adelaide Streets that were due for demolition and in the interim are being managed through a business incubation organisation called "Business Foundations". As business incubators for start up retail stores, minimal rents of \$80 to \$90 per week are charged to cover insurance and utilities. The City of Fremantle do not provide or facilitate this opportunity currently for any other vacant premises within their City. This is primarily because the City of Fremantle do not own these properties and therefore have no control over the management, insurances and leasing.

In the City of Fremantle, businesses are licensed for short terms (not leased) for three (3) months during the summer time and five (5) months during the winter time given trading is slower. By licensing for business incubation rather than leasing long term they have not had any concerns in relation to the *Commercial Tenancy (Retail Shops) Agreements Act 1985*; commonly referred to as the Retail Tenancy Act. Turn-over is regular as this is due to businesses soon learning if leasing a retail property is feasible or not for their business, with those that are successful moving on to lease premises in other locations.

### Key Findings

- Both organisations owned and managed the properties they licensed for Pop Up Shops.
- Both organisations manage short term leasing differently working outside the requirements of the *Commercial Tenancy (Retail Shops) Agreements Act 1985* using more casual licenses and Permission to Occupy Agreements.

### **Other Pop Up Shop Models**

A range of other Pop Up Shop models have been investigated a sample of which are:

- **Empty Spaces** - which is supported by the provisions for the NSW Department of Planning and Sydney Metropolitan and Regional Strategies which focuses on Arts Revitalisation Projects.

- **Beautiful Art Spaces, Cairns** - Designed to invigorate the Cairns CBD by creating partnerships between property owners and local creative industries.
- **Camden Town, London** – Focuses on filling shops with arts and creative industries which fits with the vision and brand for the area alongside a core focus of activating streets from a safety perspective. Have won awards for their Pop Up Shop Scheme which is coordinated by the Business Improvement District.
- **Empty Shops Network, UK** – Focuses on attracting and matching tenants with empty shops and simplifying the licensing and insurance processes.
- **Renew Newcastle Project** – Aims to get artists and creative projects into some of the growing numbers of empty shops and offices within the Newcastle CBD.
- **Chameleon, UK** – Sources and offers retail businesses rents and rates free shops for a period of up to twelve (12) weeks in Dovercourt and Clacton.

A range of these models are based on sourcing empty shops which are individually owned and matching them with short term tenants commonly from the arts or creative industries arena. They are located in areas where there is a high need for street activation with long term empty shops which has most often resulted from the global economic downturn and other challenges for main street retail such as consumers turning to online buying or shopping at large centralised shopping centres. They are driven generally by the need to activate Main Streets, many that are performing poorly. Most of the successful Pop Up Shop models are run in Main/High Streets by the local business organisations in partnership with government or local councils such as Business Improvement Districts. In these cases they are generally charged minimum or no rent.

*“1.2 Identification of current non-leased premises the City of Vincent and liaison with current owner/s or representing agents regarding potential interest in “Pop Up Shops” scheme;”*

Investigation of non leased premises across the City of Vincent included Beaufort Street, Leederville, Mount Hawthorn, North Perth and William Street/Perth. Vacant premises were identified and owners or agents were contacted to gauge interest in a possible Pop Up Shop scheme for the City.

### **Beaufort Street**

Of the eight (8) vacant premises identified in March 2012; one (1) owner did respond to calls, one (1) responded that they would be interested, and one (1) agent would only consider the proposal for thirty (30) day leases so as not to impact long term tenancy. The other five (5) had various reasons for not wanting to be considered. The reasons ranged from properties already under negotiation to lease or leased, preference for long term leases, leasing properties not considered difficult and concern that properties could be devalued with short term tenants. Of those spoken to, five (5) were agents and two (2) were property owners.

### **Leederville**

Of the fourteen (14) vacant premises identified in mid April 2012; eleven (11) responded they would not be interested, one (1) did not return phone calls or emails, one (1) was interested, and one (1) agent mentioned that they would consider the proposal if legal and insurance matters were property addressed. The reasons cited for not being interested in the proposal included preference for long term tenants, the location was strong enough to attract long term, concern that properties could be devalued with short term tenants and additional expenses and work required associated with short term tenants. Many cited the *Commercial Tenancy (Retail Shops) Agreements Act 1985* as being too hard to work with short term tenants and insurance being too difficult, not possible or too risky. Of those spoken to, twelve (12) were agents and two (2) were property owners.

### **Mount Hawthorn**

Of the eight (8) vacant premises identified in Scarborough Beach Road and the north end of Oxford Street in late April 2012; three (3) of the properties were not interested and five (5) were interested to discuss, one (1) being the Mezz Shopping Centre. Those that were not interested cited the main reason as that they had already leased or had interest in the property to lease long term. The level of interest was higher in Mount Hawthorn which may have something to do with comments from a real estate agent about Mount Hawthorn, who noted that: *"Mount Hawthorn has become slightly like a secondary location since the Global Economic Crisis. Some properties are taking longer to lease and dependent on the level of financial pain being experienced by owners some may want to consider short term tenants particularly if it was a professionally operated scheme with good listings."* Of those spoken to, six (6) were real estate agents and two (2) were property owners.

### **North Perth**

Of the fourteen (14) vacant premises in the Angove and Fitzgerald Street identified (as far as Bulwer Street) in mid May 2012; seven (7) were not interested, four (4) were interested to discuss and three (3) were not contactable. The premises that were empty in Angove Street were being renovated or already leased. Some premises in Fitzgerald Street were only suitable for office use. The site visits indicated that the area along Fitzgerald Street between Vincent and Bulwer Street has eight (8) shops and commercial vacancies, which could benefit from activation through the attraction of café or some other type of public attracting anchor that would bring more foot traffic to the area. Some of these sites have been vacant for over a year, with one (1) being leased and one (1) being negotiated. Of those contacted, nine (9) were real estate agents and five (5) were property owners.

### **William Street/Perth**

Of the eleven (11) vacant premises identified in mid/late May 2012 in the main Perth/William Street area; four (4) were very interested to discuss and two (2) were not interested primarily because they were already leased and one (1) was a small bar not suitable for a Pop Up Shop.

Two (2) premises located at the south end of Beaufort Street were suitable only for an office with no street frontage and this was similar for one (1) in Bulwer Street. The main William Street area between Newcastle and Brisbane had only one (1) vacancy which was already leased. Advice from agents was that in this section of the street there was absolutely no problem leasing. The area has a strong identity and local clientele and new business opportunities that suit that market mix are readily available in this location. There were four (4) vacancies in William Street between Brisbane and Bulwer Street further north, including three (3) in one strip. It was advised that this location was not quite as easy to lease immediately and the agent was very keen to discuss Pop Up Shops. This is something this agent has already undertaken successfully and feels it is good for the area particularly if the focus is on creative industries. The agent advised that owners would be happy to have short term tenants to cover costs and to activate the area. All those contacted were agents.

#### *"1.3 Potential financial implications, resourcing, liability and risk management considerations for the establishment of "Pop Up Shops" scheme;"*

As the City does not own any vacant commercial properties, recommendations have needed to be adapted to the individual ownership and management of properties that we would need to deal with. Importantly, the process proposed does not implicate significant additional costs, time and resources for the City, particularly given the initial level of interest has not been high.

As there is some interest, a possible way forward to trial a Pop Up Shop Scheme would be to utilise the expertise of a specialist commercial agent, such as Metier who the MRA utilise, to work with those properties that have expressed interest. Advice from Metier has confirmed that if five (5) or six (6) properties agreed it would be possible to trial a short term tenancy scheme that could operate across the City's Town Centres.

The designated specialist agent would undertake most of the work in meeting with the owners/agents, conducting site inspections and finding the right short term tenants. They would also be responsible for drawing up the agreements, authenticating insurances, setting up appropriate bonds and carrying out thorough inspections.

A specialist agent will have already developed a list of potential Pop Up Shop tenants that they could match with interested properties. Their liaison would be directly with the owner or agent and they would report to the City of Vincent on progress and results of their overall efforts in relation the range of properties they are managing as Pop Up Shops.

A key benefit of an agent working across the City's Town Centres in placing Pop Up Shops would be that short term tenants, where appropriate, can be moved to other locations within the City of Vincent.

It can be imagined that if Pop Up Shop licensing was managed professionally and seen to be successful, even in a small number of outlets, it may generate further interest in others joining in the scheme.

The City's role would be to initially identify the tenants and introduce them to the selected specialist agent and refer any new enquiries to the agent. Protocols in relation to the selection of an agency acting for Pop Up Shops would mean putting out an invitation to quote to select the suitably qualified agent.

In relation to risk management and liability, advice provided says that this approach involves minimal risk to the Council as it is not the Council who will be directly conducting the short term leasing/licensing activity. The role of Council would be to select a suitable agent to which an initial list of interested agents and owners are provided for them to contact. All communications, contracts and leasing arrangements would be between the specialist agent and the owner or agent of vacant properties.

*"1.4 Earliest timeframe required to establish "Pop Up Shops" within non leased premises;"*

The City would require approximately three (3) weeks in total to prepare and submit an invitation to quote, including processing upon receipt and engagement. Once a suitably experienced agent is appointed, the agent would be required to contact all interested parties, assess, and match tenant suitability and source tenants prior to commencing site visits, leasing and licensing processes. The estimated time for the agent start up work is approximately four (4) to six (6) weeks. Total estimated time is ten (10) weeks and is dependent on interested owner/agent property assessments by a specialist agent and availability of suitable tenants.

*"1.5 Any other relevant matters;"*

### **Length of Scheme Trial**

Given the scheme will not be the direct responsibility of the City of Vincent it is difficult to say how long the trial or program would continue for. A twelve (12) month period is recommended. However, it would depend if the appointed agent was able to run it successfully, work with the range of other agents and owners and get some financial return. Given an approach like this, as far as we are aware it has not been done before and as such it is very difficult to gauge. Unlike the MRA or the City of Fremantle, the City of Vincent does not own any of the vacant premises and therefore does not have the same direct business involvement and liaison that a local Business Improvement District or business group would have. The appointed agent in the City's situation would be dealing with multiple owners and agents which will be a far more complex task than dealing directly with a single owner or manager.

### **Communication and Promotion**

Given the complex nature of the work required by the appointed agent it will be important for the City of Vincent to provide as much support as possible, particularly in introducing the approach to those agents and owners who have expressed interest through the research. A letter of introduction from the City of Vincent would be important as a way of introducing the agent and scheme prior to the agent making direct contact with them. Other promotional/communication strategies for the scheme should also be discussed with the agent once appointed to ensure the City's businesses are aware of the scheme and that it is supported by Council.

### **Retail Planning and Business Improvement Districts**

Other findings as part of these investigations across the five (5) Town Centres highlighted a lack of general management and retail planning in each of the Centres. This is because the streets and Town Centres are not managed on the lines of larger shopping centres by an overarching management group but by individual owners and property agents who currently do not work together. There is an important opportunity to investigate and discuss successful main street/place making models where retail planning is part of the streets' management. The coordination of which is undertaken through either a strong business group or using a Business Improvement District model. The City of Fremantle, who collects a differential rating from retail/commercial property owners, is currently setting up a Business Improvement District to better harness the expertise and involvement of its businesses in retail and street management and planning.

### **CONSULTATION/ADVERTISING:**

In the preparation of this report, consultation was undertaken with the owners or agents of the identified empty premises, within each of the City's Town Centres. The owners/agents were personally contacted to gauge interest in the Pop Up Shop Scheme.

Should the City wish to proceed with the Pop Up Shop Scheme, extensive community consultation and engagement with business operators, owners and agents will be required.

### **LEGAL/POLICY:**

*Commercial Tenancy (Retail Shops) Agreements Act 1985.*

### **RISK MANAGEMENT IMPLICATIONS:**

**Low:** There is little risk associated with the proposed Pop Up Scheme, as the City would play more of an advocacy role and would not be directly involved or have to contribute to any significant funds.

### **STRATEGIC IMPLICATIONS:**

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

#### "Natural and Built Environment

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

#### Economic Development

2.1 *Progress economic development with adequate financial resources.*

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

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

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

2.1.4 *Implement the Leederville Masterplan and West Perth Regeneration Project."*

**SUSTAINABILITY IMPLICATIONS:**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

There is currently no specific budget allocation for Economic Development in the 2011/2012 or 2012/2013 Budgets, or for this proposed activity. If the Council chooses to assist in the facilitation of a Pop Up Shop scheme and wish to receive bi-monthly reports and updates from a selected agent, it is estimated that this would be at a cost of \$800 to \$1,000 for each report depending on the time taken to prepare them. Should the Council wish to pursue the Pop Up Shop scheme further, quotations will be obtained and reported back to the Council for consideration.

**COMMENTS:**

As the investigations have been staggered from March to May 2012, it would be expected that some of the properties that have expressed interest in being involved may have secured long term tenants for their properties. Other sites may have come up for lease in the various Town Centres. If the Council wish to pursue facilitating a Pop Up Shop scheme it would be important to contact all those who have expressed an interest, as it is a positive response and worth following through.

Once a specialist agent is appointed it would be expected as part of their role to update the vacancy listings as they visit the Town Centres and make contact with any new potential sites.

In light of the above, it is recommended that as a way forward the Council support the City's Officers to obtain quotations from suitable qualified agents to enable the City to assist in the facilitating a Pop Up Shop Scheme.

**9.2.1 ICLEI Water Campaign – Progress Report No. 3**

<b>Ward:</b>	Both	<b>Date:</b>	1 June 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	TES0578
<b>Attachments:</b>	<a href="#">001</a> – Certified Verification of Completion of Milestone 1		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J Parker, Project Officer – Parks & Environment		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council

1. **NOTES** that milestone 1 has been completed and certified verification has been received from ICLEI (refer attachment 9.2.1); and
2. **ENDORSES** the goals for Milestone 2 set by the International Council for Environmental Initiative's (ICLEI) – Water Campaign™ as outlined in the report.

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**Moved Cr Maier, Seconded Cr Buckels**

That the recommendation be adopted.

Debate ensued.

**AMENDMENT NO 1**

**Moved Cr Maier, Seconded Cr Topelberg**

That a new clause 3 be inserted as follows:

- “3. **REQUESTS** a further report by August 12 which provides a timetable for developing and adopting a Local Action Plan consistent with the goals adopted in Milestone 2.”

Debate ensued.

The Mover, Cr Maier advised that he wished to withdraw his amendment. The Seconder, Cr Topelberg agreed. Cr Maier withdrew his amendment.

Debate ensued.

**AMENDMENT NO 2**

**Moved Cr Maier, Seconded Cr Carey**

That clause 2 be deleted and new clauses 2 and 3 be inserted as follows:

- “2. **REFERS** the further milestones to the City's Sustainability Advisory Group, for consideration; and
3. **REQUESTS** a further report by August 2012, which provides a timetable for developing and adopting a Local Action Plan consistent with the goals adopted in Milestone 2.”

**AMENDMENT NO 2 PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Wilcox was on approved leave of absence.)

Debate ensued.

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

(Cr Wilcox was on approved leave of absence.)



**COUNCIL DECISION ITEM 9.2.1**

**That the Council**

1. **NOTES that milestone 1 has been completed and certified verification has been received from ICLEI (refer attachment 9.2.1);**
  2. **REFERS the further milestones to the City's Sustainability Advisory Group, for consideration; and**
  3. **REQUESTS a further report by August 2012, which provides a timetable for developing and adopting a Local Action Plan consistent with the goals adopted in Milestone 2.**
- 

**PURPOSE OF REPORT:**

The purpose of this report is to provide information to the Council on the current progress of the International Council for Environmental Initiative's (ICLEI) – Water Campaign™ Program Milestones and to gain endorsement for the Milestone Two (2) goals set by the City's relevant officers.

**BACKGROUND:**

At its Ordinary Meeting held on 22 May 2007, the Council considered a report on the ICLEI - Water Campaign™ Program.

The Council was advised that the ICLEI Water Campaign is an international freshwater management program which aims to build the capacity of local government to reduce water consumption and improve local water quality.

The campaign was introduced and piloted in Australia in 2002, with the assistance of five ICLEI Member Councils - the Shire of Sutherland and City of Wollongong in NSW, and the Cities of Melbourne, Mitcham and Port Phillip in Victoria. It has since expanded to 88 local governments participating in the program in South Australia, Victoria, New South Wales, Western Australia and Tasmania.

After considering the report, the Council made the following decision (in part):

*"That the Council;*

- (ii) *ENDORSES the Town of Vincent joining the International Council For Environmental Initiative's (ICLEI-A/NZ) - Water Campaign™ Program and commencing actions to achieve the five (5) milestones at a cost of \$1,650;*
- (iii) *LISTS \$1,650 for consideration in the 2007/2008 draft budget to enable the Town to become a member of the ICLEI-A/NZ - Water Campaign™ Program; and*
- (iv) *RECEIVES progress reports on the program as the respective milestones are achieved."*

The Water Campaign™ is a sustainability initiative from the International Council for Local Environmental Initiatives (ICLEI) and the Australian Government and provides local governments with a framework and structured approach to actively assess their consumption of water and how their activities affect water quality within their area.

Council progression through this program framework is marked by milestones which progress the water management initiative through a series of steps. These steps are referred to as Milestones.

**DETAILS:**

The Water Campaign provides local governments with a tested program model, covering a broad spectrum of water management issues. The program involves progressing through five (5) milestones, that guide participating local governments through a process of local research, policy making, action planning, implementation and evaluation as follows:

**Milestone 1:**

Undertake a water consumption inventory and water quality checklist. *Completed and milestone one awarded. (Refer attached Certificate).*

**Milestone 2:**

Establish a water consumption reduction goal and water quality improvement goal. *Pending Council endorsement.*

The following will be provided to ICLEI Water Campaign to progress towards completing the Milestone.

*The City of Vincent commits to operating as a role model, for the local and wider community, to utilize and manage the available water resources efficiently, effectively, sustainably and conservatively.*

*Baseline Year: The City of Vincent identifies the most practicable year to retain as a baseline year 2010/2011. This allows for newly installed facilities, amenities and operations to be taken into account and therefore will not prevent the useful application of the annual recorded data.*

*It is important to note that the 2010/2011 data has been recorded before the quality and relevance of data in medium to long term use.*

*Water Conservation Goal – Corporate*

- *To reduce water consumption by 5% for scheme water and 10% for groundwater below 2010/2011 levels by 2016/2017.*

*Water Conservation Goal – Community*

- *The reduce water consumption by 5% per capita below 2010/2011 levels by 2016/17.*

*Water Quality Goal – Corporate*

- *The achieve 50 points from the Water Campaign™ water quality action cards by 2016/2017.*

*Water Quality Goal – Community*

- *To achieve 50 points from the Water Campaign™ water quality action cards by 2016/2017.*

*The City of Vincent places a strong focus on sustainable environmental management. This focus aims at protecting and best managing the resources available to the City in a way in which facilitates an appropriate balance between the needs of the City and the residents and the resources available for use.*

*The City approaches sustainable environmental management using an integrated approach.*

*This is evident and operates across the board ranging from informed procurement to best practice planning, building and operations. The management approach taken by the city of Vincent is intended to reduce consumption, pollution, water and dependence on finite resources use as well as increasing productivity, efficiency, education and alternative resource use.*

Point System for Water Quality Goals:

As outlined by ICLEI, the point scheme reference is based on a point grading system for actions performed by the Council to improve water quality.

Actions aimed at improving the water quality of the local and wider community are classified on three (3) tiers.

*Base level actions*, for example annual rubbish clean up near a water way, is classified at tier one (1) and will attract five (5) points per action.

*Middle level actions*, for example restoration of a minor water way is classified at tier two (2) and will attract ten (10) points per action.

*High level actions*, for example a complete large water body restoration is classified at tier three (3) and will attract fifteen (15) points per action. It is important to note that the maximum number of points attracted is fifteen (15) per action.

**Milestone 3:**

Develop and adopt a local action plan. *Yet to be progressed.*

**Milestone 4:**

Implement policies and actions to work towards integrated freshwater resource management and quantify the benefits. *Yet to be progressed.*

**Milestone 5:**

Monitor and report on water consumption reductions, water quality improvements and water management initiatives. *Yet to be progressed.*

Officers Comments:

*Milestone 2 involves the establishment of water consumption reduction goal and water quality improvement goal in the four (4) areas as outlined above.*

*In order for Milestone Two (2) to be completed the goals set by the City's relevant officers is required to be endorsed by Council before Milestone Two (2) can be awarded.*

**CONSULTATION/ADVERTISING:**

Not applicable.

Further progress reports will be submitted to the Council, as the project is progressed.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

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

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

- (d) Ensure effective and efficient management and use of water and encourage water minimisation.*
- (e) Protect and improve the quality and dependent ecosystems of surface and ground water resources within the City."*

**SUSTAINABILITY IMPLICATIONS:**

Water is one of our most precious resources and better management of water quality and use can achieve improved future sustainability. The Town, through the Water Campaign program, has the opportunity to take a leadership role in the local area and be part of a growing network of local governments, in Western Australia and nationally, who have identified integrated water resource management as a priority for financial, environmental and social reasons.

**FINANCIAL/BUDGET IMPLICATIONS:**

As a member of ICLEI, the Water Campaign participation fee is approximately \$1,800 per annum.

**COMMENTS:**

The ICLEI Water Campaign Milestone 1 has been completed with Milestone 2 underway.

In order for Milestone 2 to be completed the goals set by the City's relevant officers must be indorsed by Council before the Milestone can be awarded.

Following the successful completion of Milestone 2 it is expected that Milestone 3 will be completed within the next financial year 2012/2013.

Once all of the milestones have been completed the City will receive its 'Waterwise' Certification.

**9.2.2 Proposed Reallocation of Traffic Management Funding**

<b>Ward:</b>	North	<b>Date:</b>	1 June 2012
<b>Precinct:</b>	Mount Hawthorn (P1)	<b>File Ref:</b>	TES0077/TES0240
<b>Attachments:</b>	Nil		
<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		

That the Council;

1. **APPROVES BY AN ABSOLUTE MAJORITY to reallocate \$55,000 from three (3) Mount Hawthorn Traffic Management projects which will not be proceeding, for the reasons outlined in the report, to a proposed new project 'Mt Hawthorn Area Wide Traffic Calming Pilot Scheme'; and**
2. **NOTES that the project scope will be developed by the City's officers in partnership with Integrated Transport Advisory Group.**

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**COUNCIL DECISION ITEM 9.2.2**

**Moved Cr Buckles, Seconded Cr Maier**

**That the recommendation be adopted.**

**Debate ensued.**

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

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

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**PURPOSE OF REPORT:**

The purpose of this report is to request that Council reallocate previously approved Traffic Management Improvement funding for three (3) projects, for which approval was subsequently refused by Main Roads Western Australia (MRWA), to a possible future area wide traffic calming 'pilot scheme' in Mt Hawthorn the scope and extent of which is to be discussed/defined by the Integrated Traffic Management Advisory Group.

**BACKGROUND:**

In early 2011 the City's then Local Area Traffic Management Advisory Group (now the Integrated Transport Advisory Group (ITAG)) considered resident requests for traffic calming in both Coogee Street and The Boulevarde in Mt Hawthorn.

Traffic data was collected prior to the Group considering what measures, if any, were appropriate.

Taking an overview of the road local network and with the traffic data in mind the Group agreed in principle for two (2) intersection modification projects to improve road safety and traffic management in the aforementioned streets.

**DETAILS:**

**Traffic Management Coogee Street and The Boulevarde:**

Proposal:

Coogee Street and The Boulevarde are classified as Access Roads under the Metropolitan Functional Road Hierarchy. Both are straight thoroughfare with an uninterrupted journey connecting Scarborough Beach and Anzac Roads. While the speed of traffic was not excessive it was in the mid to high 50's which the Group agreed justified some form of intervention or calming.

It was noted however, that while many of the side streets intersecting with both these roads were subject to a 'stop' control the same did not apply to either Coogee Street or 'The Boulevarde'. As a consequence there was nothing to delay or break a motorist's journey leading to possible higher speeds.

The Group concluded that if the stop controls at the intersection of Ashby Street, for both Coogee Street and The Boulevarde, was reversed to stop traffic on these streets rather than Ashby Street it would lead to lower speeds in general. Further, it would not have adverse impact upon Ashby Street as it would still be subject to stop control on the adjoining intersections at Matlock and Kalgoorlie Streets.

Funding:

The 2011/2012 Traffic Management budget includes total funding for the three (3) projects of \$55,000 as follows:

- Coogee Street - \$15,000
- Coogee/Ashby - \$20,000
- The Boulevarde/Ashby - \$20,000

MRWA Approval required:

The City duly applied to MRWA in accordance with the above with a majority of the funds to be spent on installing pedestrian refuge islands in Coogee Street and The Boulevarde to improve pedestrian safety, accommodate additional stop signs (to reinforce the stop control) and better control traffic movements through the intersections.

However MRWA refused the City's request to approve the reversal of the stop because in their words: "*The suggested proposal is to treat a speeding issue. STOP control should not be used as a measure for treating this type of problem.*"

MRWA Further indicated that:

*"The crash statistics show only one crash (in respect of Ashby and Coogee Streets) at the intersection..."* While in reference to The Boulevard and Ashby Street, "*The statistics show no crashes at this intersection...*"

MRWA Conclusion: "*The City of Vincent may wish to consider alternative local area traffic management measures to reduce the speeding issue...*"

**ITAG Meeting of 14 May 2012**

While not specifically related to the above at the ITAG Meeting of 14 May 2012 during general business, an item was raised in respect of traffic speeds, rat running and road safety in the wider Mt Hawthorn area. The matter was brought to attention of the Group by the Council members of ITAG who had attended a recent meeting of the Mt Hawthorn Precinct Group.

Several residents at the Precinct Group meeting raised concerns that as a result of the ever expanding number of vehicles in the metropolitan area that rat running was increasing in the wider Mt Hawthorn area leading to higher traffic volumes and speed and a decline in road safety in general.

The residents offered various suggestions, one of which was to lower the speed limit on residential streets (Access Roads) from the 50 kph to either 40 or 30 kph.

It is acknowledged that this is not something that the City can do arbitrarily or in isolation.

However, it did create some discussion in ITAG about presenting the possibly of a reduced area wide speed limit to the Officer of Road Safety and MRWA as a 'pilot scheme'.

The Group asked the officers to contact the Office of Road Safety, MRWA and the RAC about the level of support for the above, and to enquire that if an agreement in principle could be reached would financial assistance be available?

Note: The WA Police Service would also be consulted.

### **Proposed reallocation of funds**

Rarely does a State Authority enter into funding agreements with Local Government without there being an element of contributory funding by the Local Government.

While the ITAG, as an Advisory Group, can not in itself make decisions, the Group's recommendations are generally endorsed by Council.

Given that the proposed Mount Hawthorn area wide scheme was raised after the budget process was finalised there was no opportunity to allocate any funding in the 2012/13 financial year.

However as can be seen from MRWA response above in respect of Coogee Street and The Boulevard neither project will be proceeding.

Therefore, it is proposed that the existing \$55,000 be reallocated from the aforementioned projects to a "Mount Hawthorn area wide traffic calming pilot scheme" and the funds carried Forward to 2012/2013, acknowledging that the ITAG is yet to define the scope/extent of the project.

It should also be acknowledged that like Local Government, State Authorities have also finalised their 2012/13 budgets. Therefore, even if agreement can be reached within the year the City's funds may be the 'seed capital' to start any project(s) before the State Authorities are in a position to allocate any contributory funding.

It is proposed that once the City has received a response from the aforementioned organisations, and the ITAG has considered that matter, that a further report be presented to Council.

### **CONSULTATION/ADVERTISING:**

Nil at this time.

### **LEGAL/POLICY:**

All the roads within the Mount Hawthorn area (other than boundary roads) come under the care, control and management of the City. However any significant changes to the road network are bound by the Road Traffic Code 2000, Main Roads WA Act 1930 and require the approval of the Managing Director, Main Roads WA.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** At the time the 'pilot scheme' is conceptual only and not specifically targeting any known 'black spots' or traffic hazards.

**STRATEGIC IMPLICATIONS:**

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

*"Natural and Built Environment"*

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

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The estimated cost of the proposal is currently unknown. However there is an opportunity to reallocate and carry forward \$55,000 of unexpended 2011/2012 Traffic Management funding to 2012/13 in anticipation of introducing a traffic calming 'pilot scheme' in the wider Mt Hawthorn area.

**COMMENTS:**

While it is acknowledged that the premise for the reallocation and carrying forward of Traffic Management funds for a yet to be defined project could be considered tenuous if the City is keen to pursue an area wider traffic calming 'pilot scheme' in Mount Hawthorn then a significant level of funding will be required irrespective of any state or external funding.

Therefore an opportunity exists to use funds already allocated for Traffic Management purposes in the Mt Hawthorn area, which will not be expended in 2011/2012 for reasons outlined in the main body of the report.



**9.2.3 Possible Parking and Streetscape Improvements in Brisbane Terrace, Perth**

<b>Ward:</b>	South	<b>Date:</b>	1 June 2012
<b>Precinct:</b>	Hyde Park (12)	<b>File Ref:</b>	PKG0055
<b>Attachments:</b>	<a href="#">001</a> – Parking and Streetscape Plan 2951-CP-01		
<b>Tabled Items:</b>	-		
<b>Reporting Officers:</b>	A Brown, Engineering Technical Officer R Lotznicker, Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES IN PRINCIPLE** the ‘Tree Planting’ proposal for Brisbane Terrace as shown on attached plan No 2951-CP-01;
2. **CONSULT** with residents in the street regarding the ‘Tree Planting’ proposal seeking their comments and advises them of the parking trial currently underway in Moir Street; and
3. **CONSIDERS** the comments received at the conclusion of the consultation period.

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**COUNCIL DECISION ITEM 9.2.3**

**Moved Cr Carey, Seconded Cr Maier**

That the recommendation be adopted.

Debate ensued.

**AMENDMENT**

**Moved Cr Maier, Seconded Cr Carey**

“That Clause 2 be amended to read as follows:

2. **CONSULT** with residents in the street ~~regarding seeking their comments on the ‘Tree Planting’ proposal seeking their comments and advises them of the and the desirability of undertaking a parking trial similar to the one currently underway in Moir Street; and”~~

Debate ensued.

**PROCEDURAL MOTION**

**Moved Cr Pintabona, Seconded Cr Harley**

That the item be DEFERRED for further consideration and clarification.

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

**For:** Mayor Hon. MacTiernan, Cr Buckels, Cr Harley, Cr McGrath, Cr Pintabona, Cr Topelberg

**Against:** Cr Carey, Cr Maier

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

**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of the 'Tree Planting' proposal for Brisbane Terrace and request that residents in the street be consulted regarding the proposal and also to advise residents of a parking trial currently underway in a nearby street.

**BACKGROUND:**

**Ordinary Meeting of Council 5 April 2011:**

In early 2011 the City received requests to investigate safety and amenity improvements for parked vehicles in Brisbane Terrace.

The Council was advised that in January 2011 consultation regarding a proposal for 1 Hour Parking restrictions on the northern side of the street and the introduction of a 'No Stopping' restriction on the south side of the street was undertaken.

Following consideration of the report the following decision was made (in part):.

*That the Council;*

- (i) *APPROVES the implementation of a 'No Stopping' parking restriction on the south side of Brisbane Terrace between Lake Street and Brisbane Place as shown on attached Pan No 2775-PP-01B;*
- (ii) *RETAINS the 1P restriction 'at all times' on the North side of the street for the reasons outlined in the report, refreshes/updates the existing line marking and increases enforcement in this area;*
- (iii) *CONSIDERS listing \$15,000 in the 2011/2012 draft budget for the planting of trees on the south side of Brisbane Street; and"*

In accordance with the council decision funds were allocated in the 2011/2012 budget to implement the tree planting exercise.

**DETAILS:**

**Proposed Tree planting:**

Given that all the parking on the south side of Brisbane Terrace has been banned it initially was considered that trees should be located on that side to ensure that the existing number of on road parking spaces on the north side of the street be maintained.

However at the concept design stage for it was determined that due to location of underground services, predominantly a water main and medium pressure gas main, the planting of trees along the south side of Brisbane Terrace would not be possible as the proposed tree locations would clash with the existing services.

In addition a large number of the properties fronting Robinson Avenue have garage access off Brisbane Terrace (southern side) making the placing of trees difficult and with the irregularity required in spacing the trees an effective streetscape may not be achieved.

As an alternative, an onsite investigation into placing the trees along the north side was conducted.

It was determined that nine (9) out of the fifteen (15) properties which adjoin the north side of Brisbane Terrace have onsite parking available including one (1) vacant block which when developed will require parking to be provide onsite. Therefore it is considered that should the trees be planted on the north side of the street, only three (3) bays would be lost.

**Parking situation in Brisbane Terrace:**

Since parking on the south side of the street was banned several residents have expressed their dissatisfaction at the resulting lack of street parking and have requested that parking on the south side be reintroduced.

Note: Banning the parking on the south side of the street was implemented, following requests received following parked vehicles being damaged due to the narrow carriageway

As the Council is aware on 27 March 2012 a report on proposed trial changes to 'on road' parking restrictions in Moir street was considered where the undertaking of "a six (6) months trial of 1P time restrictions, 8.00am to 6.00pm Monday to Friday and Resident Only" parking restrictions at all other times..." in the street was approved.

This trial has been underway for 2 months and at the conclusion of the trial the Council, following further consultation with residents of Moir Street, will determine whether to implement the proposal on a permanent basis.

In addition should the trial prove to be successful, this model, possibly modified to suit each situation, could be rolled out to other 'similar' streets in the area bounded by William, Newcastle, Lake and Brisbane Street (which included Brisbane Terrace).

**CONSULTATION/ADVERTISING:**

Consultation will be undertaken to seek the views from residents regarding the planting of trees on the north side of Brisbane Terrace, Perth.

Residents will also be advised of the trial currently underway in Moir Street.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

**Medium:** Banning the parking on the south side of the street was implemented, following requests received following parked vehicles being damaged due to the narrow carriageway

**STRATEGIC IMPLICATIONS:**

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

*"Natural and Built Environment*

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

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

An amount of \$15,000 has been allocated in the 2011/2012 budget for the planting of trees in Brisbane Terrace.

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

Budget Amount:	\$15,000
Spent to Date:	<u>\$0.00</u>
Balance:	\$15,000

**COMMENTS:**

Due to the location of the services impacting on the feasibility of Street Tree planting along the south side of Brisbane Terrace, the logical position for the tree placement within the Road Reserve is along the north side of Brisbane Terrace.

The planting of Street Trees along the north side of Brisbane Terrace would only minimally affect the availability of parking spaces within Brisbane Terrace as many of the properties have available parking onsite.

It is recommended that residents be consulted regarding the proposal to plant trees and advised of the parking trial currently underway in Moir Street.

**9.3.2 Adoption of Fees and Charges 2012/2013**

<b>Ward:</b>	Both	<b>Date:</b>	1 June 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0025
<b>Attachments:</b>	<a href="#">001</a> – 2012/2013 Fees and Charges Schedule		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	M Rootsey, Director Corporate Services		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **APPROVES BY ABSOLUTE MAJORITY** to adopt the Schedule of Fees and Charges for the 2012/2013 financial year, as shown in Appendix 9.3.2.

Moved Cr Harley, Seconded Cr Pintabona

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

“That the Council **APPROVES BY ABSOLUTE MAJORITY** to adopt the Schedule of Fees and Charges for the 2012/2013 financial year, as shown in Appendix 9.3.2; subject to:

1. Page 5 of the attachment be amended as follows:

**PARKING**

		2011/12	2012/13	GST
<b>CAR PARKING FEES PER DAY</b>				
<b>Hourly Rate</b>				
Frame Court Car Park (3P Section)	3hr limit	\$2.10	<del>\$2.40</del> <b>\$2.20</b>	Y
The Avenue Car Park	1st hr free	\$2.10	<del>\$2.40</del> <b>\$2.20</b>	Y
Barlee St Car Park	1st hr free	\$2.10	<del>\$2.40</del> <b>\$2.20</b>	Y
Brisbane Street Car Park	1st hr free	\$2.10	<del>\$2.40</del> <b>\$2.20</b>	Y
Chelmsford Rd Car Park	1st hr free	\$2.10	<del>\$2.40</del> <b>\$2.20</b>	Y
Raglan Road Car Park	1st hr free	\$2.10	<del>\$2.40</del> <b>\$2.20</b>	Y
Oxford Street Car Park	1st hr free	\$2.10	<del>\$2.40</del> <b>\$2.20</b>	Y
Stadium Car Park (8am to 10pm Daily)		\$1.10	<del>\$1.40</del> <b>\$1.20</b>	Y
<b>All Day Fee</b>				
Frame Court Car Park (All-day Section)	<del>3hr limit</del> <b>1<sup>st</sup> hr free</b>	\$14.00	<b>\$16.00</b>	Y
The Avenue Car Park	1st hr free	\$14.00	<b>\$16.00</b>	Y
Barlee St Car Park	1st hr free	\$14.00	<b>\$16.00</b>	Y
Brisbane Street Car Park	1st hr free	\$14.00	<b>\$16.00</b>	Y
Chelmsford Rd Car Park	1st hr free	\$14.00	<b>\$16.00</b>	Y
Raglan Road Car Park	1st hr free	\$14.00	<b>\$16.00</b>	Y
Oxford Street Car Park	1st hr free	\$14.00	<b>\$16.00</b>	Y
Stadium Car Park (8am to 10pm Daily)		\$8.00	<b>\$9.00</b>	Y

<b>PARKING PERMITS</b>				
All Car Parks	per month	\$145.00	<del>\$145.00</del> <u>\$150.00</u>	Y
Commercial parking permits	per annum	\$1,500	<del>\$1,500</del> <u>\$1,500</u>	Y
Replacement residential parking permits	each	\$25.00	<del>\$25.00</del> <u>\$25.00</u>	Y
Replacement commercial parking permits	each	\$50.00	<del>\$50.00</del> <u>\$50.00</u>	Y

**2. Page 6 of the attachment be amended as follows:**

**PARKING Cont'd.....**

		2011/12	2012/13	GST
<b>KERBSIDE PARKING FEES – DAY</b>				
<b>Hourly Rate</b>				
William Street (kerbside)		\$2.80	<del>\$3.00</del> <u>\$3.00</u>	Y
Brewer Street (8am to 10pm Daily)		\$1.10	<del>\$1.30</del> <u>\$1.20</u>	Y
Pier Street (8am to 10pm Daily)		\$1.10	<del>\$1.30</del> <u>\$1.20</u>	Y
Stirling Street (8am to 10pm Daily)		\$2.20	<del>\$2.40</del> <u>\$2.20</u>	Y
Stuart Street (8am to 5.30pm Mon-Fri & 8am to noon Sat)		\$2.20	<del>\$2.40</del> <u>\$2.20</u>	Y
Newcastle Street (8am to 10pm Daily)		\$2.20	<del>\$2.40</del> <u>\$2.20</u>	Y
Frame Court		\$2.20	<del>\$2.40</del> <u>\$2.20</u>	Y
Oxford Street		\$2.20	<del>\$2.40</del> <u>\$2.20</u>	Y
Vincent Street		\$2.20	<del>\$2.40</del> <u>\$2.20</u>	Y
Brisbane Street		\$2.20	<del>\$2.40</del> <u>\$2.20</u>	Y
Forbes Road		\$2.20	<del>\$2.40</del> <u>\$2.20</u>	Y
Barlee Street, Mt Lawley		\$2.00	<del>\$2.40</del> <u>\$2.20</u>	Y
Beaufort Street, Mt Lawley/Highgate		\$2.00	<del>\$2.40</del> <u>\$2.20</u>	Y
Broome Street, Highgate	<u>1st hr free</u>	\$2.00	<del>\$2.40</del> <u>\$2.20</u>	Y
Chelmsford Road, Mt Lawley		\$2.00	<del>\$2.40</del> <u>\$2.20</u>	Y
Clarence Street, Mt Lawley		\$2.00	<del>\$2.40</del> <u>\$2.20</u>	Y
Fitzgerald Street, North Perth		\$2.00	<del>\$2.40</del> <u>\$2.20</u>	Y
Forbes Road		\$2.00	<del>\$2.40</del> <u>\$2.20</u>	Y
Grosvenor Road, Mt Lawley		\$2.00	<del>\$2.40</del> <u>\$2.20</u>	Y
Harold Street Mt Lawley/Highgate	<u>1st hr free</u>	\$2.00	<del>\$2.40</del> <u>\$2.20</u>	Y
Leederville Parade		\$2.00	<del>\$2.40</del> <u>\$2.20</u>	Y
Lindsay Street, Perth		\$2.00	<del>\$2.40</del> <u>\$2.20</u>	Y
Mary Street, Perth	<u>1st hr free</u>	\$2.00	<del>\$2.40</del> <u>\$2.20</u>	Y
Money Street, Perth		\$2.00	<del>\$2.40</del> <u>\$2.20</u>	Y

Monger Street, Perth		\$2.00	<del>\$2.40</del> <u>\$2.20</u>	Y
Newcastle Street, Perth		\$2.00	<del>\$2.40</del> <u>\$2.20</u>	Y
Oxford Street, Leederville		\$2.20	<del>\$2.40</del> <u>\$2.20</u>	Y
Raglan Road, Mt Lawley		\$2.00	<del>\$2.40</del> <u>\$2.20</u>	Y
Richmond Street, Leederville		\$1.00	<u>\$1.20</u>	Y

\* **Subject to the new kerbside fees (introduced in 2011) being increased effective from 1 October 2012.**

# **Existing machines will be increased effective from 1 October 2012 to remain consistent with new kerbside machines.**

3. **Page 12 of the attachment be amended as follows:**

		2011/12	2012/13	GST
<b>OUTDOOR EATING AREAS (ALFRESCO DINING)</b>				
<b>CENTRE PRECINCT - LIQUOR LICENSED PREMISES</b>				
Initial Application Fee 6 Chairs or less		\$188.00	<u>\$194.00</u>	N
Initial Application Fee More than 6 Chairs		\$380.00	<u>\$391.00</u>	N
Annual Renewal Fee and Transfer Fee		\$118.00	<u>\$122.00</u>	N
Charge per Chair – First 6 Chairs		\$54.00	<del>\$56.00</del> <u>\$65.00</u>	N
Charge per Chair – all Chairs over 6		\$75.00	<del>\$77.00</del> <u>\$85.00</u>	N
Brass Delineation Plates	Per plate	\$21.00	<u>\$22.00</u>	N
<b>ALL OTHER AREAS / NO LIQUOR LICENSE</b>				
Initial Application Fee		\$150.00	<u>\$155.00</u>	N
Annual Renewal Fee (plus charge per chair)		\$97.00	<u>\$100.00</u>	N
Charge per Chair – all Chairs		\$54.00	<del>\$56.00</del> <u>\$65.00</u>	N
Brass Delineation Plates	Per plate	\$21.00	<u>\$22.00</u>	N
<b>BUSKING FEES (Public Entertainers)</b>				
One-off permit		\$25.00	<u>\$25.00</u>	Y
Three month permit		\$50.00	<u>\$50.00</u>	Y
Annual permit		\$100.00	<u>\$100.00</u>	Y

		2011/12	2012/13	GST
<b>OFFENSIVE TRADES FEES Regulations 1976</b>				
Laundries and Dry cleaning Establishments		\$140.00	<del>\$140.00</del> \$140.00	Y
Poultry Processing establishments		\$285.00	<del>\$285.00</del> \$285.00	Y
Fish Processing Establishment in which fish are cleaned and prepared		\$285.00	<del>\$285.00</del> \$285.00	Y
Shellfish and Crustacean Processing Establishments		\$285.00	<del>\$285.00</del> \$285.00	Y
Other Offensive Trades not specified		\$285.00	<del>\$285.00</del> \$285.00	Y

**Debate ensued.**

**AMENDMENT NO 1**

**Moved Cr Buckels, Seconded Cr Harley**

**That a new clause 4 be inserted as follows:**

**“4. Page 5 of the attachment “All Day Fee” be amended as follows:**

		2011/12	2012/13	GST
<b>CAR PARKING FEES PER DAY</b>				
<b>All Day Fee</b>				
Frame Court Car Park (All-day Section)	<del>3hr limit</del> 1 <sup>st</sup> hr free	\$14.00	<del>\$16.00</del> \$15.00	Y
The Avenue Car Park	1st hr free	\$14.00	<del>\$16.00</del> \$15.00	Y
Barlee St Car Park	1st hr free	\$14.00	<del>\$16.00</del> \$15.00	Y
Brisbane Street Car Park	1st hr free	\$14.00	<del>\$16.00</del> \$15.00	Y
Chelmsford Rd Car Park	1st hr free	\$14.00	<del>\$16.00</del> \$15.00	Y
Raglan Road Car Park	1st hr free	\$14.00	<del>\$16.00</del> \$15.00	Y
Oxford Street Car Park	1st hr free	\$14.00	<del>\$16.00</del> \$15.00	Y
Stadium Car Park (8am to 10pm Daily)		\$8.00	<del>\$9.00</del> \$9.00	Y

”

**Debate ensued.**

**AMENDMENT NO 1 PUT AND LOST (3-5)**

**For:** Cr Buckels, Cr Harley, Cr Maier

**Against:** Mayor Hon. MacTiernan, Cr Carey, Cr McGrath, Cr Pintabona, Cr Topelberg

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

**Debate ensued.**



**AMENDMENT NO 2**

**Moved Cr Buckels, Seconded Cr McGrath**

**That a new clause 4 be inserted as follows:**

**“4. Page 6 of the attachment “Richmond Street” be amended as follows:**

		2011/12	2012/13	GST
<b>KERBSIDE PARKING FEES – DAY</b>				
<b>Hourly Rate</b>				
Richmond Street, Leederville		\$1.00	<del>\$1.20</del> <u>\$1.00</u>	Y

\* **Subject to the new kerbside fees (introduced in 2011) being increased effective from 1 October 2012.**

Debate ensued.

**AMENDMENT NO 2 PUT AND CARRIED (7-1)**

**For:** Mayor Hon. MacTiernan, Cr Buckels, Cr Carey, Cr Harley, Cr Maier, Cr McGrath,  
Cr Topelberg

**Against:** Cr Pintabona

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

Debate ensued.

Cr Carey departed the Chamber at 8.04pm

Debate ensued.

Cr Carey returned to the Chamber at 8.05pm

Debate ensued.

**AMENDMENT NO 3**

**Moved Cr Maier, Seconded Cr Carey**

**That a new clause 5 be inserted as follows:**

**“5. Page 27 of the attachment “General Planning Fees – Cash in Lieu payment for car parking” be amended to read as follows:**

		2011/12	2012/13	GST
<b>GENERAL PLANNING FEES</b>				
Cash in Lieu payment for car parking	Per car parking bay, or part thereof	\$3,100	<del>\$3,500</del> <u>\$4,500</u>	N

Debate ensued.

**AMENDMENT NO 3 PUT AND LOST ON THE  
CASTING VOTE OF THE PRESIDING MEMBER (4-5)**

**For:** Cr Carey, Cr Harley, Cr Maier, Cr Pintabona  
**Against:** Presiding Member, Mayor Alannah MacTiernan (two votes – deliberative and casting vote), Cr Buckels, Cr McGrath, Cr Topelberg

(Cr Wilcox was on approved leave of absence.)

Debate ensued.

**AMENDMENT NO 4**

**Moved Cr Maier, Seconded Cr Pintabona**

**That a new clause 5 be inserted as follows:**

**“5. Page 27 of the attachment “General Planning Fees – Cash in Lieu payment for car parking” be amended to read as follows:**

		2011/12	2012/13	GST
<b>GENERAL PLANNING FEES</b>				
Cash in Lieu payment for car parking	Per car parking bay, or part thereof	\$3,100	<del>\$3,500</del> <del>\$4,000</del>	N

Debate ensued.

**AMENDMENT NO 3 PUT AND LOST (3-5)**

**For:** Cr Harley, Cr Maier, Cr Pintabona  
**Against:** Presiding Member, Mayor Alannah MacTiernan, Cr Buckels, Cr Carey, Cr McGrath, Cr Topelberg

(Cr Wilcox was on approved leave of absence.)

Debate ensued.

**Cr Carey departed the Chamber at 8.19pm**

Debate ensued.

**Cr Carey returned to the Chamber at 8.20pm**

Debate ensued.

**Cr Pintabona departed the Chamber at 8.25pm**

Debate ensued.

**Cr Pintabona returned to the Chamber at 8.28pm**

Debate ensued.

**AMENDMENT NO 5**

**Moved Cr McGrath, Seconded Cr Maier**

**That a new clause 5 be inserted as follows:**

- “5. Page 38 of the attachment “Off Peak Memberships” be retained, subject to the fee being increased”.**

**Debate ensued.**

**AMENDMENT NO 5 PUT AND LOST (3-5)**

**For: Cr Buckels, Cr McGrath, Cr Maier**

**Against: Mayor Hon. MacTiernan, Cr Carey, Cr Harley, Cr Pintabona, Cr Topelberg**

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

**MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY  
BY AN ABSOLUTE MAJORITY (7-1)**

**For: Mayor Hon. MacTiernan, Cr Buckels, Cr Carey, Cr Harley, Cr McGrath, Cr Maier,  
Cr Topelberg**

**Against: Cr Pintabona**

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

**COUNCIL DECISION ITEM 9.3.2**

**That the Council APPROVES BY ABSOLUTE MAJORITY to adopt the Schedule of Fees and Charges for the 2012/2013 financial year, as shown in Appendix 9.3.2; subject to:**

- 1. Page 5 of the attachment be amended as follows:**

**PARKING**

		2011/12	2012/13	GST
<b>CAR PARKING FEES PER DAY</b>				
<b>Hourly Rate</b>				
Frame Court Car Park (3P Section)	3hr limit	\$2.10	\$2.20	Y
The Avenue Car Park	1st hr free	\$2.10	\$2.20	Y
Barlee St Car Park	1st hr free	\$2.10	\$2.20	Y
Brisbane Street Car Park	1st hr free	\$2.10	\$2.20	Y
Chelmsford Rd Car Park	1st hr free	\$2.10	\$2.20	Y
Raglan Road Car Park	1st hr free	\$2.10	\$2.20	Y
Oxford Street Car Park	1st hr free	\$2.10	\$2.20	Y
Stadium Car Park (8am to 10pm Daily)		\$1.10	\$1.20	Y
<b>All Day Fee</b>				
Frame Court Car Park (All-day Section)	1 <sup>st</sup> hr free	\$14.00	\$16.00	Y
The Avenue Car Park	1st hr free	\$14.00	\$16.00	Y
Barlee St Car Park	1st hr free	\$14.00	\$16.00	Y
Brisbane Street Car Park	1st hr free	\$14.00	\$16.00	Y
Chelmsford Rd Car Park	1st hr free	\$14.00	\$16.00	Y
Raglan Road Car Park	1st hr free	\$14.00	\$16.00	Y

Oxford Street Car Park	1st hr free	\$14.00	\$16.00	Y
Stadium Car Park (8am to 10pm Daily)		\$8.00	\$9.00	Y
<b>PARKING PERMITS</b>				
All Car Parks	per month	\$145.00	\$150.00	Y
Commercial parking permits	per annum	\$1,500	\$1,500	Y
Replacement residential parking permits	each	\$25.00	\$25.00	Y
Replacement commercial parking permits	each	\$50.00	\$50.00	Y

**2. Page 6 of the attachment be amended as follows:**

**PARKING Cont'd.....**

		2011/12	2012/13	GST	
<b>KERBSIDE PARKING FEES – DAY</b>					
<b>Hourly Rate</b>					
William Street (kerbside)		\$2.80	\$3.00	Y	
Brewer Street (8am to 10pm Daily)		\$1.10	\$1.20	Y	
Pier Street (8am to 10pm Daily)		\$1.10	\$1.20	Y	
Stirling Street (8am to 10pm Daily)		\$2.20	\$2.20	Y	
Stuart Street (8am to 5.30pm Mon-Fri & 8am to noon Sat)		\$2.20	\$2.20	Y	
Newcastle Street (8am to 10pm Daily)		\$2.20	\$2.20	Y	
Frame Court		\$2.20	\$2.20	Y	
Oxford Street		\$2.20	\$2.20	Y	#
Vincent Street		\$2.20	\$2.20	Y	
Brisbane Street		\$2.20	\$2.20	Y	
Forbes Road		\$2.20	\$2.20	Y	#
Barlee Street, Mt Lawley		\$2.00	\$2.20	Y	*
Beaufort Street, Mt Lawley/Highgate		\$2.00	\$2.20	Y	*
Broome Street, Highgate	1st hr free	\$2.00	\$2.20	Y	*
Chelmsford Road, Mt Lawley		\$2.00	\$2.20	Y	*
Clarence Street, Mt Lawley		\$2.00	\$2.20	Y	*
Fitzgerald Street, North Perth		\$2.00	\$2.20	Y	*
Forbes Road		\$2.00	\$2.20	Y	*
Grosvenor Road, Mt Lawley		\$2.00	\$2.20	Y	*
Harold Street Mt Lawley/Highgate	1st hr free	\$2.00	\$2.20	Y	*
Leederville Parade		\$2.00	\$2.20	Y	*
Lindsay Street, Perth		\$2.00	\$2.20	Y	*

Mary Street, Perth	1st hr free	\$2.00	\$2.20	Y	*
Money Street, Perth		\$2.00	\$2.20	Y	*
Monger Street, Perth		\$2.00	\$2.20	Y	*
Newcastle Street, Perth		\$2.00	\$2.20	Y	*
Oxford Street, Leederville		\$2.20	\$2.20	Y	*
Raglan Road, Mt Lawley		\$2.00	\$2.20	Y	*
Richmond Street, Leederville		\$1.00	\$1.00	Y	*

\* **Subject to the new kerbside fees (introduced in 2011) being increased effective from 1 October 2012.**

# **Existing machines will be increased effective from 1 October 2012 to remain consistent with new kerbside machines.**

**3. Page 12 of the attachment be amended as follows:**

		2011/12	2012/13	GST
<b>OUTDOOR EATING AREAS (ALFRESCO DINING)</b>				
<b>CENTRE PRECINCT - LIQUOR LICENSED PREMISES</b>				
Initial Application Fee 6 Chairs or less		\$188.00	\$194.00	N
Initial Application Fee More than 6 Chairs		\$380.00	\$391.00	N
Annual Renewal Fee and Transfer Fee		\$118.00	\$122.00	N
Charge per Chair – First 6 Chairs		\$54.00	\$65.00	N
Charge per Chair – all Chairs over 6		\$75.00	\$85.00	N
Brass Delineation Plates	Per plate	\$21.00	\$22.00	N
<b>ALL OTHER AREAS / NO LIQUOR LICENSE</b>				
Initial Application Fee		\$150.00	\$155.00	N
Annual Renewal Fee (plus charge per chair)		\$97.00	\$100.00	N
Charge per Chair – all Chairs		\$54.00	\$65.00	N
Brass Delineation Plates	Per plate	\$21.00	\$22.00	N
<b>BUSKING FEES (Public Entertainers)</b>				
One-off permit		\$25.00	\$25.00	Y
Three month permit		\$50.00	\$50.00	Y
Annual permit		\$100.00	\$100.00	Y
<b>OFFENSIVE TRADES FEES Regulations 1976</b>				
Laundries and Dry cleaning		\$140.00	\$140.00	Y

Establishments				
Poultry Processing establishments		\$285.00	\$285.00	Y
Fish Processing Establishment in which fish are cleaned and prepared		\$285.00	\$285.00	Y
Shellfish and Crustacean Processing Establishments		\$285.00	\$285.00	Y
Other Offensive Trades not specified		\$285.00	\$285.00	Y

**ADDITIONAL INFORMATION:**

**Alfresco Dining**

LGA	Method of Charging for OEA	Fee
<b>Vincent</b>	Per chair	Application Fee – <b>\$188</b> for 6 chairs or less Application Fee – <b>\$380</b> for greater than 6 chairs Licensing Fee – <b>\$54 per chair*</b> for first 6 chairs and <b>\$75 per chair*</b> for each chair thereafter *Maximum of one chair per square metre
<b>Subiaco</b>	Per chair	Application Fee – <b>\$280</b> Licensing Fee – <b>\$145 per chair</b>
<b>Victoria Park</b>	Per chair	Application Fee – <b>\$150</b> Licensing Fee – <b>\$15 per chair</b> (to increase to \$57 per chair in 2012/2013)
<b>Perth</b>	Per square metre calculated by four fee zones within the City	Application Fee – <b>\$115</b> Licensing Fee as per $\$/m^2/pa$ *- Central zone – <b>\$130</b> Hay Street West – <b>\$110</b> Sub Central and Northbridge (Northbridge parking embayment) – <b>\$98</b> and <b>\$65</b> General – <b>\$65</b> *Maximum of one chair per square metre
<b>South Perth</b>	Per chair	Application Fee – <b>\$100</b> for less than 6 chairs Application Fee – <b>\$250</b> for greater than 6 chairs Licensing Fee – <b>\$50 per chair per annum</b>
<b>Fremantle</b>	Per square metre - calculated against the Gross Rental Value of the property.  A= GRV of premises B = Total area of premises (m <sup>2</sup> ) C = Dollars per m <sup>2</sup> of premises D = OEA (m <sup>2</sup> /2) E = 75% discount for Seasonal variation and contribution to Fremantle's atmosphere  Formula = A/B = C Then [(C x D)- E] = \$ Outdoor dining fee	Application Fee – <b>\$220</b> Licensing Fee – <b>\$110</b> plus Outdoor Dining Fee calculated from formula

**Worked examples in Vincent using Fremantle formula:**

**Leederville Hotel**

A = 746,200 GRV

B = 2128m<sup>2</sup> (estimate only)

$746,200/2128 = C = \$350.66$  per m<sup>2</sup> of premises

D = 18m<sup>2</sup>

$[(350.66 \times 18\text{m}^2/2) - 75\%] = \$789.04$

**Siena's Leederville**

A = 247,520 GRV

B = 460 m<sup>2</sup> (estimate only)

$247,520/460 = C = \$538.08$  per m<sup>2</sup> of premises

D = 36 m<sup>2</sup>

$[538.08 \times 36\text{m}^2/2) - 75\%] = \$2421.36$

(#See Footnote)

**#FOOTNOTE:**

- City of Fremantle is abolishing the current fee system in 2012/2013 due to issues relating to complexity and inequity, and will be implementing a 'zone' system of charging per square metre, similar to the City of Perth.
  - Gross Rental Value is reviewed every three years so the charges are required to be reassessed on a regular basis.
  - Additionally, Fremantle have advised that the GRV is often inequitable. [For example, Dome Fremantle was paying approximately \$2,000 per annum for their outdoor eating area; however, a Café across the road was paying only \$500 for a similar sized area].
  - The City of Fremantle has determined that creating 'zones' for particular precincts will result in greater consistency. This inequality is demonstrated by the preliminary calculations/worked examples using the City of Fremantle's calculation for Leederville Hotel and Siena's Leederville (estimates only).
- 

**PURPOSE OF REPORT:**

To obtain the Council's approval of the Fees and Charges for the Financial Year 2012/2013.

**BACKGROUND:**

The City of Vincent, as all other local governments, apply charges for services provided and for the use of the facilities available for hire. All such fees are required to be reviewed annually.

The *Local Government Act (1995)* allows for fees and charges to be adopted and include in the Annual Budget without having to be gazetted separately.

**DETAILS:**

The attached schedule outlines details of the Fees and Charges proposed for the 2012/2013 financial year with a comparison to last year's fees. Where there has been an increase from last year the value is highlighted in bold.

A number of fees are determined by legislation, these include; Dogs, Planning/Building fees, and a number of fees raised under the *Health Act (1911)*.

GST must be applied to fees and charges that are raised where the City is engaged in what is deemed to be commercial activity. Fees where GST is applicable are marked with a 'Y' in the last column of the schedule. Local government fees and charges that are raised under legislation or Local Laws are in general GST free by way of exemption through Division 81 of the GST legislation.

**New fees recommended for 2012/2013 include:**

**Heritage Fee:**

Hire of Brookman and Moir Street Lacework and associated bond.

The City of Vincent has been offered a cast mould from a resident of Brookman Street to reinstate the lace work on the verandah of the heritage properties in the Brookman and Moir Street Precinct. All of the properties in the Brookman and Moir Street Precinct are listed on the City's Municipal Heritage Inventory and the State Register of Heritage Places.

It is proposed that City buys the mould from the resident at \$500.00 and then hires out the mould to property owners in the Precinct who would like to reinstate the original lacework detail on the front verandah. It is proposed that the City charge a fee of \$30.00 for the hire of the mould and a bond of \$500.00 to ensure that the mould is returned so that it can be used by various owners.

**Planning Fee/Pre-Lodgement Fee:**

A new fee is proposed to be introduced for the service provided in respect to larger proposals which may be referred to the Design Advisory Committee (DAC) Council or Development Assessment Panel (DAP). The service includes a review of the application and a preliminary assessment of the proposal is undertaken by all the relevant service areas.

**Building Application Fees:**

The new Building Act has been introduced effective from 2 April 2012, a new fee structure has been introduced as a result.

**Existing fees include:**

**Parking Fees:**

Increases are proposed for the fees at all the City's car parks.

**Kerbside Parking Fees:**

Kerbside parking fees increases have been applied to the ticket machines in existing locations.

**Planning Fees:**

The Western Australian Planning Commission have advised through the Planning Bulletin 93/2011, issued in May 2012, that there are no increases in the fees for the 2012/13 financial year.

**Beatty Park Leisure Centre:**

An annual review of the Beatty Park Leisure Centre fees is undertaken to benchmark against other local government leisure centres.

Beatty Park Leisure Centre fees and charges are adjusted each year to minimise a significant increase in any one year and to ensure that the Centre remains financially sustainable as well as maintaining its community obligations.

This year fees will be adjusted as the phased opening of the redevelopment takes place e.g. Indoor Pool, Outdoor Pool and the new Gymnasium building.



**CONSULTATION/ADVERTISING:**

Advertised as part of the Annual Budget document.

**LEGAL/POLICY:**

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

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

The new and amended fees and charges have been included in the preparation of the Draft Annual Budget 2012/2013.

**SUSTAINABILITY IMPLICATIONS:**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

The revenue received from the proposed fees and charges have been included in the Draft Annual Budget 2012/2013.

**COMMENTS:**

It is recommended that the fees and charges contained in the attached schedule be adopted for the 2012/2013 Budget so that the Council can apply from 1 July 2012 (or subsequent dates where nominated).

**9.3.4 Tamala Park Land Sales – Revenue Estimates Report**

<b>Ward:</b>	Both	<b>Date:</b>	1 June 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	ADM0078
<b>Attachments:</b>	Confidential: Land Sales Revenue Estimates		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	M Rootsey, Director Corporate Services		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council;

1. **NOTES** the report of the estimated revenue to be received by the City of Vincent from the Land Sales at Tamala Park;
2. **APPROVES BY AN ABSOLUTE MAJORITY** the:
  - 2.1 creation of a new Reserve Fund named the “Tamala Park Land Sales Reserve Fund” for the revenue received from the land sales; and
  - 2.2 purpose of the Reserve Fund shall be as follows; “for future significant/major capital works, infrastructure, project or debt reduction programme for the benefit of the City”; and
3. **REQUESTS** that the Chief Executive Officer prepares a:
  - 3.1 report on the potential uses of these funds in the City of Vincent; and
  - 3.2 Consultation Plan including a deliberative forum, for consideration at the Council in September 2012.

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**COUNCIL DECISION ITEM 9.3.4**

**Moved Cr Carey, Seconded Cr Pintabona**

That the recommendation be adopted.

Debate ensued.

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

(Cr Wilcox was on approved leave of absence.)

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**PURPOSE OF REPORT:**

To inform the Council of the estimated revenue to be received from the Land Sales at Tamala Park.

**BACKGROUND:**

The Tamala Park Regional Council is developing land for sale at Tamala Park. The land is being marketed as the Catalina Estate in four (4) stages.

There are two thousand three hundred and ten (2,310) lots planned to be sold over the development period 2013 - 2025.

The City of Vincent is a member of the Tamala Park Regional Council and has a one – twelfth share in the Regional Council.

The other member Councils in the Tamala Park Regional Council and their appropriate share are:

- City of Stirling – one third;
- City of Joondalup – one sixth;
- City of Wanneroo – one sixth;
- City of Perth – one twelfth;
- Town of Cambridge - one twelfth; and
- Town of Victoria Park - one twelfth.

**DETAILS:**

The gross income after directing selling costs from the development are estimated to be \$706.9 million over the period 2013 – 2025.

The development costs are estimated to be \$377.5 million with \$329.4 million profit distribution.

The City of Vincent is entitled to a one twelfth share of the revenue distribution, this equates to the amount of \$27.4 million over the period from 2013 – 2025, this is outlined in Confidential Attachment 9.3.4. **It should be noted that the amounts are indicative and subject to change.**

The Chairman of the Regional Council advised in a letter dated 29 May 2012 that the first ten (10) lots had been settled at a gross value \$2.6 million.

This is a significant revenue stream for the City over a period over twelve (12) years. It is important that the Council plans out how the funds are to be utilised.

It is also recommended that a Reserve Fund be created for this revenue so it may be quarantined and able to accumulate over a number of years to fund larger projects if required.

It is also important that these revenues and potential uses are included in the City's Long Term Financial Plan, which has to be prepared as part of the Local Government Integrated Planning Framework by 30 June 2013.

As can be seen from the estimates the revenue is lower in the early years of the development. The City needs to determine how it wishes to utilise these funds.

Options are as follows:

- Use the revenue as it is received by the City; or
- Allow revenue to accumulate over a number of years prior to use.

Potential uses for consideration can include, but are not limited to:

- Major Capital Works/projects/infrastructure;
- Town Centre Streetscape upgrades;
- Underground Power;
- Reduction of borrowings/debt;
- Reduction in rates or "rates freeze";
- New Community Buildings;
- Sustainability initiatives; or
- Commercial Enterprises.

**CONSULTATION/ADVERTISING:**

Not Applicable.

**LEGAL/POLICY:**

Not Applicable.

**RISK MANAGEMENT IMPLICATIONS:**

**Medium:** The land sales can be affected by the property market and economic conditions at time of the lots sales, this may affect the estimated revenues.

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2011-2016 states:

*"4.1.4 Plan effectively for the future  
(b) Prepare an Investment Plan for the proceeds generated from the Tamala Park Redevelopment."*

**SUSTAINABILITY IMPLICATIONS:**

Not Applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

This will be a substantial revenue stream for the City of Vincent in future years.

**COMMENTS:**

The creation of the Reserve Fund is important to ensure that the revenue received from the Land Sales are able to be separately identified and quarantined from general revenue.

It is important that the use of these funds is agreed to in order that the plans for the funds can be included in the Long Term Financial Plan for the City of Vincent.

**9.4.2 Wall Art – Beaufort Street, Mount Lawley**

<b>Ward:</b>	South	<b>Date:</b>	1 June 2012
<b>Precinct:</b>	Mount Lawley Centre; P11	<b>File Ref:</b>	TES0067
<b>Attachments:</b>	<a href="#">001</a> – Sample Artwork		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	J Anthony, Manager Community Development; R Lotznicker, Director Technical Services		
<b>Responsible Officer:</b>	R Boardman, Director Community Services		

**OFFICER RECOMMENDATION:**

That the Council APPROVES the commission of wall art by the artist, ‘Beastman’, for an amount up to \$2,000 (excl GST) at No. 527 Beaufort Street, Highgate (on the south west corner of Beaufort and Harold Streets) or another suitable location as determined by the Chief Executive Officer.

Moved Cr Carey, Seconded Cr Topelberg

That the recommendation with the following changes be adopted:

“That the Council APPROVES the commission of wall art by the artist, ‘Beastman’, for an amount up to ~~\$2,000~~ \$3,000 (excl GST) at No. ~~527~~ 648 Beaufort Street, Highgate (~~on the south west corner of Beaufort and Harold Streets~~) or another suitable location as determined by the Chief Executive Officer.”

Debate ensued.

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

(Cr Wilcox was on approved leave of absence.)

**COUNCIL DECISION ITEM 9.4.2**

That the Council APPROVES the commission of wall art by the artist, ‘Beastman’, for an amount up to \$3,000 (excl GST) at No. 648 Beaufort Street, Highgate or another suitable location as determined by the Chief Executive Officer.

**PURPOSE OF REPORT:**

The purpose of this report is to obtain the Council’s approval to commission a piece of wall art in Beaufort Street at No. 527 Beaufort Street, Highgate (on the south west corner of Beaufort and Harold Streets).

**BACKGROUND:**

At its Ordinary Meeting held on 13 September 2011, the Council approved a new Policy relating to Public Murals as follows:

*“That the Council;*

1. *APPROVES BY ABSOLUTE MAJORITY Draft Policy No. 1.1.9 “Public Murals”, and the proposal of a Public Mural brochure and a link to a webpage, as shown in Appendix 9.4.2;*
2. *ADVERTISES the policy for a period of twenty-one (21) days, seeking public comment;*

3. *After the expiry of the period of submissions:*
- 3.1 *REVIEWS the Draft Policy No. 1.1.9 'Public Murals' having regard to any written submissions; and*
- 3.2 *DETERMINES to proceed with, or not to proceed with, the Policy No. 1.1.9 'Public Murals', with or without amendment; and*
4. *AUTHORISES the Chief Executive Officer to include the above policy in the City's Policy Manual if no submissions are received from the public."*

The City's Officers from Technical Services and Community Development have been liaising with the Beaufort Street Enhancement Working Group on a number of streetscape and artwork initiatives. A further Progress Report (No. 4) was presented to the Ordinary Meeting of Council held on 28 February 2012 where the following decision was made:

*"That the Council;*

1. *APPROVES the proposed first (1<sup>st</sup>) stage Enhancement Works in Beaufort Street, estimated to cost \$182,400 as outlined in Appendix 9.2.1A to C and on attached plan No. 2782-CP-01B and No. 2782-CP-02B, as follows:*

<i>Item</i>	<i>Description</i>	<i>Quantity</i>	<i>Rate</i>	<i>Amount</i>
	<i>Bus Shelter</i>			
1	<i>Supply and place with Green Wall</i>	2	\$44,000	\$88,000
	<i>LED lighting</i>	2	\$2,500	\$5,000
2	<i>Public Seating 'Twig' Seating</i>			
	<i>Twig @ Hungry Jacks (Illuminated)</i>	4	\$8,500	\$34,000
3	<i>Small Style 'New York' Seating</i>			
	<i>Fabrication of seats</i>	12	\$1,200	\$14,400
	<i>Artwork/design</i>	12	\$500	\$6,000
4	<i>Planter Boxes</i>			
	<i>Installed around trees</i>	5	\$2,500	\$12,500
	<i>LED Solar lighting</i>	5	\$500	\$2,500
5	<i>Landscaping</i>			
	<i>Area on verge Hungry Jack's</i>			\$5,000
6	<i>Street Litter Bins</i>			
	<i>Supply and Install Bins</i>	10	\$1,000	\$10,000
	<i>Install landscaping at base of bins</i>			\$5,000
	<i>Total</i>			\$182,400

2. *AUTHORISES the City's Administration to liaise with the Beaufort Street Enhancement Working Group to deliver Stage One (1) of the project."*

#### **DETAILS:**

##### **First (1<sup>st</sup>) Stage Beaufort Street Enhancement Works**

Technical Services and Community Development Officers, in liaison with the chair of the Beaufort Street Enhancement Working Group, have been progressing the first (1<sup>st</sup>) stage Enhancement Works and all six (6) items as outlined in the Council decision (*Ordinary Meeting of Council held on 28 February 2012*) are well underway.

##### **Proposed 'Wall Art' Beaufort Street**

The Senior Curator at 'FORM', a not for profit organisation which advocates for and develops creativity in Western Australia, contacted the City's Officers after viewing the Mural Art Gallery on the City's website.

FORM was investigating possibilities for securing a public art commission in the City of Vincent for an artist and designer who they were bringing to Perth in June (24th to 30th) for a residency as part of an exhibition and public art project called '*Living Walls*'.

'Beastman' is an artist based in Sydney and influenced by the beauty and symbolism behind nature's repetitive geometric patterns and organic lines. 'Beastman's' tightly detailed, often symmetrical paintings depict a parallel world of hope and survival inhabited by his 'beastlike' yet beautiful and emotive characters. The instantly recognisable and loveable deities have spawned from the elements of the earth, as if nature has come to life in a way we could never have imagined.

'Beastman' who is one of the most distinctive and prolific emerging artists in Australia, and the founder and editor of the online art publication [weAREtheIMAGEmakers], has exhibited extensively throughout Australia, as well as in London, Berlin and New Zealand. In addition 'Beastman' has organised numerous art exhibitions and events, has designed skateboards and graphics for various brands including Element, Folklore, Mingo Lamberti, The Art Park and Lowlife of London and has also been commissioned to create artwork for Hyundai, Smirnoff, Red Bull, Stone and Wood Brewery, Tiger Beer and Huawei.

'Beastman' was recently named Best Artist at the 2010 Sydney Music, Arts and Culture (SMAC) Awards and also spoke at the 2010 Semi-Permanent conferences in Melbourne and Perth. His large public mural aerosol works can be found all over Australia and in London, Berlin, Hong Kong and New York; he has also been featured in publications such as Empty, Amateur, Kingbrown, Tees, Deadbeat, Oyster, Australian Creative and more.

'Beastman' has created public murals across Australia and in many countries overseas (*he's currently working on a big mural in Tel Aviv*) and he has close connections to many of the artists who have created public mural works in the City of Vincent.

Although 'Beastman' created some smaller mural pieces on previous visits to Perth (*at Ezra Pound and the Bakery*), FORM is keen to secure him for a couple of major public commissions during this residency.

Therefore, given the connections as outlined above, it was considered a great opportunity if one of commissions could be within the City of Vincent as 'Beastman's' work is bold but intricately patterned, and the mythical creatures hidden amongst his organic lines resonate with an incredibly broad demographic – young and old, arty, conservative, corporate and street.

Through a possible commission, the City would get the benefit of one of his works residing permanently in a vibrant public place such as Beaufort Street.

The Senior Curator at 'FORM' added the following to her request as quoted below;

*"I really enjoyed exploring the City of Vincent public mural register by the way, it's really fantastic. I hope that Beastman might be able to find a place in it!"*

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

This proposal is recommended in accordance to the City's Public Mural and Art Policies where it is stated that:

*"All recommendations for purchase of artworks for the collection are to be referred to the Chief Executive Officer for consideration and approval. Acquisition's will be referred to the City's Art Advisory Group and/or the Council if required."*

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

- Art Policy No. 3.10.7; and
- Public Murals Policy No. 3.10.9.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** Improvement to aesthetics and amenities.

**STRATEGIC IMPLICATIONS:**

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

Community Development and Wellbeing

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

**SUSTAINABILITY IMPLICATIONS:**

To improve the economic vibrancy of the area and make the area more sustainable for both business activities by the type of infrastructure improvements proposed.

**FINANCIAL/BUDGET IMPLICATIONS:**

FORM has quoted \$1,500 for artist fees and approximately \$200 for paints for a mural size of 286 cm by 178 cm. It is recommended that a budget of \$2,000 (excl GST) be allocated for this project to ensure that the mural is substantial in the street.

Expenditure for this matter will be incurred under the budgeted item "Art Acquisition":

Budget Amount:	\$8,000
Spent to Date:	<u>\$0</u>
Balance:	\$8,000

**COMMENTS:**

Through this project, the City is supporting FORM which is homegrown in Perth, an independent, not for profit organisation dedicated to advocating and developing creativity in Western Australia.

FORM has invited 'Beastman' as part of their residency programme and the Living Walls Exhibition, which is an extension of their City of Walls initiative (which is to connect artists, businesses and local councils and encourage new commissions of street art to enhance the vitality and appeal of Perth's lacklustre urban spaces). As part of this initiative, FORM has requested the City to support their residency program by commissioning a work in Beaufort Street by 'Beastman'.

It is recommended that the City take advantage of this opportunity to engage a well known, high calibre urban artist that will enhance the streetscape and character of the identified area in Beaufort Street.



The Presiding Member, Mayor Hon. Alannah MacTiernan requested that due to the severe storm conditions, the following non urgent Items, 9.3.5, 9.5.2, 9.5.3, 10.1, 10.2 and Confidential Item 14.1 should be deferred to the next Ordinary Meeting of Council to be held on 26 June 2012, in order that the meeting can finish earlier than usual.

**PROCEDURAL MOTION**

Moved Cr Harley, Seconded Cr Pintabona

That the Items, 9.3.5, 9.5.2, 9.5.3, 10.1, 10.2 and 14.1 be DEFERRED to the Ordinary Meeting of Council to be held on 26 June 2012, due to severe storm conditions.

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

(Cr Wilcox was on approved leave of absence.)

**9.5.2 City of Vincent Dogs Local Law 2007 – Proposed Amendment to Allow Companion Dogs in Outdoor Eating Areas**

<b>Ward:</b>	Both	<b>Date:</b>	6 June 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	LEG0009
<b>Attachments:</b>	<a href="#">001</a> – Food Act 2008 Regulatory Guideline No. 2 <a href="#">002</a> – Food Standards Australia – Call for Submissions Proposal <a href="#">003</a> – Food Standards Australia – Risk Assessment		
<b>Tabled Items:</b>			
<b>Reporting Officer:</b>	J MacLean, Manager Ranger and Community Safety Services		
<b>Responsible Officers:</b>	R Boardman, Director Community Services – Enforcement; John Giorgi, Chief Executive Officer – Local Law		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES BY AN ABSOLUTE MAJORITY** an amendment to the City of Vincent Dogs Local Law 2007, to allow for companion dogs to be in approved Outdoor Eating Areas, in specific circumstances;
2. under the powers conferred by the *Local Government Act 1995* and all other powers enabling it, **RESOLVES** on ..... 2012 to make the Dogs Amendment Local Law No. 2, 2012, as follows:

**“LOCAL GOVERNMENT ACT 1995 (as amended)  
CITY OF VINCENT DOGS LOCAL LAW  
AMENDMENT LOCAL LAW NO. 2, 2012**

**2.1 Clause 1.6 amended**

Clause 1.6 be amended to add the following definitions in alphabetical order –

*“assistance animal”* means an animal referred to in section 9 of the *Disability Discrimination Act 1992* of the Commonwealth;

*“companion dog”* means a dog which accompanies a person as a pet;

*“enclosed area”* means an area that, except for doorways and passageways, is completely closed on a permanent basis, by –

- (a) a ceiling or roof; and

- (b) walls or windows or both walls and windows;

*“food premises”* shall have the same meaning referred to as a “food business” in section 8 of the *Food Act 2008* and the Australian and New Zealand Food Standard Code, Standard 3.2.2;

*“outdoor eating area”* means an area that –

- (a) is used for dining, drinking or both drinking and dining; and  
(b) is not used for the preparation of food; and  
(c) is not an enclosed area; and  
(d) can be entered by the public without passing through an enclosed area;

2.2 Clause 5.1 amended

Subclause (1)(c) be deleted and substituted with the follows –

- “(c) (i) all premises classified as a food business, under the *Food Act 2008* and the Australian and New Zealand Food Standard Code, Standard 3.2.2, except within an approved Outdoor Eating Area, where specific approval has been given for companion dogs to be allowed; and  
(ii) all vehicles classified as a food business, under the *Food Act 2008* and the Australian and New Zealand Food Standard Code, Standard 3.2.2.”

2.3 Clause 5.1 amended

New subclauses (3) and (4) be inserted as follows –

- “(3) The Proprietor of a food premises must permit an assistance animal in areas used by customers; and  
(4) The Proprietor of a food premises may permit a companion dog that is not an assistance animal to be present in an outdoor eating area.”

3. in accordance with the provisions of Section 3.12 of the *Local Government Act 1995* as amended, gives a Statewide advertisement, indicating where and when the proposed amendment may be viewed and seeking public comment on the proposed amendment to the City of Vincent Dogs Local Law 2007;
4. **AUTHORISES** the Chief Executive Officer to lodge a submission to Food Standards Australia and New Zealand reflecting the Council’s support for a change in Legislation to allow companion dogs in approved outdoor eating areas; and
5. **NOTES** that a further report will be submitted to the Council after the expiry of the statutory consultation period.

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**COUNCIL DECISION ITEM 9.5.2**

**Moved Cr Harley, Seconded Cr Pintabona**

That the item be DEFERRED to the Ordinary Meeting of Council to be held on 26 June 2012, due to the severe storm conditions.

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

(Cr Wilcox was on approved leave of absence.)

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**PURPOSE OF REPORT:**

The purpose of this report is to seek the Council's approval to amend the City's Dogs Local Law 2007, to allow companion dogs to be in an approved Outdoor Eating Area.

**BACKGROUND:**

In May 2012, the City recently received information from Food Standards Australia and New Zealand, seeking the City's views to amend Legislation to allow companion dogs in registered outdoor eating areas. Refer to Appendix 9.5.2B and 9.5.2C.

Submissions have been invited and close on 13 June 2012.

**DETAILS:**

In October 2010, the Western Australian Environmental Health Directorate, Public Health Division, issued *Food Act 2008* Regulatory Guideline No. 2, in which it states that compliance by a food business with Standard 3.2.2, clause 24, paragraphs (a) and (b), in relation to an alfresco dining area, is only to be actively enforced by enforcement agencies when there is evidence of a present risk of unsafe or unsuitable food being sold by a particular food business. A food business that has appropriate procedures in place to effectively manage any risk posed by the presence of live animals in an alfresco eating area, should be considered by the enforcement agency to comply with Standard 3.2.2 clause 24(1), paragraphs (a) and (b), in relation to that alfresco dining area.

While the Code refers to "*Alfresco Dining Areas*", this term is synonymous with the City of Vincent's term "*Outdoor Eating Areas*" and should be read as meaning the same thing.

The Term "Outdoor Eating Area" is prescribed in the City of Vincent Trading in Public Places Local Law 2008.

As a result of considering the *Food Act 2008* Regulatory Guideline No. 2, it is proposed that the City of Vincent supports a liberalisation of the rules and a move toward food premises being permitted to allow companion dogs to be in their registered and approved Outdoor Eating Areas. However, to achieve this, it will be necessary to amend clause 5.1(c) of the City of Vincent Dogs Local Law, 2007. Currently, the City's Dogs Local Law 2007 expressly prohibits dogs from being in or on food premises and this has been the case since the (then) Town of Vincent introduced the Town of Vincent Dogs By-law, which was approved in 1994.

As well as the need to change the legislation, to conditionally approve dogs in Outdoor Eating Areas, there is a need to remove the reference to the superseded *Health (Food Hygiene) Regulations 1993*, since that legislation has been repealed and to refer to the *Food Act 2008* and the Australian and New Zealand Food Standard Code, Standard 3.2.2.

To ensure consistency, there is also a need to separate food businesses, which use premises to serve and sell food and a food business that uses a vehicle to conduct their business, since it is considered to be inappropriate for dogs to be permitted in a vehicular food business.

As indicated at Part 3, clause 3.3 of the *Food Act 2008*, Regulatory Guideline No. 2, it is the owner of a Food Business that should be held responsible for ensuring that appropriate measures are in place to minimise any risk, posed by the presence of live animals in an Outdoor Eating Area. Provided the food business has suitable procedures in place to manage food safety and suitability risks, associated with animals in the food business and these procedures are working, there should be no need for action by an enforcement agency.

**CONSULTATION/ADVERTISING:**

The process to amend a local law requires a period of not less than 6 weeks, public consultation. This will provide an opportunity to gauge whether there is general support for the proposal. Following the consultation process, a further report will be provided to the

Council, including any comments received and the Council can then make an informed decision.

**LEGAL/POLICY:**

- Food Act 2008;
- Australian and New Zealand Food Standard Code, Standard 3.2.2;
- Dog Act 1976; and
- City of Vincent Dogs Local Law 2007 (as amended).

Section 22 of the *Food Act 2008* (the Act) requires food businesses in Western Australia to comply with any provision imposed on that business by the Food Standards Code, Standard 3.2.2 (the Code).

Section 22(1) of the Act states:

*"22. Compliance with Food Standards Code*

- (1) *A person must comply with any requirement imposed on the person by a provision of the Food Standards Code in relation to the conduct of a food business or to food intended for sale or food for sale."*

Clause 24 of the Code requires that a food business does not permit live animals in areas in which food is handled with the exception of "assistance animals" in dining and drinking areas.

Clause 24 of the Code states:

*"24. Animals and pests*

- (1) *A food business must –*
  - (a) *subject to paragraph (b), not permit live animals in areas in which food is handled, other than seafood or other fish or shellfish;*
  - (b) *permit an assistance animal only in dining and drinking areas and other areas used by customers;*
  - (c) *take all practicable measures to prevent pests entering the food premises; and*
  - (d) *take all practicable measures to eradicate and prevent the harbourage of pests on the food premises and those parts of vehicles that are used to transport food.*
- (2) *In subclause (1), 'assistance animal' means an animal referred to in section 9 of the Disability Discrimination Act 1992 of the Commonwealth."*

*The Disability Discrimination Act 1992 Section 9 prescribes an 'assistance animal' as follows:*

- (1) *For the purposes of this Act, an assistance animal is a dog or other animal:*
  - (a) *accredited under a law of State or Territory that provides for the accreditation of animals trained to assist a persons with a disability to alleviate the effect of the disability; or*
  - (b) *accredited by an animal training organisation prescribed by the regulations for the purposes of this paragraph; or*
  - (c) *trained:*
    - (i) *to assist a person with a disability to alleviate the effect of the disability; and*
    - (ii) *to meet standards of hygiene and behaviour that are appropriate for an animal in a public place."*

*Note: For exemptions from Part 2 for discrimination in relation to assistance animals, see section 54A*

There is no legal impediment to this recommendation being approved.

**RISK MANAGEMENT IMPLICATIONS:**

There is a requirement for a food premises to put appropriate measures in place to manage food safety and suitability risks that may result from the presence of dogs in the premises.

**STRATEGIC IMPLICATIONS:**

The above recommendation aligns well with the City of Vincent's Strategic Plan 2011 – 2016, at Objective 2.1.1(b) – *“Capitalise on the City's strategic location, its centres and commercial areas and ensure appropriately located and adaptable centres of economic activity within the City that provide a complimentary range of business opportunities and services for the community”*.

**SUSTAINABILITY IMPLICATIONS:**

There are no sustainability implications, associated with this report.

**FINANCIAL/BUDGET IMPLICATIONS:**

There are no financial implications associated with this recommendation.

**COMMENTS:**

As a result of a change in the State Government's approach to Outdoor Eating Areas, it has been necessary to amend the City's Dogs Local Law 2007, which currently prohibits dogs being in a food business. At the same time, it is considered appropriate for a further amendment to be made to the local law, to remove a reference to the repealed “Health (Food Hygiene) Regulations 1993” and to replace it with a reference to the Food Act 2008 and the Australian and New Zealand Food Standard Code, Standard 3.2.2.

It is also recommended that the City lodge a submission to Food Standards Australia and New Zealand reflecting the Council's support for a change in Legislation to allow companion dogs in approved outdoor eating areas.

Approval of the Officer Recommendation is requested.

**9.5.3 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	1 June 2012
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a> – Information Bulletin		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Radici, Executive Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **RECEIVES** the Information Bulletin dated 12 June 2012, as distributed with the Agenda.

**COUNCIL DECISION ITEM 9.5.3**

**Moved Cr Harley, Seconded Cr Pintabona**

That the item be **DEFERRED** to the Ordinary Meeting of Council to be held on 26 June 2012, due to the severe storm conditions.

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

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

**DETAILS:**

The items included in the Information Bulletin dated 12 June 2012 are as follows:

<b>ITEM</b>	<b>DESCRIPTION</b>
IB01	Letter from the Minister for Planning; Culture & the Arts; Science & Innovation regarding Holcim Australia Pty Ltd and City of Vincent: DR225/2011
IB02	Letter from the Minister for Planning; Culture & the Arts; Science & Innovation regarding Hanson Construction Materials Pty Ltd and City of Vincent: DR264/2011
IB03	Letter from the Minister for Local Government; Heritage; Citizenship and Multicultural Interests regarding Interest Rate Changes – <i>Local Government (Financial Management) Regulations 1996</i>
IB04	Beatty Park Swim School – Vietnam Tour 2012
IB05	Unconfirmed Minutes of the Integrated Transport Advisory Group (ITAG) Meeting held on 14 May 2012
IB06	Minutes of the Tamala Park Regional Council Special Meeting held on 17 May 2012
IB07	Minutes of the Parks People Project Working Group (PPPWG) Meeting held on 29 February 2012
IB08	Register of Petitions – Progress Report – June 2012
IB09	Register of Notices of Motion – Progress Report – June 2012
IB10	Register of Reports to be Actioned – Progress Report – June 2012
IB11	Register of Legal Action ( <b>Confidential – Council Members Only</b> ) – Monthly Report (June 2012)

<b>ITEM</b>	<b>DESCRIPTION</b>
IB12	Register of State Administrative Tribunal Appeals – Progress Report – June 2012
IB13	Register of Applications Referred to the Design Advisory Committee – May 2012
IB14	Register of Applications Referred to the MetroWest Development Assessment Panel – May 2012
IB15	Forum Notes – 29 May 2012
IB16	Notice of Forum – 19 June 2012

**10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**10.1 Notice of Motion – Cr Dudley Maier – Proposed Amendment to Delegation No. 7.4 – Building Act 2011 – Issue of Building Orders**

That the Council:

1. APPROVES BY AN ABSOLUTE MAJORITY pursuant to Section 127 of the *Building Act 2011* and Section 5.42 of the *Local Government Act 1995*, to amend Delegation 7.4 as follows:

“No: 7.4 Issue of Building Orders

Function to be performed	A Permit Authority may make an Order (a Building Order) in respect of one or more of the following – (a) particular building work; (b) particular demolition work; (c) a particular building or incidental structure, whether completed before or after commencement day.
Legislative power or duty delegated	<i>Building Act 2011</i> , Sections 110, 111 and 112.
Delegation to	Chief Executive Officer
Delegation	The Chief Executive Officer is delegated the power to issue Building Orders for works in contravention of the Act, pursuant to the <i>Building Act 2011</i> , Sections 110, 111 and 112.
Chief Executive Officer delegates to	Not applicable.
Conditions and Reporting Requirements	1. Chief Executive Officer to sign the Building Order. 2. <u>Subject to Sub-Section 112(2)(b) being conditional as follows; “The Order to demolish, dismantle or remove a building or incidental structure that has been, or is being, built or occupied in suspected contravention of a provision of the Building Act 2011, SHALL only be issued where the building is assessed to be in a state that is dangerous and which cannot be easily rectified”.</u> 3. Copies of all Building Orders issued are to be retained on the appropriate file or record.

2. NOTES that owners of buildings issued with a Building Order under Section 112(2)(b) of the *Building Act 2011* will still have the option of applying for Planning Approval to demolish.

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**COUNCIL DECISION ITEM 10.1**

**Moved Cr Harley, Seconded Cr Pintabona**

That the item be DEFERRED to the Ordinary Meeting of Council to be held on 26 June 2012, due to the severe storm conditions.

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

(Cr Wilcox was on approved leave of absence.)



**10.2 Notice of Motion – Cr John Carey – Request to Investigate the City’s Seniors Outings Program**

That the Council REQUESTS:

1. the Chief Executive Officer to investigate and devise a new Seniors Outings Program for 2012/2013 financial year, which includes the use of external buses (one or more) to cater for the current high level of demand and drastically reduces or eliminates waiting lists. This investigation will include but not limited to:
  - 1.1 increase the frequency of the program visits if the budget allows; and
  - 1.2 cost implications;
2. that a report be submitted to the Council for consideration and determination, no later than 26 June 2012; and
3. that subject to approval of the Clause 2, in order to increase the Senior’s overall awareness of the City’s new program/schedule, that it be advertised to existing members of the seniors database, as well as through newsletters, website, social media and local newspapers.

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**COUNCIL DECISION ITEM 10.2**

**Moved Cr Harley, Seconded Cr Pintabona**

That the item be DEFERRED to the Ordinary Meeting of Council to be held on 26 June 2012, due to the severe storm conditions.

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

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

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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.

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

**14.1 CONFIDENTIAL REPORT: Cash in Lieu – Debtors Progress Report – 566-570 (Lot 6) Beaufort Street, Mount Lawley and 10-18 (Lot 2) View Street, North Perth**

<b>Ward:</b>	Both	<b>Date:</b>	1 June 2012
<b>Precinct:</b>	Mt Lawley Centre (11); North Perth Centre (9)	<b>File Ref:</b>	PrO0816
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	M. Rootsey, Director Corporate Services		
<b>Responsible Officer:</b>	M. Rootsey, Director Corporate Services		

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**COUNCIL DECISION ITEM 14.1**

**Moved Cr Harley, Seconded Cr Pintabona**

That the item be DEFERRED to the Ordinary Meeting of Council to be held on 26 June 2012, due to the severe storm conditions.

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

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

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**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.

## 15. CLOSURE

**There being no further business, the Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting closed at 8.35pm with the following persons present:**

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Warren McGrath ( <i>Deputy Mayor</i> )	South Ward
Cr Matt Buckels	North Ward
Cr John Carey	South Ward
Cr Roslyn Harley	North Ward
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Community Services
Carlie Eldridge	Director Planning Services
Craig Wilson	Manager Asset & Design Services
Mike Rootsey	Director Corporate Services

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 26 June 2012.

Signed: .....Presiding Member  
Mayor Hon. Alannah MacTiernan

Dated this ..... day of ..... 2012