



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

<p>28 SEPTEMBER 2010</p>

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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 28 September 2010, commencing at 6.00pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania, declared the meeting open at 6.10pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Director Corporate Services, Mike Rootsey due to long service leave.

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward
Cr Sally Lake (<i>Deputy Mayor</i>)	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Jacinta Anthony	A/Director Corporate Services
Dale Morrissy	Manager Beatty Park Leisure Centre (until approximately 7.45pm)
Anita Radici	Executive Assistant (Minutes Secretary)
Lauren Peden	Journalist – “ <i>The Guardian Express</i> ” (until approximately 9.15pm)
Stephen Pollock	Journalist – “ <i>The Perth Voice</i> ” (until approximately 9.15pm)

Approximately 11 Members of the Public

(c) Members on Approved Leave of Absence:

Nil.

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

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

1. John Viska of 148 Chelmsford Road, North Perth (of 30 years) – Item 9.1.3. Stated that 330 Fitzgerald St used to be a shop and dwelling with no impact on the Street. Advised that when it was the City of Perth, there was a redevelopment, a 2 storey building was built, 4 offices, low impact – accountancy/consultancy firms. Believed the 8 parking bays were adequate for this with sufficient parking and little impact on the Street. Advised that since October 2009 when the current refurbished offices began operating, there has been parking and traffic problems in the Street. Believed that over 20 people work in the building with still only 8 bays on site. Stated that the current proposal does not seem to address the problem that by 8am parking stretches from Fitzgerald up to the Ethel Street intersection. Stated that the proposal is to take current bays onsite to convert into offices and reconfigure the parking situation however, this does not improve the parking in Chelmsford Rd. Urged the Council to reject the proposal until the residential parking problem has been resolved. Stated at a Meeting about 4 weeks ago the Council voted to investigate residential parking in

Chelmsford Rd which he believed needed to be resolved before any alteration or changing of the parking configuration at 330 Chelmsford Rd. Stated $\frac{3}{4}$ of the Street objected – 8 objections and believed this showed how much they are being affected by traffic and parking.

2. Kevin Kineely of 6 Lovett Street, Scarborough – Item 9.3.4. Supported the redevelopment. Stated that he has been a long term user of Beatty Park – over 30 years and held a membership since it was offered. Advised that he highly respects the facility and what it has to offer. Particularly recognises its heritage status however, he realises it is in desperate need of redevelopment. Urged the Council to support the redevelopment as a matter of urgency as it is used by a wide number of people within the community, is an icon of Perth and deserves the redevelopment to bring it back to what it was in its “*hay days*”. Requested support by the Council and for it to be moved on it as soon as possible so as to not to in anyway impact on the membership or member’s use of the pool.
3. Thomas Gerard Pierce of 93 Thomas Street, Subiaco – Item 9.3.4. Advised that he has been a user of Beatty Park for about 27 years on and off and has spent the last 10 years there since he could start after a very bad car accident in the 90’s and, due the facility being available and the staff looking after him, he finds himself fit and well enough to speak this evening. Believed there is a “*crying need*” in various groups, particularly older groups for somewhere to go to work on their fitness and to stay away and take the pressure off medical facilities. Stated that it is glaringly obvious to anyone who has visited recently, that the facility is very tired, worn out and, despite the best efforts of staff to keep it clean, it is the nature of the place that makes it difficult to keep it as clean as it should be for such a facility dealing with so many people. Stated that, from a legal perspective, he can foresee that it is quite probable that there is going to be an increase in claims as people may cut their feet on defective/broken tiles or just fall/slipover on something that is not working as well as it should. Advised that he has reviewed the plans and believed that the new proposed gym will be absolutely fantastic and popular which would be a good “*money spinner*”. Believed “*it is time*” for the upgrade and believed it is terrific.

There being no further speakers, public question time closed at approx. 6.21pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

- 4.1 Cr Steed Farrell requested leave of absence from the Ordinary Meeting of Council to be held on 12 October 2010 due to work commitments.

Moved Cr Topelberg, Seconded Cr McGrath

That Cr Steed Farrell’s request for leave of absence be approved.

CARRIED (9-0)

- 4.2 Cr Warren McGrath requested leave of absence from the period 10-17 October 2010 due to work commitments and attendance at a Conference on behalf of the Council.

Moved Cr Topelberg, Seconded Cr Harvey

That Cr Warren McGrath’s request for leave of absence be approved.

CARRIED (9-0)

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 14 September 2010.

Moved Cr Farrell, Seconded Cr Topelberg

That the Minutes of the Ordinary Meeting of Council held 14 September 2010 be confirmed as a true and correct record.

CARRIED (9-0)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Certificate of Appreciation – Retiring Advisory Group Representative

As you are aware, the Town of Vincent has a number of Advisory Groups to assist the Town and Council with its consideration of a number of areas. These Groups play an important part in the Town's future and as such the Town greatly appreciates the time and effort that community members put in when they join our Advisory Groups.

I am delighted to present this Certificate of Appreciation to Florence Allain for her valuable contribution to the Art Advisory Group over the past eight years.

Florence joined the Advisory Group in 2002 with an impressive background in the arts, having studied Fine Art and photography in Australia and in France. Florence has also exhibited regularly both in Perth and overseas.

Florence's experience in the arts combined with an enthusiasm for her chosen place of residence, that being of course the Town of Vincent, made her an ideal member. During her time on the Art Advisory Group, Florence gave her expert counsel on six Town of Vincent Art Award Exhibitions; this included giving advice on the selection of work, selection of awards and the acquisition of art for the collection.

Beyond these duties Florence has contributed to lively debates concerning the recommendations to Council on the merits of a number of public art commissions for the Town.

Once again, on behalf of the Town, I would like to thank Florence for her past contribution.

Florence, I hope that you accept this token of our appreciation for all your valued efforts and display the Certificate with pride.

I trust that you will remain active in the Town and will continue to assist us in our mission to "*enhance and celebrate our diverse community*" even though it is not as a member of an Advisory Group.

Received with Acclamation!

7.2 Retirement of Town's Executive Secretary

After nearly 15 years with the Town of Vincent (12 years working as Executive Secretary to the Director Technical Services, Rick Lotznicker), Jane Greenwood left the Town on Friday 24 September 2010 to enter the next phase of her life - retirement!

Jane passed on her farewell wishes to the Council and stated that "*it has been a pleasure working with you all over the years and I leave with some very happy memories*".

On behalf of the Council, we wish Jane all the very best for many happy (relaxing) years ahead.

Received with Acclamation!

8. DECLARATIONS OF INTERESTS

- 8.1 Cr Maier declared a Financial interest in Item 9.4.1 – Motion to Change Part of the Council Decision relating to the Review of Policy No. 4.2.7 – Council Members – Allowances, Fees and Reimbursements of Expenses and Policy No. 4.1.16 – Vehicle Management. The extent of his interest being that his partner may be financially impacted by a change to the payment of the Deputy Mayor.

The Chief Executive Officer advised that, for the information of the Council, Section 5.63(c) of the *Local Government Act 1995*, allows Council Members to consider items relating to allowances, fees etc, without needing to disclose an interest.

- 8.2 The Chief Executive Officer declared a Financial interest in Item 14.1 – Chief Executive Officer's Annual Performance Review 2010. The extent of his interest being that this matter relates to his Contract of Employment.
- 8.3 Cr Lake declared an Impartiality interest in Item 10.2 – Notice of Motion – Cr Maier – Request for Information Concerning the Council's Environmental Grants and Awards Scheme. The extent of her interest being that she is a member of a community environmental group.
- 8.4 Cr McGrath declared an Impartiality interest in Item 10.2 – Notice of Motion – Cr Maier – Request for Information Concerning the Council's Environmental Grants and Awards Scheme. The extent of his interest being that he is a member of a community environmental group being the Claise Brook Catchment Group.
- 8.5 Cr Maier declared an Impartiality interest in Item 10.2 – Notice of Motion – Cr Maier – Request for Information Concerning the Council's Environmental Grants and Awards Scheme. The extent of his interest being that he is a member of a community group that could apply for the grants.
- 8.6 Cr Topelberg declared an Impartiality interest in Item 9.4.3 – Appointment of Community Representative to Town of Vincent Advisory Groups. The extent of his interest being that he is a personal acquaintance of one of the Arts Advisory Nominees.

Councillors Lake, McGrath, Maier and Topelberg stated that as a consequence there may be a perception that their impartiality in the matter may be affected. They declared that they 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 Nick Catania, requested that the Chief Executive Officer advise the meeting of:

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

Items 9.1.3 and 9.3.4.

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

Items 9.4.1, 9.4.3 and 9.4.7.

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

Item 9.4.1.

Presiding Member, Mayor Nick Catania, 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 Farrell	Nil.
Cr Topelberg	Item 9.1.4.
Cr Buckels	Items 9.1.1, 9.1.6, 9.1.9, 9.4.2 and 9.4.6.
Cr McGrath	Item 9.1.8.
Cr Harvey	Nil.
Cr Lake	Item 9.4.3.
Cr Burns	Nil.
Cr Maier	Items 9.1.5 and 9.3.3.
Mayor Catania	Item 9.2.3.

The Presiding Member, Mayor Nick Catania, requested that the Chief Executive Officer advise the meeting of:

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

Items 9.1.2, 9.1.7, 9.2.1, 9.2.2, 9.2.4, 9.3.1, 9.3.2, 9.4.4, 9.4.5 and 9.4.8.

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

Item 14.1.

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

(a) **Unopposed items moved en bloc;**

Items 9.1.2, 9.1.7, 9.2.1, 9.2.2, 9.2.4, 9.3.1, 9.3.2, 9.4.4, 9.4.5 and 9.4.8.

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

Items 9.1.3 and 9.3.4.

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

Moved Cr Farrell, Seconded Cr Burns

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

Items 9.1.2, 9.1.7, 9.2.1, 9.2.2, 9.2.4, 9.3.1, 9.3.2, 9.4.4, 9.4.5 and 9.4.8.

CARRIED (9-0)

9.1.2 No. 462 (Lot 2; D/P: 3824) Beaufort Street, corner of Broome Street, Highgate - Proposed Five (5) Sign Additions to Existing Shop (Pharmacy) (Retrospective Application)

Ward:	South	Date:	21 September 2010
Precinct:	Mount Lawley; P11	File Ref:	PRO2339; 5.2010.402.1
Attachments:	001		
Reporting Officer:	T Cappellucci, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by E Pirone on behalf of the owner M R Hopkins & Braxton Pty Ltd for proposed Five (5) Sign Additions to Existing Shop (Pharmacy) (Retrospective Application), at No. 462 (Lot 2; D/P: 3824) Beaufort Street, corner of Broome Street, Highgate, and as shown on plans stamped 13 August 2010, subject to the following conditions:

(i) Signage

- (a) *the signage shall not have flashing or intermittent lighting;*
- (b) *all signage shall be subject to a separate Sign Licence application being submitted to and approved by the Town prior to the erection of the signage;*
- (c) *all signage shall be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site; and*
- (d) *the land owners shall not seek from either the Town or the Western Australian Planning Commission compensation for any loss, damage or expense to remove the approved works (pylon sign) which encroaches the Other Regional Road reservation/road widening requirement when the road reservation/road widening/road upgrade is required.*

(ii) ~~PRIOR TO THE ISSUE OF A SIGN LICENCE, the following shall be submitted to and approved by the Town WITHIN TWENTY EIGHT (28) DAYS OF THIS 'APPROVAL TO COMMENCEMENT DEVELOPMENT', a Building Approval Certificate Application, shall be submitted to and approved by the Town of Vincent Building Services as requested under Section 374AA of the Local Government (Miscellaneous Provisions) Act 1960, and Regulation 11A of the Building Regulations 1989, including the following:~~

- (a) *the awning sign attached to the underside of an awning on the shop front "Your Local Discount Chemist" shall have a minimum clearance of 2.75 metres from the finished ground level to the lowest part of the sign; and*

(iii) PRIOR TO LODGING OF A SIGN LICENCE APPLICATION, the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:

(a) pay the difference of \$270 for the equivalent value of a retrospective application as set out in the Town's 2010/2011 Budget.

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

COUNCIL DECISION ITEM 9.1.2

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

Landowner:	M R Hopkins & Braxton Pty Ltd
Applicant:	E Pirone
Zoning:	Commercial
Existing Land Use:	Shop
Use Class:	Shop
Use Classification:	"P"
Lot Area:	1083 square metres
Access to Right of Way	Not applicable

PURPOSE OF REPORT:

The proposal requires referral to the Council for determination.

BACKGROUND:

20 December 2005 The Council at its Ordinary Meeting, resolved to constructively refuse the application for the proposed change in use from car yard to drive-in fast food outlet with ancillary car wash bays, office and alfresco seating area and associated signage for the following reasons:

- “1. The development is not consistent with the orderly and proper planning and preservation of the amenities of the locality;
2. Does not comply with Mt Lawley Town Centre Precinct Policy; and
3. Concerns about traffic and safety issues.”

22 November 2006 Under delegated authority, the proposal for change of use from car yard to drive-in fast food outlet (coffee outlet) and associated signage was refused under delegated authority from the Council for the following reasons:

- “1. The development will unduly adversely affect the orderly and proper planning and the preservation of the amenities of the locality;
2. The non-compliance with the Building Height/Scale and Pedestrian Environment requirements of the Town's Policy relating to the Mount Lawley Centre Precinct; and
3. The non-compliance with the Monolith Sign requirements of the Town's Policy relating to Signs and Advertising”.

- 17 January 2007 Directions Hearing at the State Administrative Tribunal.
- 7 March 2007 The full hearing was held at the State Administrative Tribunal.
- 11 June 2007 The State Administrative Tribunal found that the proposed drive-in fast food outlet (coffee outlet) and associated signage did not comply with the Town of Vincent's Mount Lawley Centre Precinct Policy and would have an unduly adverse effect on the orderly and proper planning and the preservation of amenities of the locality. The application for review was therefore dismissed and the decision of the Town of Vincent affirmed.
- 29 April 2010 Council granted conditional approval under delegated authority for the change of use from car yard to shop (pharmacy) and associated alterations and additions.

DETAILS:

The proposal is for five (5) sign additions to existing shop (pharmacy) at No. 462 (Lot 2; D/P: 3824) Beaufort Street, corner of Broome Street, Highgate.

The extent of the signage proposed includes the following:

- One (1) window sign on the Beaufort Street elevation (“*Chemist Open*”);
- One (1) pylon sign (“*SuperChem Discount Pharmacy Open 7 Days*”);
- One (1) sign attached to fascia of awning on the Broome Street elevation (“*SuperChem Discount Pharmacy Open 7 Days 8am to 8pm*”);
- One (1) sign attached to fascia of awning on Beaufort Street elevation (“*SuperChem Discount Pharmacy Open 7 Days 8am to 8pm*”); and
- One (1) sign attached to underside of awning on Beaufort Street elevation (“*Your Local Discount Chemist*”).

The pylon sign is an existing structure on-site, with the signage proposed on it to be illuminated, while the rest of the signage will be new additions to the recently approved shop (pharmacy) building.

The Department of Planning’s response is “*Laid on the Table*”.

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Awning sign attached to the underside of an awning – Shop Front (Beaufort Street Elevation):	Have a minimum clearance of 2.75 metres from the finished ground level to the lowest part of the sign.	2.7 metre clearance.
<i>Officer Comments:</i>		
Not Supported – The clearance is non-compliant with the Town’s Signs and Advertising Policy. A condition has been applied for the awning sign displaying ‘ <i>Your Local Discount Chemist</i> ’, to have a minimum clearance of 2.75 metres from the finished ground level.		

Pylon Sign:	Not exceed 2.5 metres measured either vertically or horizontally across the face of the sign.	The existing pylon sign structure has a horizontal dimension of 4 metres, with the signage wording “ <i>SuperChem Discount Pharmacy Open 7 Days</i> ” having a horizontal dimension of 3.5 metres within the framed structure of the pylon sign.
<i>Officer Comments:</i>		
<p>Supported – The existing pylon sign structure does not comply with the Town’s Signs and Advertising Policy requirements. However, the new wording on the structure is to be illuminated, which complies with the Town of Vincent’s Development and Design Policy 3.5.2 ‘Signs and Advertising’ 2) i) d).</p> <p>The horizontal and vertical dimensions of the existing pylon sign structure are not being altered as part of this application with the only addition to the existing structure being new wording within the 4 metre (horizontal) x 1.5 metre (vertical) dimensioned structure. Therefore, it is deemed in this instance reasonable to support this variation, as it will not affect the amenity of pedestrians, does not go over the pedestrian footpath on Beaufort Street, compiles with the Town of Vincent’s requirements for illuminated signs (in particular, having a minimum clearance of 2.75 metres from finished ground level to the lowest part of the sign) and does not result in any transport impacts.</p> <p>In addition, the pylon sign does not adversely impact upon the amenity of the surrounding businesses while providing appropriate exposure of the pharmacy.</p>		
	Not be greater than 4 square metres in area.	The existing pylon sign structure is 6 square metres in area with the signage area on the pylon sign, measured around the words of the sign “ <i>SuperChem Discount Pharmacy Open 7 Days</i> ”, being 4.14 square metres.
<i>Officer Comments:</i>		
Supported – As above.		
	The structure to which a pylon sign is affixed is to comprise only one or more supports with a total width not exceeding 300 millimetres unless a sign strategy acceptable to the Town of Vincent for the whole site has been submitted and approved.	Two (2) existing affixed supports for the pylon sign.
<i>Officer Comments:</i>		
<p>Supported – The pylon sign structure on-site exists with two (2) affixed supports. Given the proposed signage for the pylon sign intends to use the existing two (2) affixed supports, it is deemed reasonable to support this variation provided that the land owners shall not seek from either the Town or the Western Australian Planning Commission, compensation for any loss, damage or expense to remove the approved works (pylon sign), which encroaches the Other Regional Road reservation/road widening requirement when the road reservation/road widening/road upgrade is required.</p>		

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

Consultation Submissions		
The proposal was not advertised as it is considered not to involve intensification of the current use of the site, is incidental, associated and ancillary to the usage and development of the site, and is being referred to the Council for consideration and determination.		
Department of Planning (DOP) - The application was referred to DOP for comments as Beaufort Street is classified as an Other Regional Road and the existing pylon sign structure (to be used as part of this application) does intrude into the road widening area.	DOP provided the following comments: <i>“Under the current (revised) notice of delegation the above application does not need to be referred to the Department for comments”.</i>	Noted. A condition has been recommended that the land owners shall not seek from either the Town or the Western Australian Planning Commission compensation for any loss, damage or expense to remove the approved works (pylon sign) which encroaches the Other Regional Road reservation/road widening requirement when the road reservation/road widening/road upgrade is required.

Other Implications	
Legal/Policy	TPS 1 and associated Policies.
Strategic	Nil.
Sustainability	Nil.
Financial/Budget	Nil.

COMMENTS:

The Town's Officers consistently enforce a compliant approach to businesses in the Town, which propose signage that does not comply with the Town of Vincent's Signs and Advertising Policy.

The proposed awning sign attached to the underside of an awning on the shop front, on the Beaufort Street Elevation, has been addressed by recommending a condition that the minimum clearance height be increased from 2.7 metres, to 2.75 metres from the finished ground level.

The existing pylon sign structure in this instance, under current Town of Vincent signage requirements, does not comply in relation to requirements relating to its horizontal dimension and total area. The existing pylon sign has existed on-site for a number of years. The new wording on the existing pylon structure is of a dimension and scale compatible with existing signage of other commercial premises within close proximity along Beaufort Street, while not hindering pedestrian movement.

In light of the above, given the pylon structure has been a historical part of the site for a number of years and the signage proposed is not considered to adversely impact on the visual amenity of the subject site and surrounding area, it is recommended that the Council approve the application, subject to standard and appropriate conditions to address the above matters.

9.1.7 Amendment No. 29 to the Town of Vincent Town Planning Scheme No. 1 Relating to the inclusion of the areas ceded from the City of Stirling and the City of Perth to the Town of Vincent, into the Town's Town Planning Scheme No. 1, the incorporation of Metropolitan Region Scheme Amendment 1181/57 into the Town's Town Planning Scheme No. 1, and the inclusion of provisions relating to Development Contributions for Infrastructure

Ward:	-	Date:	20 September 2010
Precinct:	-	File Ref:	PLA0224
Attachments:	001 ; 002 ; 003 ; 004 ; 005 ; 006		
Reporting Officer:	E Lebbos, Strategic Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

(i) RECEIVES:

- (a) the report relating to the inclusion of the areas from the City of Stirling and the City of Perth to the Town of Vincent, into the Town's Town Planning Scheme No. 1, the incorporation of Metropolitan Region Scheme Amendment 1181/57 into the Town's Town Planning Scheme No. 1, and the inclusion of provisions relating to Development Contributions for Infrastructure; and*
- (b) the Scheme Amendment Documents and maps as shown in Attachments 001, 002, 003, 004, 005 and 006;*

(ii) pursuant to section 75 of the Planning and Development Act 2005, RESOLVES to INITIATE an Amendment to the Town of Vincent Town Planning Scheme No. 1 by;

- (a) Including the areas ceded from the City of Stirling and the City of Perth to the Town of Vincent, as part of the boundary changes in July 2007, into the Town's Town Planning Scheme No. 1, and to incorporate Metropolitan Region Scheme Amendment 1181/57 into the Town's Town Planning Scheme No. 1;*
- (b) Amending clause 8 of the Town of Vincent Town Planning Scheme No. 1, relating to 'Repeals', by adding clauses (f), (g) and (h), relating to repealing the City of Stirling District Planning Scheme No. 2, the City of Perth City Planning Scheme No. 2 and the East Perth Redevelopment Authority Scheme and associated Planning Policies; and*
- (c) Including provisions relating to Development Contributions for Infrastructure, in line with the Model Scheme Text provisions as set out in State Planning Policy 3.6 relating to Development Contributions for Infrastructure, by incorporating an additional Part 7 – Development Contribution Areas, in the Town's Town Planning Scheme No. 1;*

- (iii) *NOTES that in addition to the transferred areas being included into the Town's Town Planning Scheme No. 1, they will also be incorporated into the Town's existing Precinct areas, with the relevant Precinct Policies applying, as follows:*
- (a) *Glendalough (Attachment 002): Mount Hawthorn Precinct (Policy No. 3.1.1);*
 - (b) *West Perth (Attachment 003): Cleaver Precinct (Policy No. 3.1.5);*
 - (c) *Claisebrook (Attachment 004): Banks Precinct (Policy No. 3.1.15);*
 - (d) *East Parade (Attachment 005): Banks Precinct (Policy No. 3.1.15); and*
 - (e) *Areas currently under the East Perth Redevelopment Authority's control (Attachments 004 and 006): Banks Precinct (Policy No. 3.1.15) and Beaufort Precinct (Policy No. 3.1.13); and*
- (iv) *REQUESTS the Minister for Planning and the Western Australian Planning Commission (WAPC) to progress the above Amendment as a matter of priority, due to the following reasons:*
- (a) *as a matter of consistency, and in order to achieve best practice planning outcomes within all areas of the Town, including improving the service delivery of determining Development Applications under the Town's Town Planning Scheme No. 1;*
 - (b) *adverse implications for facilitating a good design outcome within the subject areas, particularly within the Glendalough area, for the lots within the Mixed Residential Cell of Amendment 423 (Schedule 14) of the City of Stirling District Planning Scheme No. 2, which are anticipating imminent significant development; and*
 - (c) *the Town received a letter from the Department of Planning, dated 25 August 2010, advising that at its meeting held on 24 August 2010, the WAPC resolved to support the rezoning of the West Perth Regeneration Area from 'Industrial' to 'Urban', in order to facilitate the West Perth Regeneration Masterplan, on the basis that an Amendment to the Town's current Town Planning Scheme No. 1 is undertaken in 'parallel' with the Metropolitan Region Scheme Amendment.*

COUNCIL DECISION ITEM 9.1.7

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

PURPOSE OF REPORT:

The purpose of this report is to initiate an Amendment to the Town's Town Planning Scheme No. 1, by:

- (1) *Including the areas ceded from the City of Stirling and the City of Perth to the Town of Vincent, as part of the boundary changes in July 2007, into the Town's Town Planning Scheme No. 1, and to incorporate Metropolitan Region Scheme Amendment 1181/57 into the Town's Town Planning Scheme No. 1;*

- (2) *Amending clause 8 of the Town of Vincent Town Planning Scheme No. 1, relating to 'Repeals', by adding clauses (f), (g) and (h), relating to repealing the City of Stirling District Planning Scheme No. 2, the City of Perth City Planning Scheme No. 2 and the East Perth Redevelopment Authority Scheme and associated Planning Policies; and*
- (3) *Including provisions relating to Development Contributions for Infrastructure in line with the Model Scheme Text provisions as set out in State Planning Policy 3.6 relating to Development Contributions for Infrastructure, by incorporating an additional Part 7 – Development Contribution Areas, in the Town's Town Planning Scheme No. 1.*

BACKGROUND:

The Town of Vincent's boundaries were enlarged as a result of boundary changes related to the transfer of parts of Glendalough, East Perth and West Perth from the City of Perth and the City of Stirling on 1 July 2007. The areas which were transferred to the Town were outlined in the *Government Gazette* No. 113 on 29 May 2007 as follows:

*"1. Transfer from the City of Stirling (Osborne Ward) to the Town of Vincent (North Ward)
An area of approximately 34 hectares comprising all that portion of land bounded by lines starting from the intersection of the centreline of Powis Street with the centreline of the Perth — Currambine Railway, a present north-western corner of the Town of Vincent, and extending generally north-westerly along the centreline of the Perth — Currambine Railway to a southern side of Scarborough Beach Road; thence generally easterly along sides of that road to the prolongation northerly of the western boundary of Lot 417, as shown in Plan 1939, a present north-western corner of the Town of Vincent, and thence southerly, generally south-westerly, easterly, again southerly, north-westerly, south-westerly, generally north-westerly and again south-westerly along boundaries of that town to the starting point.*

*2. Transfer from the City of Perth to the Town of Vincent (South Ward)
An area of approximately 19.3 hectares comprising all that portion of land bounded by lines starting from the intersection of the centreline of Newcastle Street with the prolongation south-westerly of the centreline of Charles Street, a point on the present south-western boundary of the Town of Vincent, and extending south-westerly along that prolongation to the centreline of the Mitchell Freeway; thence generally north-westerly along that centreline to the centreline of Loftus Street, a present southern corner of the Town of Vincent, and thence generally north-easterly and south-easterly along boundaries of that town to the starting point.*

*3. Transfer from the City of Perth to the Town of Vincent (South Ward)
An area of approximately 40.8 hectares comprising all that portion of land bounded by lines starting from the intersection of the prolongation easterly of the centreline of the eastern section of Summers Street with the high water mark of the right bank of the Swan River, a present south-eastern corner of the Town of Vincent, and extending generally southerly downwards along that high water mark to the centreline of the Graham Farmer Freeway; thence generally westerly and south-westerly along that centreline to the centreline of Lord Street; thence generally south-westerly along that centreline to the prolongation south-easterly of the centreline of Newcastle Street; thence north-westerly to and generally along that centreline to the prolongation south-westerly of the centreline of Lindsay Street, a present south-eastern corner of the Town of Vincent, and thence north-easterly, generally south-easterly, generally north-easterly and generally easterly along boundaries of that town to the starting point."*

Background information relating to each of the areas, as well as information relating to development contributions, is outlined below:

Glendalough

The area transferred to the Mount Hawthorn area is generally bounded by Scarborough Beach Road, Brady Street, Powis Street and the Mitchell Freeway and commonly known as East Glendalough. In 1949, the State Housing Commission bought part of Glendalough for subdivision and began to develop the area.

East Glendalough is distinctly different from Mount Hawthorn in the form and layout of the subdivision and the respective development, which is characterised by a significant number of grouped and multiple unit residential developments. Glendalough Train Station was built as part of Perth's northern suburbs transit system, and provides Glendalough residents with convenient access to public transport, with many using it as a transfer station for buses to Scarborough Beach.

Following the Town assuming control of a portion of Glendalough east of the Mitchell Freeway in July 2007, the Town submitted a proposal to the Geographic Names Committee who supported a name change to Mount Hawthorn. The name change was completed in April 2008; however, it is noted that whilst the Town's municipality boundary runs along Scarborough Beach Road, the renaming does not apply to those properties/lots which are in Osborne Park. These properties remain in that suburb; it is only the properties/lots that were formerly named Glendalough that have changed.

The subject land comprises the Toyota site at No. 297 Scarborough Beach Road (Lots 8, 7, 6 and 100) and Nos. 5 and 7 Jugan Street (Lots 1 and 2) and the land currently occupied by predominately public housing stock and some private residential dwellings comprising Nos. 2 and 4 (Lots 34 and 33) Jugan Street, Nos. 289 (Lot 9), 287 (Lot 8), 285 (Lot 7), 283 (Lot 6), 281 (Lot 5) and 279 (Lot 4) Scarborough Beach Road and Nos. 1 (Lot 3), 3 (Lot 32), 5 (Lot 16) and 7 (Lot 17) Brady Street. The City of Stirling District Planning Scheme Amendment No. 432 identified the Glendalough Station Precinct as a Mixed Residential Cell, with the intent to facilitate the integration of mixed use development to create a buffer area/interface between Scarborough Beach Road and the residential area to the south. In addition, it capitalises on the close proximity of the area to the Glendalough Station.

It is also noted however, that the City of Stirling District Planning Scheme Amendment No. 432 stipulates that no development of the four lots [Nos. 1 (Lot 3), 3 (Lot 32), 5 (Lot 16) and 7 (Lot 17) Brady Street] shall occur until such time as the finalisation of the proposed Brady Street Road Reserve closure. At its Ordinary Meeting held on 1 December 2009, the Council resolved to support in principle, the concept of a partial closure and amalgamation subject to certain stipulations. Subsequently, the Town received a letter from the Department of Planning dated 27 May 2010, which advised in part that, *'Until the land requirements for the future widening of Scarborough Beach Road has been finalised and endorsed by the Western Australian Planning Commission (WAPC), the proposed closure of this portion of the road reserve is considered to be premature given that it could, potentially prejudice the WAPC's future requirements for the widening/upgrading of this section of Scarborough Beach Road.'*

As a result, the Town has prepared this Scheme Amendment in order to remove the restrictive provisions on development imposed by the City of Stirling District Planning Scheme Amendment No. 432, as the owners of the subject properties are anticipating significant development in the near future. However, it is noted that the developers are still required to prepare a Design Layout Plan and Implementation Strategy adopted by the Council, as per clause 2 of Amendment No. 423. It is envisaged that this requirement will be incorporated into the Town's Mount Hawthorn Precinct Policy No. 3.1.1 as opposed to being included in the Town's Town Planning Scheme No. 1. Among other things, the Design Layout Plan is required to address the following matters:

- the coordinated and integrated development of the subject land;
- the horizontal and vertical mixing of appropriate land uses;
- streetscape improvements;
- road widening and traffic management; and
- integrated vehicular access and parking.

The subject properties are predominantly vacant, with the remaining land in the area characterised by single and grouped dwelling type development, currently zoned Residential R50.

An increased zoning of Residential R60 has been proposed for the majority of this area (other than the Mixed Residential Cell which has been proposed to be zoned as RC100 from its current zoning of RC60), based on the rationale outlined in the Town's Draft Local Planning Strategy, the State Planning Strategy *Directions 2031*, and as a result of best practice planning outcomes identified for the area by the Scarborough Beach Road Activity Corridor Working Group, of which the Town officially became part of in February 2009. The rational collated from these sources to support an increased zoning, include:

- to provide the opportunity for an increase in housing choice and population density within walking distance of the Glendalough Station, in line with Transit Oriented Development (TOD) principles, as outlined in the Town's Local Planning Strategy;
- according to *Directions 2031*, by 2031 the region will have a population of at least 2.2 million people, which represents over half a million new residents to be housed. As such, *Directions 2031* has identified the connected city model as the preferred medium-density future growth scenario, which, among other things, is characterised by '*planning and developing key public transport corridors, urban corridors and transit oriented developments to accommodate increased housing needs...*'; and
- One of the five key themes that *Directions 2031* is based on, relates to Perth being an 'Accessible' City. One of the strategies to achieve this is to '*plan and develop transit oriented developments to accommodate a mixed use and medium-rise high density housing development.*'

West Perth

This land transferred to the Town is defined as being within the boundaries of Loftus Street to the west, Newcastle Street, Charles Street to the east and Old Aberdeen Place to the south. The current mix of land uses include light and service industrial, commercial and residential. Within the commercial and industrial areas between Newcastle Street, Loftus Street, Charles Street and Old Aberdeen Place, there is a hangover of 'old' industry from this previously inner-city industrial area. The commercial and industrial land uses within the study area are not being utilised to their potential resulting in a lack of high quality land use.

The Town recognised the importance of the West Perth land in terms of its proximity to the Perth Central Business District as well as public transport links, and responded by commissioning Consultants to prepare a *West Perth Regeneration Masterplan* for the area. The Masterplan also includes the residential area north of Newcastle Street, which was not part of the boundary changes. This area has a low resident and dwelling ratio, especially given that the current zoning for this land is R80 and a number of former residences have been converted to consulting rooms. It is noted that clause 20(4)(a)(i) in the Town Planning Scheme No. 1, relating to '*no multiple dwellings*', has been lifted in this area, as part of Scheme Amendment No. 25 to the Town's Town Planning Scheme No. 1. This was gazetted on 31 August 2010.

The vision for the *West Perth Regeneration Masterplan* is of a vibrant, contemporary place for living, working and doing business. Pedestrian and public transport links are to be improved and a new train station created to ensure that the regeneration is in line with the Town of Vincent's TOD goals.

It is noted that the area is currently zoned 'Industrial' under the Metropolitan Region Scheme. The Town has undertaken a proposed Metropolitan Region Scheme Amendment to rezone the subject land from 'Industrial' to 'Urban', in order to facilitate the Regeneration Masterplan. The Town received a letter from the Department of Planning, dated 25 August 2010, advising the Town, that at its meeting held on 24 August 2010, the WAPC resolved to support the rezoning of the Regeneration area to 'Urban', on the basis that an Amendment to the Town's current Town Planning Scheme No. 1 is undertaken in 'parallel' with the Metropolitan Region Scheme Amendment.

The Town Planning Scheme Amendment is required to address the following issues:

- A strategic transport assessment being undertaken to the satisfaction of Main Roads WA – (quotations are currently being obtained for this);
- The provision for cycle and pedestrian connectivity – (this can be undertaken in future capital works programs);
- The nature and scale of future land uses including some provision for service industrial land uses – (the commercial zoning proposed will allow for light industry to remain);
- Noise abatement issues being addressed – (noise issues are to be addressed in accordance with the Town's Policy No. 3.5.21 relating to Noise Attenuation, based on a case by case basis when Development Applications are received); and
- The provision for developer contribution towards upgrading of road and servicing infrastructure (for example, Water Corporation requirements) – (general provisions relating to developer contribution are being proposed in the Town's Town Planning Scheme No. 1. These provisions will be in line with the Model Scheme Text provisions as set out in State Planning Policy 3.6 relating to Development Contributions for Infrastructure).

Claisebrook

This land is defined as being within the boundaries of Lord Street to the west, the railway reserve to the east, Summers Street to the north and the Graham Farmer Freeway to the south. There is an eclectic mix of land uses within a 400 metre radius north of Claisebrook Station. The current uses are predominately commercial including offices and consulting rooms, light industry such as warehouses and general industry, including two concrete batching plants (the Cemex concrete batching plant and the Hanson concrete batching plant).

The majority of land between a 400 and 800 metres radius of the Station is currently zoned Residential/Commercial R/C80, with the exception of the area north of Summers and Bulwer Streets, currently zoned Residential R80 and a section along Beaufort Street zoned Commercial. Within this area, the predominant land uses include offices, residential dwellings and warehouses. Of particular note, are the existing single storey detached and semi-detached housing stock along Parry, Brewer, Pier and Lacey Streets constructed c1904, the majority of which have been converted to office use.

The built form within an 800 metres radius of Claisebrook Station is indicative of the development patterns experienced in East Perth from the 1890s to the present day. Much of the original housing stock is still intact, comprising single and semi-detached dwellings constructed in the Georgian and Federation style. The purpose built commercial properties comprise contemporary flush walled single and two storey office blocks and workshops/warehouses, as well as earlier simple industrial brick warehouses with concealed or gabled roof forms.

The improvement of the pedestrian link, particularly its visual clarity and safety, between Claisebrook Station and NIB Stadium (Perth Oval), especially for crossing Lord Street, is considered essential to any improvement works carried out in this area. The dominance of commercial warehouses and workshops within close proximity to the Station has served to diminish the pedestrian amenity within the area. This is particularly evident at the entry point from the Claisebrook Station Footbridge to Claisebrook Road, in which the original street configurations have been altered to accommodate the Graham Farmer Freeway.

Although it is noted that at this time, the East Perth Redevelopment Authority Scheme currently applies to the area, a number of TOD recommendations have been identified in the Town's Draft Local Planning Strategy, including facilitating the progressive removal of general industrial uses, in particular, the two concrete batching plants. Both of these plants are not consistent with orderly and proper planning, and are not compatible with the surrounding residential land use. Rather, they present a negative impact on the amenity of the area, and are an impediment to the appropriate regeneration of the locality.

East Parade (Metropolitan Region Scheme Amendment 1181/57)

A Metropolitan Region Scheme Amendment (1181/57) has been undertaken by the WAPC, relating to, among other things, transferring portions of various lots abutting the southern side of East Parade and Guildford Road from 'Primary Regional Road Reservation' to 'Urban'.

After consideration, the Minister has approved the Amendment, which has effect in the Metropolitan Region Scheme from the date notice in the *Government Gazette* 25 May 2010.

Under the Town's Town Planning Scheme No. 1, the transferred portions of the various lots will be zoned either Residential R20 or R60, depending on the zoning of the abutting urban lots.

Areas currently under the East Perth Redevelopment Authority's control

It is noted that there are two areas within the Town of Vincent that are currently under the planning control of the East Perth Redevelopment Authority's Scheme No. 2 (refer to Attachments 004 and 006). Although it is proposed that both of these areas come under the Town's Scheme area as part of this Scheme Amendment, they will continue to be under the planning control of the East Perth Redevelopment Authority until such time as they are normalised.

The area under the East Perth Redevelopment Authority's control, as shown in Attachment 004, corresponds to Precinct areas 17 and 18 of the 'East Perth Power Station' project area as per the East Perth Redevelopment Authority's Scheme No. 2.

The area shown in Attachment 006 corresponds to Precinct areas 23 and 24 of the 'New Northbridge' project area as per the East Perth Redevelopment Authority's Scheme No. 2.

Development Contributions for Infrastructure

The provisions for development contributions within a local government context are outlined in the State Planning Policy 3.6 relating to *Development Contributions for Infrastructure*. The Policy outlines the principles and considerations that apply to development contributions for the provision of infrastructure in new and established areas, and specifies the Model Scheme Text provisions for development contributions. In addition, it sets out the principles underlying development contributions, and the form, content and process for the preparation of a Development Contribution Plan under a Local Planning Scheme.

In May 2009, the Town received legal advice in relation to development contributions. The Town was advised that given the Town Planning Scheme No. 1 does not provide for the imposition of development contributions, the Town cannot enforce a Development Contribution Plan on an area.

In this regard, the Town has liaised with the Department of Planning on how to best approach incorporating development contribution provisions into the Town Planning Scheme No. 1 and proposed Town Planning Scheme No. 2. The Department of Planning has advised the Town that standard Model Scheme Text provisions can be included into the Town Planning Scheme No. 1 and proposed Town Planning Scheme No. 2, in accordance with the State Planning Policy 3.6, prior to these provisions being applied specifically to any Development Contribution Area.

Also, as mentioned above in the section relating to West Perth, the WAPC resolved to support the rezoning of the West Perth Regeneration area to 'Urban' from 'Industrial', on the basis that an Amendment to the Town's current Town Planning Scheme No. 1 be undertaken in 'parallel' with the Metropolitan Region Scheme Amendment. One of the Amendments required to the Town Planning Scheme No. 1, relates to incorporating a provision for developer contribution towards upgrading of road and servicing infrastructure (for example, Water Corporation requirements).

Therefore, in order for the Town to be able to enforce a Development Contribution Plan on an area, as well as to facilitate the *West Perth Regeneration Masterplan*, general provisions relating to developer contribution are being proposed in the Town's Town Planning Scheme No. 1 as part of this Scheme Amendment No. 29, in accordance with the Model Scheme Text as outlined in State Planning Policy 3.6.

DETAILS:

This Amendment has been initiated in the interim period whilst the Draft Town Planning Scheme No. 2 is being prepared and finalised. The rationale applied in recommending the Amendment is as follows:

1. As a matter of consistency, and in order to achieve best practice planning outcomes within all areas of the Town, it is considered appropriate to undertake a Scheme Amendment to incorporate the subject areas into the Town of Vincent Scheme No. 1, which is congruous with the current orderly and proper planning of the Town;
2. Adverse implications for facilitating a good design outcome within the subject areas, particularly within the Glendalough area, for the lots within the Mixed Residential Cell of Amendment No. 423 (Schedule 14) of the City of Stirling District Planning Scheme No. 2 comprising No. 279 (Lot 4), No. 281 (Lot 5), No. 283 (Lot 6), No. 285 (Lot 7), No. 289 (Lot 9) Scarborough Beach Road, No. 1 (Lot 3) and No. 3 (Lot 32) Brady Street and No. 2 (Lot 33) and No. 4 (Lot 34) Jugan Street, Mount Hawthorn, which are under a single ownership and are anticipating imminent significant development;
3. The Town has undertaken a proposed Metropolitan Region Scheme Amendment to rezone the West Perth Regeneration Area from 'Industrial' to 'Urban', in order to facilitate the *West Perth Regeneration Masterplan*. The Town received a letter from the Department of Planning, dated 25 August 2010, advising that at its meeting held on 24 August 2010, the WAPC resolved to support the rezoning of the Regeneration Area to 'Urban', on the basis that an Amendment to the Town's current Town Planning Scheme No. 1 is undertaken in 'parallel' with the Metropolitan Region Scheme Amendment; and

4. The Town's intention to accommodate the increased housing needs identified in the State Planning Strategy, *Directions 2031*, by planning and developing TODs to accommodate higher density housing development. In particular, this relates to the areas around the Glendalough and Claisebrook Stations, for which the Town is proposing to increase zonings, in order to provide the opportunity for an increase in housing choice and population density within walking distance of the Stations.

LEGAL/POLICY:

- Town Planning Scheme No. 1 and associated Policies;
- City of Stirling District Planning Scheme No. 2;
- City of Stirling District Planning Scheme Amendment 423 (Schedule 14);
- City of Perth City Planning Scheme No. 2; and
- East Perth Redevelopment Authority Scheme (as of July 2007), and associated Planning Policies.

CONSULTATION/ADVERTISING:

The Town will carry out consultation with all affected landowners within the subject areas for a period of 42 days, in line with the requirements of regulation 25 (fb) of the *Town Planning Regulations 1967*, following endorsement from the WAPC.

STRATEGIC IMPLICATIONS:

Strategic Plan 2009-2014 states:

“Natural and Built Environment

Objective 1.1 Improve and maintain the environment and infrastructure...

1.1.1 Capitalise on the Town's strategic location, its centres and commercial areas.

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

1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.”

FINANCIAL/BUDGET IMPLICATIONS:

The current 2010/2011 Budget allocates \$58,200 for Town Planning Scheme Amendments and Policies.

COMMENTS:

In light of the above, it is recommended that the Council initiates Amendment No. 29 to the Town's Town Planning Scheme No. 1.

9.2.1 Proposed "Perth City Streets – Transport Plan Strategic Agreement"

Ward:	South	Date:	23 September 2010
Precinct:	Beaufort P13	File Ref:	TES0473
Attachments:	001		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the information contained in the report and in Appendix 9.2.1 regarding the proposed "Perth City Streets – Transport Plan Strategic Agreement" as also presented to the Council Member's Forum held on 21 September 2010;*
- (ii) *SUPPORTS the proposed City Streets Transport Plan Strategic Agreement prepared by the City of Perth in consultation with the Town, Department of Transport, Public Transport Authority and Main Roads WA, and notes that further;*
 - (a) *information will be obtained regarding the City of Perth's proposed joint Communication Plan to be developed between all partners to the Agreement; and*
 - (b) *detailed discussions will need to be held with both the Public Transport Authority and Main Roads WA regarding the implication of, and approvals required, to progress the implementation of the reintroduction of "two way" streets in the Town and within the City of Perth;*
- (iii) *AUTHORISES the Chief Executive Officer to sign the Strategic Agreement document on behalf of the Town, as contained in Appendix 9.2.1;*
- (iv) *ADVISES the City of Perth, Department of Transport, Public Transport Authority and Main Roads WA of its decision; and*
- (v) *NOTES that further report will be submitted to the Council once the matters as outlined in clause (ii) have been further progressed.*

COUNCIL DECISION ITEM 9.2.1

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

PURPOSE OF REPORT:

The purpose of this report is to provide information on the City of Perth's (CoP) "Perth City Streets Transport Plan Strategic Agreement", where the CoP is requesting that the Town (ToV) becomes a signatory to the agreement, together with the Department of Transport (DoT), Public Transport Authority (PTA) and Main Roads WA (MRWA).

BACKGROUND:

The CoP reintroduced two-way traffic in William Street, between Wellington Street and The Esplanade, in July 2008 and in January 2009, the Perth City Council approved the revised Final Concept Plan for William Street, Northbridge, including the principle of reintroducing two-way traffic on William Street between Newcastle Street and Roe Street.

In March 2009, the Perth City Council approved proposed staging for changing one-way streets back to two-way and these were subsequently incorporated into the draft "Urban Design Framework: A Vision for 2029".

Consultations with key stakeholders on the implications of the reintroduction of two-way streets by the CoP identified the need to develop an agreement between the various agencies on the orderly changes required to roads, intersections and bus routes to achieve the desired outcome of pedestrian friendly thoroughfares used by low speed, local traffic.

It was considered that without such an agreement some agencies may not necessarily agree to a number of the required changes.

At its Ordinary Meeting held on 13 April 2010, the ToV Council considered a detailed report on the CoP proposal to convert William Street, between Roe and Newcastle Streets, from one-way to two-way traffic to complement the works undertaken in William Street in 2008/09 south of Wellington Street.

The Council, at its ordinary meeting held on 13 April 2010, decided in part as follows

- "(ii) SUPPORTS IN PRINCIPLE the proposal to reintroduce "two way" traffic in William, Beaufort and Brisbane Streets.....;*
- (iii) LISTS \$250,000 for consideration in the 2010/2011 draft budget for modifications at Brisbane/Beaufort and Brisbane Street between Beaufort Street and Stirling Street;"*

A further report on this matter will be presented to Council once the actions of the decision have been completed.

The CoP made a presentation on the "Perth City Streets" Transport Plan Strategic Agreement at the Council forum held on 21 September 2010.

DETAILS:

Progress -Town of Vincent

As the Council is aware, for several years now the Town has been collaborating with the CoP to reintroduce "two way" traffic in "Perth City Streets".

In 2007/2008 the Town upgraded William Street (Newcastle to Brisbane) from a "four lane" road to a "two lane" road with embayed parking and, while this street currently still functions as a "one way" road, the upgrade allows for conversion to "two way" in the future

The most recent report on "two ways" streets was considered by the Vincent Council at its OMC 13 April 2010.

As detailed in the report of 13 April 2010, the CoP is well advanced in its planning to convert Streets from one-way southbound to "two-way" traffic in 2010. At this meeting the Council gave "in principle" support to reintroduce "two way" traffic in, Beaufort, William and Brisbane Street.

Funds were subsequently allocated in the 2010/2011 budget to convert Beaufort Street from "one way" to "two way" with survey and detailed design work currently in progress. The design is being progressed in liaison with the CoP, MRWA and the PTA.

The reintroduction of two way traffic in Beaufort Street, both within the CoP and the Town, is currently planned to be implemented in April/May 2011.

Perth City Streets Proposal - City of Perth

Also as previously reported to the Council and as indicated at the Forum held on 21 September 2010, the CoP is well advanced in its planning to convert Streets from "one-way" southbound to "two-way" traffic.

In February 2010, the CoP released a draft "*Urban Design Framework – A Vision for Perth, 2029*" (*Framework*). The draft *Framework* focused on the broad scale (and the long term) and set an overall planning and design context within, to enable more detailed and localised strategies, studies and projects to be coordinated.

The draft *Framework* provides an overview which captures *the main principles for the improvement of the city's public and private realm*. The CoP's approach to transport planning as set out in the draft *Framework* is as follows:

- People first
- Public transport second; and
- Cars last.

The Strategic objectives of the *Framework* are as follows:

- The creation of a high quality walking environment that encourages and gives priority to pedestrians.
- The creation of quality on-street public transport that encourages use by improving reliability and reducing delays; and
- The creation of a more permeable "two way" street network where access is more direct and vehicle kilometres travelled are reduced.

The CoP is engaged with the following key stakeholders who have a critical role to play in the planning and implementation of a transport strategy for Perth City (and approaches to Perth City from the north through the Town):

- Town of Vincent
- PTA
- MRWA
- DoT

As the Council is aware, the CoP has appointed Sinclair Knight Merz to develop a "*Transport Strategy*" including a "*Transport Plan Strategic Agreement*" with involvement and collaboration of the CoP and all of the above authorities.

The CoP has also been involved in strategic planning with the "*Central Perth Planning Committee of the WAPC*" to ensure the "*Transport Strategy*" for the City (and the area within the Town immediately to the North) can be considered in the broader context of planning for the Capital City and for the other Council's surrounding the city.

The Transport Plan

The CoP transport Plan has been developed to meet the strategic objectives in relation to a quality pedestrian environment, on street public transport and a permeable "two way" street network for vehicle movement.

The CoP considers that an agreement to a transport plan of this nature (including staged implementation) by key stakeholders is essential to achieve a coordinated improvement of the City street network. (*Refer Pages 3 to 5 of the SKM Report in Appendix 9.2.1*):

The important ingredients of the plan are as follows:

- Reduced waiting time for pedestrians through introduction of parallel walk phases and shorter signal cycle times at most intersections;
- Modifications to the street network in the city centre to provide a more permeable movement network by introduction of more two-way streets
- Modification to the street network within the Town of Vincent to achieve similar objectives and ensure a co-ordinated movement network across the municipal boundary
- Priority for public transport on strategic routes to and through the city
- North/South off road bicycle path through the city along Barrack Street.

Testing and Modelling

The proposed street network outlined in the Transport Plan (including bus priority measures) has been modelled by the City's Traffic Consultants, SKM. A significant finding as a result of the introduction of the two way street system was that vehicle kilometres travelled would fall by 7.8% in the morning peak period and 15.8% in the PM peak period, without any reduction in vehicle trips. The modelling also showed that average vehicle speeds on the network would be lower in peak periods for a constant level of traffic.

SKM indicated that, from previous traffic and analysis experience, with conversion from "one way" to "two way" there was a realistic expectation of a reduction in vehicle traffic of up to 15% during peak periods. About half of this reduction would be due to less through traffic, whilst the remainder would possibly be trips that change from car driver to public transport as a result of lower traffic speeds and improved speed and reliability of public transport.

Transport Plan Strategic Agreement

The Transport Plan has been developed by the CoP, in discussion with the DoT, PTA, MRWA and the Town to:

- Outline the intent and purpose of the transport plan;
- Summarise in a single document the changes to the street network that are proposed over the next 5 years;
- Provide guidance on how the various projects can be implemented in stages.

It is noted that more detailed design of the individual components of the Transport Plan is necessary and it therefore intended that detailed project design will be led by the CoP and the Town and that the high level of consultation and collaborative input that has existed to date will continue. It is also further noted that approvals of various aspects of design will need to be obtained from MRWA and PTA at an early stage in the design process.

Staging and Implementation:

The CoP intends to prepare a comprehensive street network improvement plan as proposed in the *Transport Master Plan* to be implemented over a number of years.

The City and the Town, as the authorities responsible for the care, control and management of the road system, will have primary responsibility for implementation of the Plan and a collaborative and consultative approach with all key stakeholders such as PTA and MRWA, including a range of service authorities will be essential prior to implementation. In addition other matters, such as major development that may be planned from time to time, could also have an effect on the timing of the works.

The City has indicated that it would like to implement specific projects in as "short a time" as possible (once specific works have been approved and budgeted for) to minimise any inconvenience to property owners, traders, residents and road users, however, it is recognised that some level of inconvenience will be necessary for the changes proposed.

A three (3) phase notional implementation plan is shown conceptually in Figures 4.1 to 4.3 (*refer Figure 4.1 to 4.3 Pages 10 to 12 of the SKM Report in appendix 9.2.1*):

Note: Not all of the projects outlined in each phase are proposed to be undertaken simultaneously. Within each phase there will be a sequence of work necessary to maintain access to properties and movement of pedestrians and vehicles including buses and each phase of the works could potentially take from 12 to 18 months.

The three (3) phases of the City's master plan are provided as guidance on sequential implementation. There may be issues relating to budgeting, service re-location or other aspects of detailed design that will require changes to be made to the implementation of the transport plan.

Note: The projects shown in Figures 4.1 to 4.3 have been numbered and are cross referenced to a more detailed description of projects contained in Appendix A (*refer Pages 15 to 18 of the SKM Report in appendix 9.2.1*):

Phase 2 item 15 on page 17 and Phase 3 item 30 of the SKM Report in appendix 9.2.1 refers specifically to the Town of Vincent.

Officers' Discussion/Proposals:

The majority of the *Transport Plan* includes works within the CoP. The parts of the Town that will be affected by the plan include:

- Beaufort Street – North of Newcastle Street
- Brisbane Street - between William and Stirling Streets
- William Street – North of Newcastle
- Brisbane Street - between William and Beaufort Streets

(*Refer Figure 2.2 Page 4 of the SKM Report in appendix 9.2.1*)

The first stage of the "two-way" streets proposal to affect the Town is the conversion of Beaufort Street north of Newcastle Street and south of Brisbane Street.

Note: Collaborative design work on the Beaufort Street proposal by both the Town and the City is progressing. In addition, dialogue with other stakeholders including MRWA and the PTA is also progressing in the design development. At this stage it is envisaged that the physical works will not be implemented until the first quarter of 2011.

Description of Stage 1(within the Town):

Beaufort Street, between Newcastle Street and Brisbane Street, is currently one way south to north. Brisbane Street, between Beaufort Street and William Street, is currently one way east to west and Brisbane Street between Beaufort Street and Stirling Street is one way west to east. The first stage of the proposal (within the Town), as previously approved by the Council, will comprise the following:

- The intersection of Brisbane/Beaufort Street will be modified to allow for two south bound traffic lanes (south of Brisbane Street); left out only from Brisbane Street east into Beaufort Street; Brisbane Street (Stirling Street to Beaufort Street) will revert from "one way" west to east to "one way" east to west (with 45 degree angle parking on the south side of the street).
- Beaufort Street (Newcastle to Brisbane) will be modified to comprise a four (4) lane two (2) way road. During the AM and PM peak periods there will be clearway restrictions. The remainder of the day there will be on road parking. Bus lanes will be the subject of further discussions with both CoP and PTA.
- Brisbane Street (Beaufort to William) will become "two way" (single lanes with embayed parking) and centre road median plantings (in the longer term).
- William Street will remain "one way" (north to south) in the short term however the William/Brisbane intersection will be modified to allow Brisbane Street to revert to "two way".

Comments:

At the Council forum held on 21 September 2010, several issues were raised regarding the proposed modifications, particularly Brisbane Street east of Beaufort Street and the William/Brisbane Intersection.

Currently traffic exiting the City can turn right from Beaufort Street into Brisbane Street to access Stirling, Smith, Bulwer and/or Lord Streets. The proposal is to change this section of Brisbane Street to "one way" east to west and given that Beaufort Street (and ultimately William Street) will be "two way", there will be many alternative east/west and north/south routes motorists will be able to take to Stirling, Smith, Bulwer Street and/or Lord Street. The existing traffic volumes on this section of Brisbane Street (opposite the Brisbane Hotel are currently relatively low (1653 vpd per average week day).

With the two way conversion the William/Brisbane intersection will be reconfigured to ensure vehicles will be able to manoeuvre without encroaching onto other traffic lanes and in order to avoid existing awnings/services. This design is currently in progress.

Consideration of "Perth City Streets - Transport Plan Strategic Agreement" by Perth City Council:

The CoP officers have advised that they have presented the "Perth City Streets - Transport Plan Strategic Agreement" on two occasions to their Council committee and the matter was considered by the Perth City Council at its Ordinary Meeting held on 24 August 2010, where the following decision was made:

That the Council:

1. *supports the proposed City Streets Transport Plan Strategic Agreement prepared by the CoP in consultation with the Town of Vincent, Department of Transport, Public Transport Authority and Main Roads, subject to:*
 - 1.1 *further consideration being given to the form and timing of the bidirectional cycle path on Barrack Street;*

- 1.2 *a joint Communication Plan being developed and funded between all partners to the Agreement, clearly articulating the future benefits and the detailed phasing of the works;*
- 1.3 *the Public Transport Authority producing community information regarding the short-term and long-term plans for the bus connection between Fitzgerald Street and the recently constructed Bus Flyover;*
- 1.4 *all detailed plans being submitted to the Council for final approval before implementation with specific analysis and investigation regarding the operation of the proposed transit mall;*
2. *acknowledges the positive inputs from other agencies in the development of the City Streets Transport Plan;*
3. *notes that this Agreement will enable detailed sign-off for major City streetscape projects that will achieve the Council's goal of improving the streets of central Perth for all users;*
4. *supports the immediate implementation of a broad consultation strategy as a precursor to the full Communication Plan being developed.*

Note: CoP officers have advised that the "Perth City Streets - Transport Plan Strategic Agreement" has either been signed off or is in the process of being signed of by the stakeholders.

CONSULTATION/ADVERTISING:

The Perth City Council made the following decision (in part) "*a joint Communication Plan being developed and funded between all partners to the Agreement, clearly articulating the future benefits and the detailed phasing of the works*".

This will need to be further discussed with the City.

Previous Consultation:

At its meeting held on 13 April 2010 the Council made the following decision in part:

- "(iv) *CONSULTS with businesses and residents of Beaufort Street, Brisbane Street, William Street and other parties affected by the proposal;*
- (v) *WRITES to Main Roads WA and the PTA seeking their further comments regarding the proposal, including but not limited to the suggested staging by both the Town and the CoP;*
- (vi) *RECEIVES a further report at the conclusion of the consultation and once feedback has been received from the City of Perth, Main Roads WA and the PTA;"*

In accordance with clause (iv) of the Council decision on 30 April 2010, 335 letters with attached plans, were distributed to residents of Beaufort, Brisbane, and William Streets and other parties affected by the proposal.

At the close of consultation on 28 May 2010 no responses were received.

In accordance with clause (v) of the Council decision on 30 April 2010, a letter was sent to MRWA and PTA. On 20 August 2010 a response was received from PTA. No reply has yet been received from MRWA.

Note: A further report on this matter will be presented to Council once the actions of the decision have been completed.

LEGAL/POLICY:

Brisbane, William and Beaufort Streets, to Newcastle Street, are District Distributor A roads under the care, control and management of the Town of Vincent.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *“(k) Investigate, in liaison with City of Perth and other stakeholders, conversion of William Street and other associated streets, from one-way to two-way traffic flow.”*

SUSTAINABILITY IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

The 2010/2011 budget includes funds of \$260,000 for the conversion of Beaufort Street from one-way to two-way.

COMMENTS:

The CoP is pushing ahead with its strategic objectives of reverting one-way roads to two-way to make the road network more legible and to implement a *“to, not through”* access philosophy.

The impact of the changes has been modelled by the City and discussions with the Town have been progressing for a number of years now.

Two of the Town's roads which are directly affected by the CoP's proposed changes are William and Beaufort Streets, with Brisbane Street to a lesser extent.

It is therefore recommended that the Council support the proposed CoP's "City Streets Transport Plan Strategic Agreement" subject to information being obtained regarding the CoP's proposed joint Communication Plan to be developed between all partners to the Agreement, further discussions being held with both the PTA and MRWA regarding the implication of, and approvals required, to progress the plan.

9.2.2 Right of Way Bounded by Oxford, Franklin, Shakespeare and Marian Streets, Leederville - Request for Obstruction

Ward:	North	Date:	22 September 2010
Precinct:	Leederville P3	File Ref:	TES0573
Attachments:	-		
Reporting Officers:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *DOES NOT APPROVE the obstruction of the Right of Way Bounded by Oxford, Franklin, Shakespeare and Marian Streets, Leederville, due to the objections received;*
- (ii) *APPROVES the installation of several standard Right of Way ‘speed humps’ to act as a deterrent for non residents wishing to use the Right of Way and to regulate the speed of motorists using the Right of Way; and*
- (iii) *ADVISES the Bursar of Aranmore College and all respondents of its decision.*

COUNCIL DECISION ITEM 9.2.2

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of a request received from the Bursar of Aranmore College, for a Rights of Way (ROW) obstruction and the process undertaken in accordance with Policy No 2.2.8 (Rights of Way).

BACKGROUND:

The Town recently received a request from the Bursar of Aranmore College, in Franklin Street, requesting that the Town investigate implementing an obstruction in the ROW that runs between Franklin Street and Marion Street. The Bursar indicated that parents are creating a threat to student safety when they use the ROW during pick up and drop off.

DETAILS:

An extract from the Bursar's letter is included for information:

"Some of our parents drop their children off at the Oxford Street end of Franklin Street and continue on through the Right of Way. They do the same at the end of the school day when they are picking up their children. At times this traffic drives at a speed inappropriate to the width and vision afforded by the Right of Way.

To minimize the safety issue, we propose a barrier, such as bollards, be placed in the Right of Way towards the Franklin Street end of the Right of Way."

Consultation:

In accordance with section 4.5 of Policy No 2.2.8 six (6)* letters were sent to affected owners and occupiers, giving them details of the proposal and inviting submissions (21 days) on the proposed obstruction.

Note:* There are six owners adjoining the ROW as shown on the plan below (the ROW is shown hatched).



All were advised that should the bollards be installed, vehicular and pedestrian access to the rear of the properties would remain available from the Marian Street end of the ROW, as well as pedestrian access 'only' from Franklin Street. A plan of the proposal was also provided.

At the close of consultation at 4.00pm Friday 3 September 2010, two (2) written responses against the proposal were received.

While no response was received from the Roman Catholic Church, who owns three (3) properties to the west of the ROW and all of the land to the east of the ROW, as they requested the obstruction (and paid the appropriate fees/bond) this can be recorded as one (1) in favour of the proposal.

Comments Received against the proposal:

- We the owners of (two properties) Oxford Street strongly oppose the proposal to install bollards in the ROW. We recommend that the school advise parents in writing and erect signage at both ends of the ROW.
- We strongly and seriously object to the proposed bollards. Blocking either end of our ROW will cause inconvenience and other safety issues for us.

Discussion:

Clause 4.6 of the ROW Policy states that *"once the submission period has ended, a report is to be presented to Council detailing all the submissions received both for and against the proposal"*. Clause 4.7 of the policy states: *"the Council should duly consider ALL submissions/objections and, unless there are extenuating circumstances, the obstruction will not proceed without the agreement of all adjacent property owners with an implied or expressed right of access through the ROW"*.

Officer's Comments:

The ROW in question is a 5.0m wide privately owned sealed ROW. Residents have objected to the proposed obstruction.

The Policy states that unless there are extenuating circumstances, the obstruction will not proceed without the agreement of all property owners with an implied right of access.

While an obstruction at the Franklin Street end of the ROW in the officer's opinion would not have an adverse effect on access to the ROW, two (2) objections have been received from adjoining owners.

The Bursar has indicated that *traffic drives down the ROW at speeds inappropriate to the ROW width...* This could be easily addressed by installing several ROW speed humps, as is commonplace in many ROWs within the Town. This would regulate speed and act as a deterrent from 'non residents' using the ROW.



ROW Looking North from Marian Street



ROW Looking South from Franklin Street

CONSULTATION/ADVERTISING:

The respondents and the Bursar of Aranmore College will be advised of the Council decision.

LEGAL/POLICY:

The ROW is privately owned. The Town has previously undertaken minor works in private ROWs in accordance with Section 3.1 of the Local Government Act.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"(a) implement adopted annual infrastructure upgrade programs, including streetscape enhancements, footpaths, rights of way, car parking and roads."*

SUSTAINABILITY IMPLICATIONS:

N/A

FINANCIAL/BUDGET IMPLICATIONS:

In accordance with clause 4 of Policy No 2.2.8, Rights of Way, the applicant was required to pay an application fee and a bond for the process to proceed.

The estimated cost to install several ROW 'speed humps' is in the order of \$500. This would be funded from the ROW maintenance budget.

COMMENTS:

As mentioned above, residents have objected to the proposed obstruction and the Policy states that unless there are extenuating circumstances the obstruction will not proceed without the agreement of all property owners with an implied right of access.

It is considered that there are no extenuating circumstances to justify the obstruction and the observed speed issues in the ROW could easily be addressed by installing several ROW speed humps.

9.2.4 Right of Way Bounded By Scarborough Beach Road, Faraday, Wilberforce and Shakespeare Streets, Mount Hawthorn - Proposed Naming

Ward:	North	Date:	22 September 2010
Precinct:	Leederville (P3)	File Ref:	TES0355
Attachments:	001		
Reporting Officer:	G Bellinger, Engineering Technical Officer (Development)		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council:

- (i) *APPROVES the application of the name "Paisley Lane" to the right of way Bounded by Scarborough Beach Road, Faraday, Wilberforce and Shakespeare Streets, Mount Hawthorn, as illustrated by attached Plan at Appendix 9.2.4, subject to;*
 - (a) *approval being granted by the Geographic Names Committee for the use of the name "Paisley Lane"; and*
 - (b) *payment of \$200 for the supply and installation of one street nameplate and pole being received from the applicant; and*
- (ii) *ADVISES;*
 - (a) *the Geographic Names Committee and the applicant of its decision; and*
 - (b) *all residents adjoining the right of way of its decision subject to a favourable outcome with regards to clause (i)(a) and (b) above.*

COUNCIL DECISION ITEM 9.2.4

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval for the naming of the Town owned private right of way (ROW) Bounded by Scarborough Beach Road, Faraday, Wilberforce and Shakespeare Streets, Mount Hawthorn.

BACKGROUND:

The Town has, through its ROW naming and lighting program, previously named those ROWs which are dedicated as public roads. The naming of other ROWs is facilitated upon the request from residents, provided the cost of installing name plates is borne by the applicant and the name is approved by the Council and Landgate's Geographic Names Committee.

Naming of ROWs has a number of positive outcomes for adjacent residents. Once approved by the Geographic Names Committee, ROW names are included in the Streetsmart guide, and are therefore identifiable to FESA, should their attendance be necessary, and to the public in general.

DETAILS:

The Town has received an application for the naming of the ROW bounded by Scarborough Beach, Faraday, Wilberforce and Shakespeare Streets. The name "*Paisley Lane*" has been proposed, in honour of the late Mr John Henry Robert Paisley, who was an early land owner in Mount Hawthorn.

The Town's Local History Librarian has provided the following information:

"The area of Mount Hawthorn was divided into nine (9) Locations, with allotments ranging from forty to fifty acres. One of the main land owners in the area by 1877 was JHR Paisley. It was reported in the Western Australian Newspaper in the June edition 1928 that he contributed to the State War Memorial".

CONSULTATION/ADVERTISING:

Consultation regarding ROW, road or place names is not usually undertaken. Such naming is based on the decision of the Council together with the approval of the Geographic Names Committee.

LEGAL/POLICY:

There are no legal implications to naming the ROWs.

SUSTAINABILITY IMPLICATIONS:

N/A

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"(a) implement adopted annual infrastructure upgrade programs, including streetscape enhancements, footpaths, rights of way, car parking and roads".*

FINANCIAL/BUDGET IMPLICATIONS:

The cost to erect poles and signs in the ROW will cost approximately \$200 (incl GST). The applicant has given an undertaking to pay the costs of manufacture and installation of the street nameplates.

COMMENTS:

Naming of ROWs is a wonderful opportunity to recognise the Pioneers of the District and to maintain a continuing connection to the Town. It is recommended that the Council approve the application of the name "Paisley" to the ROW subject to a number of conditions as outlined in the officer recommendation.

9.3.1 Financial Statements as at 31 August 2010

Ward:	Both	Date:	10 September 2010
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officers:	B Tan, Manager Financial Services; B Wong, Accountant		
Responsible Officer:	J Anthony, Acting Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Financial Statements for the month ended 31 August 2010 as shown in Appendix 9.3.1.

COUNCIL DECISION ITEM 9.3.1

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to present the financial statements for the month ended 31 August 2010.

BACKGROUND:

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

As stated above the financial reports as presented are provisional copies to provide an estimate of the year end position. There are still a number of year end transactions, and adjustments that need to be prepared before the year end accounts can be finalised.

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

- the annual budget estimates;
- budget estimates to the end of the month to which the statement relates;
- actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- material variances between the year-to-date income and expenditure and totals and the relevant annual budget provisions for those totals from 1 July to the end of the period; and
- includes such other supporting notes and other information as 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 to the Council 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, in each financial year, a local government is to adopt a percentage of value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.

DETAILS:

The following documents represent the Statement of Financial Activity for the period ending 31 August 2010:

- Income Statement;
- Summary of Programmes/Activities (pages 1-17);
- Income Statement by Nature & Type Report (page 18)
- Capital Works Schedule (pages 19-25);
- Balance Sheet and Statement of Changes in Equity (pages 26-27);
- Reserve Schedule (page 28);
- Debtor Report (page 29);
- Rate Report (page 30);
- Statement of Financial Activity (page 31);
- Net Current Asset Position (page 32);
- Beatty Park Report – Financial Position (page 33);
- Variance Comment Report (page 34-38); and
- Monthly Financial Positions Graph (page 39-41).

Comments on the financial performance are set out below:

Income Statement and Detailed Summary of Programmes/Activities

Net Result

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

YTD Actual	-	\$17.7 million
YTD Budget	-	\$16.8 million
Variance	-	\$0.9 million
Full Year Budget	-	\$10.5 million

Summary Comments:

The current favourable variance is due to an increase in revenue received as outlined below.

Operating Revenue

YTD Actual	-	\$24.1 million
YTD Budget	-	\$23.8 million
YTD Variance	-	\$0.3 million
Full Year Budget	-	\$38.4 million

Summary Comments:

The total operating revenue is currently on budget.

Major variances are to be found in the following programmes:

- Governance – 11% over budget;
- Law Order and Public Safety – 71% below budget;
- Education and Welfare – 14% over budget;
- Community Amenities – 17% over budget;
- Transport – 11% over budget;
- Economic Services – 59% over budget;
- Other Property and Services – 231% over budget;
- Administration General – 318% below budget.

More detailed variance comments are included on pages 34 to 42 in this report.

Operating Expenditure

YTD Actual	-	\$6.5 million
YTD Budget	-	\$7.4 million
YTD Variance	-	-\$0.9 million
Full Year Budget	-	\$40.3 million

Summary Comments:

The operating expenditure is currently on budget.

The major variance for expenditure is located in the following programmes:

- Education and Welfare – 12% below budget;
- Community Amenities – 16% below budget;
- Economic Services – 17% over budget;
- Other Property and Services – 24% below budget;
- Administration General – 84% below budget.

Detailed variance comments are included on pages 34 to 42 in this report.

Income Statement by Nature and Type Report

This income statement shows operating revenue and expenditure that are classified by nature and type.

Capital Expenditure Summary

The Capital Expenditure summary details projects included in the 2010/11 budget and reports the original budget and compares actual expenditure to date against these.

Capital Works shows total expenditure including commitment for year to date as at 31 August 2010 of \$718,623 which represents 3% of the revised budget of \$25,846,484.

	Budget	Revised Budget	Actual to Date	%
			(Include commitment)	
Furniture & Equipment	\$214,900	\$214,900	\$83,095	39%
Plant & Equipment	\$2,662,600	\$2,662,600	\$48,204	2%
Land & Building	\$12,125,150	\$12,125,150	\$17,860	0%
Infrastructure	\$10,843,834	\$10,843,834	\$569,464	5%
Total	\$25,846,484	\$25,846,484	\$718,623	3%

Balance Sheet and Statement of Changes in Equity

The statement shows the current assets of \$35,910,798 and non current assets of \$140,713,052 for the total assets of \$176,623,850.

The current liabilities amount to \$12,306,586 and non current liabilities of \$13,508,206 for the total liabilities of \$25,814,792. The net asset of the Town or Equity is \$150,809,058.

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 31 August 2010 is \$9.2m. The balance as at 30 June 2010 was \$9.0m.

General 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 \$484,677 is outstanding at the end of August 2010.

Of the total debt \$119,017 (25%) relates to debts outstanding for over 60 days, which is related to Cash in Lieu Parking.

The 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.

Rate Debtors

The notices for rates and charges levied for 2010/11 were issued on 19 July 2010.

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

First Instalment	23 August 2010
Second Instalment	25 October 2010
Third Instalment	5 January 2011
Fourth Instalment	9 March 2011

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 Town for rate concessions do not incur the above interest or charge.

Rates outstanding as at 31 August 2010 including deferred rates was \$9,058,670 which represents 42.20% of the outstanding collectable income compared to 40.69% at the same time last year.

Statement of Financial Activity

The closing balance carried forward for the year to date as at 31 August 2010 was \$15,482,936.

Net Current Asset Position

The net current asset position as at 31 August 2010 is \$24,686,148.

Beatty Park – Financial Position Report

As at 31 August 2010 the operating deficit for the Centre was \$349,101 in comparison to the year to date budgeted deficit of \$444,405.

The cash position showed a current cash deficit of \$275,622 in comparison to the year to date budget estimate of a cash deficit of \$332,948. The cash position is calculated by adding back depreciation to the operating position.

Variance Comment Report

The comments will be for the favourable or unfavourable variance of greater than 10% of the year to date budgeted.

9.3.2 Proposed Lease for Mount Hawthorn Toy Library – No. 197 (Lots 273 & 274) Scarborough Beach Road, Mount Hawthorn

Ward:	North Ward	Date:	8 September 2010
Precinct:	Mount Hawthorn P1	File Ref:	PRO0003
Attachments:	-		
Reporting Officer:	T Lumbis, Technical Services Administration Officer		
Responsible Officer:	J Anthony, Acting Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council APPROVES a five (5) year Lease from 1 February 2011 to 31 January 2016, with an option of a further five (5) years, for a portion of the premises at 197 (Lots 273 & 274) Scarborough Beach Road, Mount Hawthorn, being granted to Mount Hawthorn Toy Library subject to final satisfactory negotiations being carried out by the Chief Executive Officer.

COUNCIL DECISION ITEM 9.3.2

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to provide Council with details regarding the Mount Hawthorn Toy Library's current lease and their request for a new Lease.

BACKGROUND:

Mount Hawthorn Toy Library has held a lease over a portion of the premises at 197 Scarborough Beach Road, Mount Hawthorn for a period of ten (10) years, consisting of two five (5) year terms of which the current term is due to expire on 31 January 2011. The area is primarily used for a toy resource centre/library.

DETAILS:

The Town received correspondence from Mount Hawthorn Toy Library on the 25 August 2010 which in part stated as follows;

"We would like to confirm that we wish to continue the lease for a further five years from the expiry date. We would however, also like to indicate to the Council that we would like to consider any larger premises that may become available within this time. The current premises that Mt Hawthorn Toy Library runs from is small for the increasing number of Town of Vincent residents (75 families) that we serve and whilst it is sufficient for the moment, a larger premises would better suit our needs."

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

Town of Vincent Policy 1.2.1 – Policy Statement:

- “1. Any new lease granted by the Council shall usually be limited to a five (5) year period, and any option to renew shall usually be limited to no more than a ten (10) year period.
2. Council may consider longer periods where the Council is of the opinion that there is benefit or merit for providing a longer lease term.”

STRATEGIC IMPLICATIONS:

In accordance with the Town Plan for the Future, Strategic Plan 2009-2014 objectives:

- “1.1 Improve and maintain the environment and infrastructure;
 - 1.1.6 Enhance and maintain the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment
 - (a) Implement adopted annual infrastructure upgrade programs, including streetscape enhancements, footpaths, Right of Ways, car parking and roads.”

SUSTAINABILITY IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

The current Mount Hawthorn Toy Library lease is currently \$159.20 per annum GST inclusive and it is recommended that given the purpose and use of the premises, the agreement be continued subject to satisfactory negotiations.

COMMENTS:

Mount Hawthorn Toy Library has been a good tenant for the ten (10) year period and the Town has no hesitation in supporting a further five (5) year period with a one (1) extended period lease option of five (5) years.

9.4.4 Local Government Structural Reform – Steering Committee Report – Progress Report No. 7

Ward:	-	Date:	22 September 2010
Precinct:	-	File Ref:	ORG0031
Attachments:	001 ; 002 ; 003 ; 004 ; 005 ; 006		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council:

- (i) **RECEIVES:**
- (a) *the Progress Report No. 7 as at 22 September 2010 concerning Local Government Structural Reform and Local Government Reform Steering Committee Report dated May 2010 (tabled in Parliament on 16 September 2010) as ‘Laid on the Table’ and electronically attached (Appendix 9.4.4A) and as outlined in this report; and*
- (b) *the Report Executive Summary, as shown in Appendix 9.4.4B; and*
- (ii) *NOTES that further reports will be submitted once the report has been further researched.*

COUNCIL DECISION ITEM 9.4.4

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the progress concerning the Local Government Structural Reform in Western Australia and the Local Government Reform Steering committee Report dated May 2010, which was tabled in Parliament on 16 September 2010.

BACKGROUND:

The Council previously considered the matter of local government reform at the Ordinary Meetings of Council held on 22 September 2009, 7 September 2005, 20 December 2005, 16 March 2009, 28 April 2009, 7 July 2009 and 25 August 2009, 22 September 2009 and 9 March 2010.

DETAILS:

At the Ordinary Meeting of Council held on 9 March 2010 the Council considered this matter and resolved as follows:

“That the Council:

- (i) *RECEIVES the Progress Report No. 6 as at 1 March 2010 concerning Local Government Structural Reform 2009 as outlined in this report; and*

(ii) NOTES:

- (a) *that the Town has NOT received any request from the Minister for Local Government; Heritage; Citizenship and Multicultural Interests to alter its boundaries or enter into a Regional Transition Group (RTG);*
- (b) *the Town has not responded to the Cities of Stirling and Bayswater Submissions; and*
- (c) *that no further action is required by the Council at this stage."*

On 16 September 2010, a Parliamentary Steering Committee Report was tabled in Parliament and released for public information.

Local Government Minister John Castrilli said in a public statement that the Local Government Reform Steering Committee report followed 12 months of research and analysis, including feedback from local governments and the findings of the committee's four working groups.

"The report articulates the gaps and opportunities for the high-growth areas of the State through increased economies of scale and removal of duplication, inconsistencies and fragmented decision making," Mr Castrilli said.

Key recommendations included:

- Consider options for targeted Government intervention, including through proposals to the Local Government Advisory Board for major boundary adjustments, and/or legislation to trigger reform activity in critical areas for reform.
- To ensure ongoing reform of the local government sector initiate legislation for the appointment of an independent panel of three specialist persons to review local government boundaries every eight years.
- Initiate amendments to legislation to change the prescribed number of elected members to between six and nine.

Local government in Western Australia is a \$2 billion industry, employing more than 13,600 people with a critical role in supporting the social and economic development of communities.

The Minister said even though the State Government's reform program had facilitated some positive outcomes with 67 local governments responding positively to the reform process, further changes were required to achieve meaningful improvement.

"The report said that 61 of the State's 139 local governments are unsustainable and that many of these have been unwilling to participate in the reform program," he said.

"Without change, major capacity issues remain, resulting in lost opportunity for the State and communities."

"While commending those local governments which are committed to reform, the steering committee found the voluntary reform process had not yielded the scope and scale of structural reform required State-wide.

"I am hopeful that following the release of this report more local governments will embrace the reform process, and I thank the members of the steering committee for their time, knowledge and expertise in producing the report."

The report is available at <http://www.dlg.wa.gov.au> or by phoning (08) 9217 1500.

Reform Announcement – February 2009

On 5 February 2009, the Minister for Local Government; Heritage; Citizenship and Multicultural Interests, the Hon G M (John) Castrilli, MLA issued Circular No. 1 - 2009 which provided the following information in relation to the State Government's package of Local Government reform strategies.

The Minister required that all Local Governments forward their final Reform Submission by 31 August 2009 (subsequently extended to 30 September 2009). Such submissions are to include the following items:

- Voluntary amalgamation;
- The number of Elected Members required (with a range of six (6) to nine (9));
- Regional Groupings; and
- A transition timeline.

Local Government Reform Steering Committee

On 10 February 2009, the Minister for Local Government announced the creation of the Local Government Reform Steering Committee which is responsible for facilitating the reform process. The Steering Committee's role is to develop guidelines to assist Councils to consider amalgamations and to reduce elected member numbers. The Steering Committee will also oversee the following four Working Groups:

- Corporate and Strategic Planning
- Commercial Enterprises and Urban Development
- Training and Capacity Building
- Legislative Reform

Local Government – Brief Overview

In Western Australia, there are 139 local governments, of which 85 have a population less than 2,000 and with a ratio of electors to each elected member of less than 1 per 100. These local governments are almost all country councils (the only notable exception in Perth is the Shire of Peppermint Grove). There are 30 local governments in the metropolitan area.

Town of Vincent Structural Reform Project Team Meetings

The Council's Structural Reform Project Team (comprising Mayor Catania, Cr Farrell, Cr Burns and the Chief Executive Officer) has not met since 7 September 2009, as there has been no reason to do so.

REPORT FINDINGS

The Report Executive Summary is shown at Appendix 9.4.4B.

The Report Recommendation is shown at Appendix 9.4.4C.

A summary of the submissions from all local governments is shown at Appendix 9.4.4D.

A summary of responses is shown at Appendix 9.4.4E.

A summary of the Reform Checklist Categories is shown at Appendix 9.4.4F.

CONSULTATION/ADVERTISING:

Not applicable.

There has been considerable media reporting concerning Local Government Structural Reform in Western Australia, however, very little specifically relates to the Town of Vincent.

LEGAL/POLICY:

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

Current legislation requires a structural reform proposal to be made to the Local Government Advisory Board which will then hold a formal inquiry on the proposal. The Advisory Board will then make recommendations on the proposal and electors of each Local Government are then provided with an opportunity to demand a poll.

The Schedule provides that electors may demand a poll be conducted on any recommended amalgamation. It provides that the request for a poll is to be signed by at least 250, or at least 10% of electors of one of the affected districts. To be considered valid, at least 50% of the electors of one of the affected districts must vote and of those electors who vote, should a majority vote against the recommendation, the Minister is to reject the recommendation.

Should a poll be requested and at least 50% of the electors of one of the districts vote; and of those electors of that district who vote, a majority vote against the recommendation, the Minister is to reject the recommendation.

Based on previous experience, the structural reform process would normally take 18 months to two years, following a Council resolution to formally proceed with a proposal.

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

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

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

STRATEGIC IMPLICATIONS:

The Town's Strategic Plan 2009-2014 provides various stated objectives of financial sustainability, sustainable community infrastructure and best management practices.

SUSTAINABILITY IMPLICATIONS:

The Town has been independently assessed in a statewide survey by Access Economics, in 2006, as being viable and sustainable. However, the survey highlights that 61 local governments are not sustainable in the long term. The majority are in country areas, but 10% (3) metropolitan local governments have also been identified. These serve 21% of the State's population.

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

Over previous years, the Town has been active in its asset management replacement and this will continue.

The desired outcome of Structural Reform is a strong sustainable local government in Western Australia.

FINANCIAL/BUDGET IMPLICATIONS:

The Town's Budget 2010/2011 does not include any funds to cover any costs associated with the structural reform review. However, no specific funds are required.

COMMENTS:

In view of the above, it is appropriate that the Council note the information and await any contact from the Department or Minister for Local Government. In the interims, the Chief Executive Officer will further research the Report findings and will submit further reports to the Council.

9.4.5 Mindarie Regional Council (MRC) – Withdrawal of the City of Stirling – Progress Report No. 6

Ward:	-	Date:	22 September 2010
Precinct:	-	File Ref:	ENS0008
Attachments:	-		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council:

- (i) *RECEIVES the Progress Report No. 6 as at 22 September 2010 concerning of actions taken to date to facilitate the withdrawal of the City of Stirling from the Mindarie Regional Council (MRC); and*
- (ii) *NOTES that further reports will be submitted to the Council as the matter is progressed.*

COUNCIL DECISION ITEM 9.4.5

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to update the Council on action taken concerning the withdrawal of the City of Stirling from the MRC as at 22 September 2010.

BACKGROUND:

Previous Reports to Council

This matter was previously reported to the Council on 10 August 2010, 22 June 2010, 8 June 2010, 11 May 2010 and 24 August 2010.

At the Ordinary Meeting of Council held on 24 August 2010 the Council resolved as follows:

“That the Council NOTES that:

- (i) *all the Mindarie Regional Council (MRC) Member Councils have CONSENTED to the withdrawal of the City of Stirling from the MRC subject to, and conditional upon, compliance with and agreement on, those matters required by the Mindarie Regional Council Establishment Agreement (as amended) and Section 699(3) of the Local Government Act 1960;*
- (ii) *the MRC has resolved to pay its own costs of the Courts proceedings in the City of Stirling Supreme Court action CIV 1620 of 2010 against the MRC and other Member Councils;*

- (iii) *the Chief Executive Officers of the MRC and Member Councils met on Tuesday 17 August 2010 to prepare a strategy and Implementation Plan to facilitate the withdrawal of the City of Stirling from the MRC; and*
- (iv) *further reports will be submitted to the Council as the matter is progressed.”*

At the Ordinary Meeting of Council held on 10 August 2010 the Council resolved as follows:

“That the Council;

- (i) *NOTES:*
 - (a) *the progress of the City of Stirling Supreme Court action CIV 1620 of 2010 against the Mindarie Regional Council (MRC) and other Member Councils as detailed in this report;*
 - (b) *the outcome of the compulsory Mediation Conference held on 3 August 2010, as detailed in this report;*
 - (c) *that this resolution is not intended to and does not take effect unless the MRC and each Participant in the MRC pass the resolutions required by the Heads of Agreement, as shown in Appendix 14.1, on or before 12 August 2010; and*
 - (d) *the decision passed by the City of Stirling at its Special Meeting of Council held on 5 August 2010, as detailed in this report;*
- (ii) *AGREES to settle Supreme Court action CIV 1620 of 2010 commenced by the City of Stirling against the MRC and Ors (Proceedings) on the basis that each party pay its own costs of the Proceedings and otherwise on the basis set out in the Heads of Agreement dated 3 August 2010 signed by the Chief Executive Officers of the respective Parties;*
- (iii) *CONSENTS to the proposed withdrawal of the City of Stirling from the MRC subject to, and conditional upon, compliance with and agreement on, those matters required by the Mindarie Regional Council Establishment Agreement (as amended) and Section 699(3) of the Local Government Act 1960;*
- (iv) *NEGOTIATES in good faith with the City of Stirling, the MRC and the other participants in the MRC during the period until 30 April 2011, as to the adjustment of Assets and Liabilities of the MRC, consequent upon the City of Stirling withdrawing from the MRC;*
- (v) *AUTHORISES the Chief Executive Officer to negotiate with the MRC and other participants in the MRC as to the adjustment of the Assets and Liabilities of the MRC (as specified in clause (iv) above) and provide a further report for the consideration of the Council; and*
- (vi) *ADVISES the MRC and other Member Councils of its decision.”*

DETAILS

Action Taken Since 24 August 2010

1. Meetings

The Chief Executive Officer's of the MRC and Member Council's met on 14 September 2010 to consider a strategy and Implementation Plan to facilitate the withdrawal of the City of Stirling from the MRC.

2. Implementation Timeline

An implementation timeline has been prepared and is currently being refined.

3. Project Brief for Adjustment of Assets and Liabilities

The Member Councils Chief Executive Officer's agreed that:

- (a) a project brief has been prepared and agreed upon by MRC and Member Councils Chief Executive Officer's. Quotations will be obtained from consultancy firms and these will be assessed by all Chief Executive Officer's; and
- (b) a report will be submitted to Member Councils to approve of the consultancy firm to undertake the work.

4. Establishment Agreement

The Member Councils Chief Executive Officer's (excluding the City of Stirling) have agreed that:

- (a) it is preferable that a new Establishment Agreement be drafted (as opposed to a variation to the current Constitution);
- (b) Minter Ellison Solicitors will be retained to provide legal advice as required, on a cost share basis;
- (c) a project working group has been formed for this matter, comprising mainly of Directors; and
- (d) regular meetings will be held to progress the matter.

FINANCIAL/BUDGET IMPLICATIONS:

Costs to date are as follows:

Period	Amount
Up to 30 June 2010	\$20,855.53
1 July 2010 to 20 September 2010	\$29,839.59
TOTAL to date	\$50,695.12

CONSULTATION/ADVERTISING:

There are no specific funds on the 2010/2011 Budget for this matter, as it was unforeseen. A reallocation of funds will be considered at the mid year Budget Review.

Not applicable.

LEGAL/POLICY:

Withdrawing from the MRC - Legal Matters

The matter is summarised as follows;

- 1. The first step for a Participant wishing to withdraw is for that Participant to give a request to the Minister and to the other Participants and to the MRC.

2. In the 12 month period following the giving of the request, the Minister can only make a recommendation to the Governor for a withdrawal Order if:
 - (a) the MRC and the Participant (which wishes to withdraw) have entered into an agreement about the adjustment of assets and liabilities (in the event that withdrawal is ordered); and
 - (b) the continuing Participants have entered into an agreement to vary the establishment agreement with respect to financial contributions and the number of regional councillors (in the event that withdrawal is ordered); and
 - (c) the two agreements are considered satisfactory by the Minister and are approved by the Minister.
3. The adjustment of assets and liabilities is a matter for agreement between the participant and the MRC. There is no "formula" for the adjustment, rather it is a matter for agreement.
4. In the event that, after the 12 month period, either or both of the required agreements is not entered into or either agreement is not considered satisfactory by the Minister, then the Minister can take one of the alternative courses of action referred to above.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.4 Minimise negative impacts on the community and environment “(i) *Adopt and implement the Town's Strategic Waste Minimisation Plan 2008-2013*”.

SUSTAINABILITY IMPLICATIONS:

Nil.

COMMENTS:

This matter is progressing satisfactorily to date. There has been a spirit of cooperation and goodwill between all parties.

9.4.8 Information Bulletin

Ward:	-	Date:	22 September 2010
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer:	A Radici, Executive Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Information Bulletin dated 28 September 2010, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.4.8

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

DETAILS:

The items included in the Information Bulletin dated 28 September 2010 are as follows:

ITEM	DESCRIPTION
IB01	Letter from Western Australian Planning Commission regarding Metropolitan Region Scheme Amendment 1199/41 – West Perth Regeneration Precinct
IB02	Letter from the Department of Local Government regarding Electronic Storage of Official Council Minutes
IB03	Letter of Appreciation from the North Perth Bowling & Recreation Club (Inc.) regarding pruning of tree on Namur Street
IB04	Local Government Reform Update – Bulletin No. 5 dated September 2010

9.1.3 No. 330 (Lot 52; D/P 2359) Fitzgerald Street, corner Chelmsford Road, North Perth – Alterations and Additions to Existing Office Building

Ward:	South	Date:	20 September 2010
Precinct:	North Perth Centre; P09	File Ref:	PRO4648; 5.2010.348.1
Attachments:	001 ; 002		
Reporting Officer:	D Pirone, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Architecture - Ejo on behalf of the owner G A Redolatti & Wise Property Pty Ltd for proposed Alterations and Additions to Existing Office Building, at No. 330 (Lot 52; D/P 2359) Fitzgerald Street, corner Chelmsford Road, North Perth, and as shown on plans stamp-dated 21 July 2010 and 16 September 2010, subject to the following conditions:

- (i) the gross floor area of the office shall be limited to a maximum of 521.8 square metres. Any increase in floor space or change of use for the subject land shall require a separate Planning Approval to be applied to and obtained from the Town;*
- (ii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Fitzgerald Street and Chelmsford Road;*
- (iii) all signage that does not comply with the Town'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 and approved prior to the erection of the signage;*
- (iv) windows, doors and adjacent areas fronting Fitzgerald Street and Chelmsford Road shall maintain an active and interactive relationship with these streets;*
- (v) 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;*
- (vi) PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:*

(a) Construction Management Plan

A Construction Management Plan shall be submitted to and approved by the Town, addressing the following issues:

- 1. public safety, amenity and site security;*
- 2. contact details of essential site personnel;*
- 3. construction operating hours;*
- 4. noise control and vibration management;*
- 5. Dilapidation Reports of nearby properties;*
- 6. air and dust management;*
- 7. stormwater and sediment control;*

8. *soil excavation method (if applicable);*
9. *waste management and materials re-use;*
10. *traffic and access management;*
11. *parking arrangements for contractors and subcontractors;*
12. *Consultation Plan with nearby properties; and*
13. *any other matters deemed appropriate by the Town;*

(b) **Refuse Management**

A Refuse Management Plan shall be submitted and approved by the Town prior to commencement of works. The Plan should include details of refuse bin location, vehicle access and manoeuvring.

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

Residential:

1 x mobile garbage bin per unit; and

1 x paper recycle bin per unit.

Commercial:

1 x mobile garbage bin per unit; and

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

(c) **Right of Way Widening**

No development shall occur within 1 metre of the ~~western~~ eastern boundary of No. 330 Fitzgerald Street, to facilitate future right of way widening; and

(vii) ***PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the Town:***

(a) **Bicycle Parking Facilities**

A minimum of three (3) class 1 or 2 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 and approved prior to installation of such facilities; and

(b) **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 Town.

Advisory Note:

(1) The Council adopted a Car Parking Strategy and Precinct Parking Management Plan at its Ordinary Meeting held on 9 March 2010, which, in relation to parking within the vicinity of the subject development, recommended to:

(a) Review the current parking restrictions in streets more than 250 metres from the business areas to assess whether restrictions can be reduced to accommodate employee parking; and

(b) Review installation of pay parking in streets abutting onto Fitzgerald Street between Menzies Street and Alma Road; and

(2) *The owner/applicant is advised that the community concern relating to car parking in the vicinity of the subject development should be addressed through continuing to encourage staff to cycle, walk and car share, as indicated by the applicant as being current practice.*

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

***Note: The above underlined Advisory Note was inserted as requested at the meeting.**

COUNCIL DECISION ITEM 9.1.3

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (9-0)

Landowner:	G A Redolatti & Wise Property Pty Ltd
Applicant:	Architecture - Ejo
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Office
Use Class:	Office
Use Classification:	"P"
Lot Area:	522 square metres
Access to Right of Way	East side, 4 metres wide, sealed, Town owned

PURPOSE OF REPORT:

The proposal requires referral to the Council for determination as the Town's Officers do not have the delegation to determine applications where more than 5 submissions are received.

BACKGROUND:

7 April 2009 The Town under delegated authority from the Council conditionally approved an application for partial demolition of and alterations and additions to existing office building.

23 October 2009 The Town under delegated authority conditionally approved an application for signage addition to existing office building.

DETAILS:

The proposal involves the conversion of a portion of the existing basement car parking into an office area. This results in an increase of gross floor area of 41 square metres from 480.8 square metres to 521.8 metres. The original application proposed an increase in floor area of 94 square metres and proposed 6 car bays. This resulted in a car parking shortfall 2.85 car bays. The Town's Officers advised the applicant that the proposal would not be supported by the Town's Officers, and as such amended plans were submitted that decrease the originally proposed floor area, and provide additional car bays.

The applicant's submission is attached to the Agenda Report (002).

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Plot Ratio:	N/A	N/A

Car Parking	
Car parking requirement (nearest whole number) • Office – 1 space per 50 square metres of gross floor area Gross Floor Area = 521.8 square metres (requires 10.45 car bays)	= 10 car bays
Apply the adjustment factors. • 0.85 (within 400 metres of a bus stop)	(0.85) = 8.5 car bays
Minus the car parking provided on-site	8 car bays
Minus the most recently approved on-site car parking shortfall. *7 April 2009 – Alterations and Additions to Existing Office Building.	0.5 car bay*
Resultant shortfall/surplus	N/A

Bicycle Parking	
Office • 1 space per 200 square metres of gross floor area (class 1 or 2) = 2.61 spaces • 1 space per 750 square metres of gross floor area over 100 square metres (class 3) = nil Total class one or two bicycle spaces = 2.61 spaces = 3 spaces Total class three bicycle spaces = nil	5 class one bays provided (no variation).

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

Consultation Submissions		
Item	Comments Received	Officer Comments
Support (1)	No comments provided.	Noted.
Objection (8)	• Objections to the lack of parking provided on-site. This results in Chelmsford Road being congested as many of the employees of this office park on Chelmsford Road.	• Not supported – The applicant has amended the plans to reduce the floor area of the original proposal and provide two additional car bays.
	• Insufficient light and ventilation to the basement.	• Not supported – The additions will be required to comply with the light and ventilation requirements of the Building Code of Australia.
Advertising	Advertising for a period of 14 days was carried out as per the Town's Policy No. 4.1.5 – relating to Community Consultation.	

Other Implications	
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic	Nil.
Sustainability	Nil.
Financial/Budget	Nil.

COMMENTS:

The proposed additions to the existing office building results in additional floor area of 41 square metres, accommodating work stations for up to 4 people. **The applicant has amended the plans to comply with the car parking requirements of the Town's Policy No. 3.7.1 relating to Parking and Access and in light of this, it is recommended that the Council approve the application subject to standard and appropriate conditions to address the above matters.**

9.3.4 Beatty Park Leisure Centre Redevelopment – Approval of a Staged Project and Installation of Geothermal Energy System

Ward:	South	Date:	22 September 2010
Precinct:	Smith Lakes	File Ref:	CMS0003
Attachments:	001 ; 002 ; 003 ; 004 ; 005		
Reporting Officers:	D Morrissy, Manager Beatty Park Leisure Centre; M Rootsey, Director Corporate Services; John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

(i) APPROVES:

(a) of the revised Concept Plans for the Beatty Park Leisure Centre Redevelopment as shown in Appendix 9.3.4A;

(b) of a Staged Redevelopment of Beatty Park Leisure Centre as follows;

- 1. Stage 1 May 2011 - October 2012
New Extension, Geothermal Energy System, new 50 metre Outdoor Pool, Plant Room and associated equipment Upgrade;**
- 2. Stage 2: 2012 – 2013 financial year
Car park Upgrade, associated landscaping and refurbishment of existing Gymnasiums;**
- 3. Stage 3: 2013 - 2014 financial year
New outdoor Learners' Pool, replacement of the indoor Water Slide, Spa area renovation and upgrade of dive pool;**
- 4. Stage 4: 2014 - 2015 financial year
Upgrade Grandstand/Heritage works;**

(c) of the installation of a Geothermal Energy System for heating of water at the Beatty Park Leisure Centre; and

(d) the revised Timeline for the redevelopment, as outlined in this report;

(ii) AUTHORISES the Chief Executive Officer to:

(a) call a tender for Geothermal Consultants to project manage the installation of the Geothermal process and for Drilling contractors to undertake the work for the Geothermal process and installation of the necessary plant and equipment; and

(b) instruct the project Architect to prepare working drawings, detailed specifications and tender documentation for the Redevelopment; and

(iii) **NOTES:**

- (a) *the detailed Business Case and associated Financial Reports as summarised in this report and 'Laid on the Table' as Confidential "Commercial-in-Confidence" documents; and*
 - (b) *that a report will be submitted to the Council in November 2010 on the options to fund the Project, including options for the allocation of the upfront offer payment (\$5 million) and annual fees funds, which may be received from the State Government for the long term lease of nib Stadium.*
-

Moved Cr Farrell, Seconded Cr McGrath

That the recommendation be adopted.

Debate ensued.

The Presiding Member, Mayor Nick Catania stated there were a number of proposed amendments and ruled that he will consider and vote upon each one separately.

AMENDMENT NO 1

Moved Cr McGrath, Seconded Cr Lake

That subclauses (i)(b) and (i)(d) be deleted.

Debate ensued.

AMENDMENT NO 1 PUT AND LOST (4-5)

For: Cr Buckels, Cr Lake, Cr McGrath, Cr Maier

Against: Mayor Catania, Cr Burns, Cr Farrell, Cr Harvey, Cr Topelberg

AMENDMENT NO 2

Moved Cr McGrath, Seconded Cr Harvey

That subclause (ii)(a) be deleted and replaced with the following:

“(ii)(a) call an expression of interest for a consortium or consultant to project manage the installation of the Geothermal process, including the engagement of Drilling Contractors to undertake the work for the Geothermal process and installation of the necessary plant equipment. The expression of interest should invite the tenderer to present any other viable alternative implementation models (to include cost/benefit analysis) to that proposed by Council (e.g. external party funded, designed, built and operated rather than Council funded and operated); and”

Debate ensued.

AMENDMENT NO 2 PUT AND CARRIED (9-0)

AMENDMENT NO 3

Moved Cr McGrath, Seconded Cr Burns

That subclause (ii)(b) be amended to read as follows:

“(ii)(b) instruct the project Architect to:

- (1)** *prepare working drawings, detailed specifications and tender documentation for the Redevelopment; and*

- (2) ensure the final design represents Best Practice in environmentally sustainable design and/or construction, with reference to Green Building Council Australia categories of assessing the environmental impact of a building and providing corresponding initiatives that improve or have the potential to improve the environmental performance of the building (applied principally to the new extension, but examining opportunities to retro fit within the existing building where works are planned to take place); and

Debate ensued.

AMENDMENT NO 3 PUT AND CARRIED (9-0)

AMENDMENT NO 4

Moved Cr McGrath, Seconded Cr Maier

That subclause (iii)(b) be amended to read as follows:

“(iii)(b) that a report will be submitted to the Council in November 2010 on the options to stage, together with corresponding timelines, and fund the Project, including options for the allocation of the upfront offer payment (\$5 million) and annual fees funds, which may be received from the State Government for the long term lease of nib Stadium. The stage options to be presented will include:

- (1) the recommended staging plan in the report to the Council in the Agenda for the Ordinary Meeting of Council of 28 September 2010;*
- (2) an option with the new extension and refurbishment of the Administration and Entrance commencing in 2012 instead of 2011; and*
- (3) an option with the installation of the new outdoor 50 metre x 10 metre lane pool commencing in 2012 instead of 2011.”*

Debate ensued.

AMENDMENT NO 4 PUT AND CARRIED (9-0)

Debate ensued.

AMENDMENT NO 5

Moved Cr McGrath, Seconded Cr Lake

That a new clause (iv) be inserted as follows:

*“(iv) **REQUESTS** a meeting with the Federal Minister of Infrastructure and Transport in regard to funds required urgently for works needed for the continued operation of the aquatic facility originally built for the 1962 Commonwealth Games. This request will be made by the Mayor on behalf of Council and the Vincent community and follows an original letter sent by the Chief Executive Officer on 29 July 2010, which was not replied to by the Minister.”*

Cr Topelberg suggested deleting the words “which was not replied to by the Minister” from the amendment. The Mover, Cr McGrath and the Seconder, Cr Lake agreed.

Debate ensued.

AMENDMENT NO 5 (as changed) PUT AND CARRIED (9-0)

AMENDMENT NO 6

Moved Cr Maier, Seconded Cr Topelberg

That new clauses (v) and (vi) be inserted as follows:

“(v) REQUESTS that the Chief Executive Officer update the Business Case and associated Financial Reports to provide separate business cases for:

(a) installation of the geothermal unit plus plant;

(b) new extension/refurbished administration/entrance; and

(c) the other items listed in Stages 1A and 1B; and

(vi) REQUESTS the Chief Executive Officer includes projections if membership does not reach 3,500 (e.g. memberships of 2,500 and 3,000).”

Debate ensued.

Cr Farrell departed the Chamber at 7.35pm.

Debate ensued.

Cr Farrell returned to the Chamber 7.36pm.

Debate ensued.

AMENDMENT NO 6 PUT AND CARRIED (9-0)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 9.3.4

That the Council;

(i) APPROVES:

(a) of the revised Concept Plans for the Beatty Park Leisure Centre Redevelopment as shown in Appendix 9.3.4A;

(b) of a Staged Redevelopment of Beatty Park Leisure Centre as follows;

1. Stage 1 May 2011 - October 2012

New Extension, Geothermal Energy System, new 50 metre Outdoor Pool, Plant Room and associated equipment Upgrade;

2. Stage 2: 2012 – 2013 financial year

Car park Upgrade, associated landscaping and refurbishment of existing Gymnasiums;

3. Stage 3: 2013 - 2014 financial year
New outdoor Learners' Pool, replacement of the indoor Water Slide, Spa area renovation and upgrade of dive pool;
 4. Stage 4: 2014 - 2015 financial year
Upgrade Grandstand/Heritage works;
- (c) *of the installation of a Geothermal Energy System for heating of water at the Beatty Park Leisure Centre; and*
- (d) *the revised Timeline for the redevelopment, as outlined in this report;*
- (ii) **AUTHORISES the Chief Executive Officer to:**
- (a) *call an expression of interest for a consortium or consultant to project manage the installation of the Geothermal process, including the engagement of Drilling Contractors to undertake the work for the Geothermal process and installation of the necessary plant equipment. The expression of interest should invite the tenderer to present any other viable alternative implementation models (to include cost/benefit analysis) to that proposed by Council (e.g. external party funded, designed, built and operated rather than Council funded and operated); and*
 - (b) *instruct the project Architect to:*
 - (1) *prepare working drawings, detailed specifications and tender documentation for the Redevelopment; and*
 - (2) *ensure the final design represents Best Practice in environmentally sustainable design and/or construction, with reference to Green Building Council Australia categories of assessing the environmental impact of a building and providing corresponding initiatives that improve or have the potential to improve the environmental performance of the building (applied principally to the new extension, but examining opportunities to retro fit within the existing building where works are planned to take place);*
- (iii) **NOTES:**
- (a) *the detailed Business Case and associated Financial Reports as summarised in this report and 'Laid on the Table' as Confidential "Commercial-in-Confidence" documents; and*
 - (b) *that a report will be submitted to the Council in November 2010 on the options to stage, together with corresponding timelines, and fund the Project, including options for the allocation of the upfront offer payment (\$5 million) and annual fees funds, which may be received from the State Government for the long term lease of nib Stadium. The stage options to be presented will include:*
 - (1) *the recommended staging plan in the report to the Council in the Agenda for the Ordinary Meeting of Council of 28 September 2010;*

- (2) *an option with the new extension and refurbishment of the Administration and Entrance commencing in 2012 instead of 2011; and*
- (3) *an option with the installation of the new outdoor 50 metre x 10 metre lane pool commencing in 2012 instead of 2011;*
- (iv) **REQUESTS a meeting with the Federal Minister of Infrastructure and Transport in regard to funds required urgently for works needed for the continued operation of the aquatic facility originally built for the 1962 Commonwealth Games. This request will be made by the Mayor on behalf of Council and the Vincent community and follows an original letter sent by the Chief Executive Officer on 29 July 2010;**
- (v) **REQUESTS that the Chief Executive Officer update the Business Case and associated Financial Reports to provide separate business cases for:**
 - (a) *installation of the geothermal unit plus plant;*
 - (b) *new extension/refurbished administration/entrance; and*
 - (c) *the other items listed in Stages 1A and 1B; and*
- (vi) **REQUESTS the Chief Executive Officer includes projections if membership does not reach 3,500 (e.g. memberships of 2,500 and 3,000).**

ADDITIONAL INFORMATION:

On Wednesday 22 September 2010, a complaint was received (from a Councillor of an adjoining Local Government) who is a user at Beatty Park Leisure Centre. He complained of the poor condition of the Centre, however in particular, the condition of the 50 metre pool and the surrounding concourse.

Attached (Appendix 9.3.4E) are photographs, which substantiate the complaint. A large area of the eastern end of the concourse is severely deteriorated necessitating remedial action for safety reasons. Unfortunately, the pavers cannot be simply turned over as they have been cemented in place. Investigations are being carried out as to possible action to either patch the unsatisfactory bricks or replace the paving. If either are not cost effective, consideration would need to be given to fencing off this part of the concourse.

The Tender states that the Architect Fees can be adjusted, accordingly, if the Project Costs are varied. The following is a Summation of the costs:

Item	2008 Tender Prices	2010 Tender Prices
Design Brief:	\$50,000 (Paid)	Not Applicable
Schematic Design:	\$80,000 (Paid)	Not Applicable
Contract Documentation and Administration:	\$360,000	\$480,000 (estimated)
Total:	\$490,000	\$610,000

The Council decision of 16 December 2008 (part Clause iv) includes a condition that:

“Notes that the fees will vary depending upon the final project design and costs”; and

Clause (iii)(e):

“(e) negotiate and determine the Project Architect fees, depending upon the final project design and costs; and”.

Based on a 25.3% increase, the Fees for the Contract Administration and Contract Design should be in the range of \$451,080.

The indicative fees were calculated by the Town. The Tender document (11 August 2006) contains a clause which states the following:

“Should the final adjusted construction costs vary by more than 5%, our fees will be adjusted pro-rata.”

An explanation was requested from the Project Architect, who advises that the initial tender fees were 4.9% based on a project of \$10 million, plus disbursements (total \$496,000). (Copy will be tabled at the meeting).

Schematic Design

It should be noted that the Schematic Design stage has been completed and a new Schematic Design recently prepared. It is considered that the Project Architect has completed this stage of the project and the preparation of the revised Schematic Design is considered well beyond the original tender brief.

Additional Schematic Works

Should significant additional architectural works be further required prior to proceeding to Working Drawings, the Project Architect would be well within his rights to charge an hourly fee for the additional works.

A Case for Two Tenders

The Revised staged Project envisages the awarding of a single tender for construction of the new extension and refurbishment of the 50 m pool and another Contractor for the Geothermal Energy System. It is envisaged that the project will be commenced and managed concurrently.

The awarding of these two tenders is considered the most advantageous and beneficial for the Town and has the following Advantages and benefits;

1. Financial/Cost
 - 1.1 A more cost effective tender will be achieved.
 - 1.2 Less "start up" and mobilisation costs, which is more cost efficient in the tender price.
 - 1.3 Only one on-site builder's compound and woorjer's amenities will be required.
 - 1.4 Cash flow will be more cost effective.
2. Contract Administration
 - 2.1 One Contract to administer will save cost and staff resources.
 - 2.2 One Contract will be easier to administer.
 - 2.3 Cash flow will be easier to administer.

OPTIONS

Construct New Extension and Pool Concurrently (Preferred Option)

Advantages

1. More cost effective tender price can be expected.
2. Less inconvenience to the Centre Patrons.
3. Project will be completed sooner – i.e. completed within 18 months as opposed to 2years or longer, if the projects are run as stand alone projects to commence one after the other.
4. Considered to be the best financial outcome in the long term.

5. Alleviates the need to spend significant amounts of money on maintenance issues that will be taken care of during the renovation process.
6. Best meets the needs of the majority of current users and potential users;
7. Less "start-up" and Mobilisation costs.
8. Less chance to lose long term Patrons, who will use another facility during construction.
9. More cost effective and efficient to the Town concerning temporarily redeployment of Centre staff (after taking leave etc).
10. An obvious change to the facility which will be noticed by passers by and help to increase patronage.
11. Gymnasium is already full and this option provides extra room for expanding the membership.
12. Group Fitness area is already full during peak times and this option provides extra room for expanding the membership plus another room for expanding programmes.
13. Allows for immediate marketing and promotion of the facility as a membership package to entice new users and keep existing ones.
14. Less disruptive to the Centre employees.

Disadvantages

1. Larger initial capital outlay.
2. Loan borrowings will be required earlier.
3. Several areas of the Centre will be under construction at the same time.

Construct Pool First

Advantages

1. Less Capital outlay is initially required.
2. No loan borrowings.
3. Less risk of a serious malfunction occurring to the Plant room and equipment.
4. Pool and plant room are in need of major maintenance so this will save money that would otherwise need to be spent on repairs.
5. Extra pool space for clubs, groups, public, swim lessons.

Disadvantages

1. Cost escalation will be incurred for the new extension component.
2. Increased Builder costs, as the Project will be extended by 5-6 months.
3. Income from the new gymnasium is delayed.
4. Expectation of the public is delayed.
5. Gym is already full and this option provides no extra room for expanding the membership.
6. Group Fitness area is already full during peak times and this option provides no extra room for expanding the membership.
7. Minimal extra income as the pool is a service to the community and user groups (like the Library) not an income generator like the gym.
8. Change rooms are of a major concern to users and this does not address any change room issues.

Construct New Extension First

Advantages

1. Reduced costs due to cost escalation.
2. Gym is already full and this option provides extra room for expanding the membership.
3. Group Fitness area is already full during peak times and this option provides extra room for expanding the membership plus another room for expanding programmes.

4. Significant income from the gymnasium will be received earlier.
5. An obvious change to the facility which will be noticed by passers by and help to increase patronage.
6. Patron expectation may be higher.

Disadvantages

1. Loan borrowings will be required earlier.
2. CSRFF funding of \$2.5 million has been allocated to the facility to be used on pools, plant room, geothermal heating and change rooms.
3. CRSFF monies cannot be used for the extension component.
4. Pool and plant room are in need of major maintenance which will need to come out of the operating budget if no renovation to this area is undertaken. This will then be wasted funds when the area is renovated.
5. No extra water space for clubs, groups, public, swim lessons.
6. More inconvenient to Patrons as an alternative Entrance will be required, but the cafe, indoor pool and Retails shop will still need to kept operational.

Impact of Cost Escalation if the Works are Deferred of Until 2012 (Refer Agenda Page 86)

The costs specified in this report are based on decisions being made on the critical dates as outlined in the Indicative Timeline.

If a delay is to occur (for whatever reason), it will result in the following;

- The outdoor pool will not be refurbished until Winter **2012**, which will result in a further cost escalation of **at least** 3.0%-5.0%, therefore increasing the cost of the work by at least **\$117,000-\$195,000** (i.e. based on \$3.9 million).
- Building cost escalation at approximately 3.5% per annum (which equates to 0.2916% per month) would result in increased costs of at least **\$20,850** per month, if decisions are not made at the Critical Dates.

Deferral of the New Extension Component until 2012 will result in cost escalations of at least \$20,820 per month or at least \$250,200.

These unnecessary costs should be avoided.

Car Parking

Ordinary Meeting of Council held on 8 April 2008

A report was submitted to the Ordinary Meeting of Council held on 8 April 2008 Item 10.3.2 which provided for a decked car park at an estimated cost of \$1.32 million. A plan was provided for the purposes of community consultation. The plan included the following:

- *“A new car park deck (over existing car park) is proposed. This will provide an additional seventy two (72) car bays.*
- *The existing car park is to be modified to improve traffic flow in the car park and exits.*
- *Existing car park in the south west corner of the location is to be modified*

- *A new staff car park to be located at the north west corner of the centre*
- *The total bays available is as follows:*

<i>Current existing car bays</i>	<i>312</i>
<i>Proposed ground level car bays</i>	<i>350</i>
<i>Proposed carpark deck bays</i>	<i>72</i>
<i>Total (new and existing)</i>	<i>422</i>

Overall, the plan provides for an additional 110 car bays.”

Ordinary Meeting of Council held on 16 December 2008

A report was submitted to the Ordinary Meeting of Council held on 16 December 2008 Item 9.3.3 which advised as follows:

“Car Parking: - (12 Submissions):

A number of concerns were raised regarding the proposed deck level car parking as to the bulk and scale and impact on local residents and outlook to the centre.

Officer Comments:

An amended design without the deck car park has been prepared by the Director Technical Services in conjunction with the Project Architect. The removal of the deck will placate concerns of residents in Farr Avenue. It will also enable costs allocated for this item to be used for other aspects of the project.”

As a result of the submissions, the deck car park proposal was not proceeded with.

Letters to Politicians (Refer to Agenda Page 79)

A copy of the letters to the Prime Minister, Minister Albanese, Federal Member for Perth, Stephen Smith, Federal Member for Curtin, Julie Bishop and three newspaper articles will be tabled at the meeting.

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council’s approval for the staged redevelopment of the Beatty Park Leisure Centre, proceed with installation of a Geothermal System and prepare Working Drawings.

BACKGROUND:

At the Ordinary Meeting of Council held on 16 December 2008, Item 9.3.3, the following resolution was adopted in regard to the redevelopment of the Beatty Park Leisure Centre:

“That the Council;

- RECEIVES the report on the Community Consultation on the concept plans for the Redevelopment of Beatty Park Leisure Centre;*
- CONSIDERS the submissions received from the Community Consultation;*

- (iii) *AUTHORISES the Chief Executive Officer to:*
- (a) *instruct the Project Architect to prepare the final Plans for the redevelopment at Beatty Park Leisure Centre for the consideration of the Council;*
 - (b) *provide a further report including a detailed Business Plan to support the final plans, by June 2009;*
 - (c) *call a tender to appoint consultants and sub-consultants to assist in the preparation of the final designs;*
 - (d) *investigate the use of geothermal and/or solar technology, water saving and other environmentally sustainable initiatives for the redevelopment project and engage consultants to assist the Town in the matter;*
 - (e) *negotiate and determine the Project Architect fees, depending upon the final project design and costs; and*
 - (f) *instruct the Project Architect to ensure that the redevelopment plans will minimise any further impact on significant trees;*
- (iv) *APPROVES;*
- (a) *the appointment of Peter Hunt Architects for the Design Development, Contract Documentation and Contract Administration stages of the Project, at an estimated cost of \$360,000, in accordance with Tender No. 336-06 Provision of Architectural Services for the Beatty Park Leisure Centre Redevelopment and NOTES that the fees will vary depending upon the final project design and costs; and*
 - (b) *the Revised Timeline, as detailed in this report; and*
- (v) *NOTES that further reports will be submitted to the Council, as the project progresses.”*

Previous Reports to the Council

The following reports have been presented to the Council on the Beatty Park Leisure Centre, on 9 March 2010, 6 October 2009, 14 April 2009, 16 December 2008, 8 April 2008, 11 December 2006 and 28 March 2006.

Project Needs Analysis 2004

This project commenced in 2004 with the appointment of the ABV Consultants by the Town to prepare a Needs Analysis as to whether a redevelopment of the Centre was required.

The conclusion from the Needs Analysis was that a redevelopment of the Centre was required.

Feasibility Study

The Needs Analysis was followed by a Feasibility Study and was conducted by the same consultants to determine whether a full redevelopment or partially refurbishment was required.

The Study concluded that a full development was the best outcome for the long term future of the Centre.

In April 2008 the Council adopted in principle, the concept plans for the redevelopment and authorised Community Consultation on the plans to the relevant stakeholders and the community.

The results of the Community Consultation were reported to the Council at the Ordinary Meeting of Council held in December 2008.

Aquatic Centre Study Tours

Two Study Tours have been undertaken to ensure that any redevelopment of the Beatty Park Leisure Centre is in line with current best practice.

2008 Tour

At the Ordinary Meeting of Council held on 8 July 2008, the Council approved a Study Tour for the Chief Executive Officer, Manager Beatty Park Leisure Centre, and the Assistant Manager (Aquatic and Operations) Beatty Park Leisure Centre which included 14 centres in the Eastern States.

10 centres were in New South Wales (NSW) and were part of an organised tour organised by the NSW Aquatic Industry Association.

The group presented their findings to a Council Forum held on 9 December 2008.

A number of findings were incorporated into the design and several introduced into the Centre.

2010 Tour

At the Ordinary Meeting of Council held on 13 July 2010, the Council Approved a Study Tour for the Director Corporate Services, Manager Beatty Park Leisure Centre and the Assistant Manager (Aquatics and Operations) Beatty Park Leisure Centre. This Tour included visiting eight centres in Melbourne and to visit a newly completed centres and one in construction in Adelaide to ascertain information on the experiences of the centres throughout the planning and construction phases of the facilities. It was intended to focus on environmental and sustainability features in the design of these centres.

The findings of this tour were presented to the Special Forum held on 6 September 2010. A number of ideas have resulted in changes to the concept design plans.

DETAILS:

Changes between the Original Concept Plan and the Current Amended Concept Plan:

Listed below are the differences between the plans currently before Council (Refer Appendix 9.3.4A) and the previous Concept Plan (Refer Appendix 9.3.4B), which were approved by the Council in December 2008.

Items which have been deleted:

- Car park upper deck;
- Hydrotherapy pool;
- Spa area upgrade;
- Lower deck change-rooms refurbishment to family change-rooms;
- Closing off of access stairs to underwater viewing area and provide spectator seating.

Alterations

- Spin room remaining in current location.
- Crèche moved to location closer to entry.
- Swim School no longer moved – only renovated.
- Staff administration area moved from lower level to an area behind the Reception.
- Reception and Retail areas combined.
- Addition of staff facilities in upgrade of existing toilets and change-rooms.
- Addition of 1 extra family change-room in upgrade of existing toilets and change-rooms.
- Addition of changing cubicles in upgrade of existing toilets and change-rooms.

Reasons for Upgrade of 50 metre Pool:

- Lack of pool space at peak times 5.30am to 7.00am and 4.00pm to 8.00pm.
- Inability to cater for sporting groups and clubs wanting access during the evening.
- Broken tiles inside and outside pool.
- No expansion gap membranes (constant loss of water).
- Deteriorating surrounding edge (45m has already been replaced with temporary concrete fill).
- Depth of shallow end does not allow for diving from blocks during swim meets. This restricts the use of the pool. It is also a safety concern.

Reason for Upgrade of Plant:

- Current plant has barely been touched since 1994, when the indoor pool plant was added.
- Numerous pipes have been patched several times and a number of valves are no longer operational, due to age.
- Pipe work is mostly under floor level which is a Health and Safety and maintenance concern.
- Recent update of the Health Department Code of Practice require higher turnover rates than is currently able to be achieved and different turnover rates for the 2 outdoor pools (3.5hrs 50m pool, 5hrs dive pool).
- Upgrading the plant will decrease water use, through the utilisation of current backwash techniques and less filters.

Reason and Benefits of New and Existing Areas:

- Increased gym and group fitness sizes will allow for an increase in the number of memberships (currently capped at 2000 members due to overcrowding issues).
- The increase in membership numbers will increase turnover in the Café, Retail and Swim School areas.
- Reception and retail together which will provide economies in multi-skilling staff and minimising staffing levels.
- Administration area behind Reception will allow for better service and also allow for economies in staffing levels.
- Crèche close to the entry will enhance customer service for this facility.
- Staff facilities moved from lower ground floor location to a more accessible area.
- Spin room remaining in current location allows us to maximise size of new Group Fitness areas.

Staged Project

Due to funding and logistical matters, it is recommended that the Project be staged. It is strongly recommended (if possible) that the Outdoor pools be renovated during the winter/cooler months (May-November). This will minimise the inconvenience to the patrons, as much as is possible. It will also minimise costs to the Town, as many staff will be asked to take annual leave and/or work reduced hours or be used elsewhere in the Organisation, whilst the pools are shut down. It is proposed to document the project as a whole and require the successful Builder to work closely with the Town. This will also save costs, as it will only involve one Builder on-site for the project.

Stage 1 – September 2010 – June 2011 – Construction to Commence Mid 2011

This stage will involve:

- construction of a new extension on the north- east side of the building, including;
- new entrance;
- new “state of the art” gymnasium;
- new retail shop;
- new crèche and outdoor area;
- new fit-out for the swim school;
- refurbished café and kitchen;
- refurbished change-rooms and toilets;
- rainwater tanks;
- demolition of the existing outdoor 50 metre pool and the adding of two new lanes;
- Geothermal Energy system; and
- upgrade and refurbishment of the Plant Room.

Stage 2 – 2012 – 2013 Financial Year – Propose to Commence Mid 2012

This stage will be carried out in the first part of the financial year 2012-2013 (August – October 2012) – as such, additional funding can be budgeted for. Works will involve:

- the upgrade and refurbishment of the car park;
- landscaping, including water sensitive urban design principles; and
- refurbishment of the existing gymnasiums.

Stage 3 – 2013 – 2014 Financial Year

This stage will involve the construction of a new Learners pool, replacement of the indoor water slides and renovation of the dive pool and Spa area.

Stage 4 – 2014 – 2015 Financial Year

This stage will involve refurbishment of the grandstand and heritage works. Much of this work is yet to be documented and costed.

Significant Trees

As required by the Council, the Project Architect was instructed to; “ensure that the redevelopment plans will minimise any further impact on significant trees”.

The Town engaged a qualified Arboriculturist (John Banks) to assess the various trees. He has reported on the trees (14 September 2010) and a copy is ‘Laid on the Table’. A report was previously commissioned by the Town also and reported to the Council.

The Arboricultural Consultant has reported (in part) as follows:

“1. *INTRODUCTION AND CONSULTANT’S BRIEF:*

...On Thursday 26 August, this consultant was commissioned by Mr Dale Morrissy, Centre Manager, to consider the impact that the earthworks would have on the long terms health and integrity of the trees and, conversely, the impact that the trees might have on the future building.

This consultant inspected the trees on Tuesday 31 August with Messrs Morrissy, Brian LaFontaine (Architect) and Jeff Fondacaro (Assistant Manager) in attendance.”

“3. *ORIGINAL PROPOSAL:*

It was originally proposed that the building (its wall) would be located at a closest proximity of approximately 2.8 metres from the trunk of the Norfolk Island Pine.”

“5. *REVISED PROPOSAL:*

Given this consultant’s prognosis for the impact on the trees of the proposed earth works (as described above in Sections 2 and 3), the plans were revised as follows;

...The location of the future building relative to both trees is illustrated in the diagram included as Appendix 6.”

“6. *IMPACT ON THE TREES OF THE REVISED PROPOSAL:*

*If the buildings were to be located and constructed according to the revised proposal (as described above in section 5), **and only the soil area defined by the location of the future building was impacted upon by the construction and associated works**, then neither tree would be destabilised.*

*Moreover, **provided that only the soil area defined by the location of the future building was impacted upon by the construction and associated works**, then neither tree would be destabilised.*

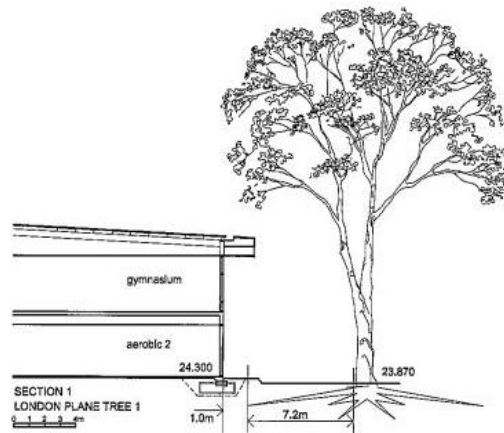
In conclusion, therefore, it is this consultant’s opinion that from an arboricultural perspective it would be acceptable to undertake the construction of the building as prescribed in the revised proposal.”

“7. *IMPACT OF THE TREES ON THE FUTURE BUILDING AND SURROUNDING ENVIRONMENT:*

The propensity for Norfolk Island Pine and London Plane trees to shed branches is extremely low. Indeed, within the vast range of trees that are cultivated or retained in urban areas, these two species rank amongst those least likely to shed branches.

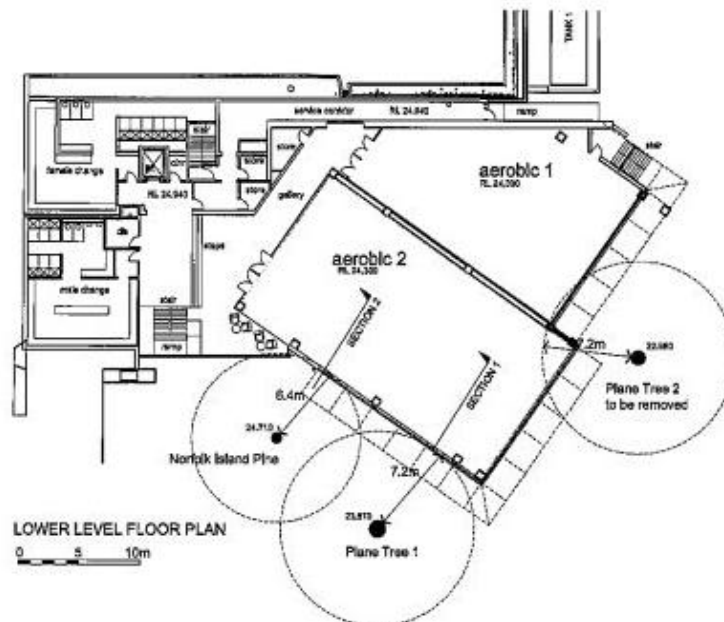
Combined with their current good state of health and structural condition (as described above in section 2), neither of the two subject trees currently represents an unacceptable hazard and, all things being equal, neither would represent an unacceptable risk to the future building or the visitors to the Beatty Park Leisure Centre.”

APPENDIX 5



Proximity of the building to the London Plane tree as amended
(and approved by Arboricultural Consultant).

APPENDIX 6



Location of the building relative to both the Norfolk Island Pine and London Plane
(indicated as Plane Tree 1) as amended (and approved by Arboricultural Consultant).

As a result, the Architect advises that only one tree-a London Plane tree on the north side of the existing building-will be required to be removed. This tree has been assessed and is not significant, however is in a healthy condition. No other trees will be removed.

Consultants and Sub Consultants

Subject to the Council approving of this matter, it will be necessary to call tenders for Consultants and Sub Consultants. This is essential, as their input is critical to the Working Drawings and tender documentation. The Town will carry out this in conjunction with the Project Architect.

Architect Fees:

As part of the resolution at the Ordinary Meeting of Council held on 16 December 2008, Peter Hunt Architects were appointed for the Design Development, Contract Documentation and Contract Administration Stages of the Project.

The resolution was as follows:

“(iv) *APPROVES;*

- (a) *the appointment of Peter Hunt Architects for the Design Development, Contract Documentation and Contract Administration stages of the Project, at an estimated cost of \$360,000, in accordance with Tender No. 336-06 Provision of Operational Architectural Services for the Beatty Park Leisure Centre Redevelopment and NOTES that the fees will vary depending upon the final project design and costs;”*

The original design work was based at the time of the tender of a \$10 million project. The amended staged development is based on a \$12.53 million project and the Architect fees have been revised accordingly to \$610,000. Architects fees paid to date have been:

Item	Amount
Design Brief	\$50,000
Schematic Design	\$80,000

Summary of The Business Plan and Supporting Financial Statements (Refer to Confidential Appendix – Commercial in Confidence ‘Laid on the Table’)

As required by the Council, a Business Case and Financial reports have been prepared by the Director -Corporate Services and Manager-Beatty Park Leisure Centre. This Business Case is *Commercial-in-Confidence* and is summarised as follows:

The Business Plan and Supporting five (5) year financial statements are considered confidential and Commercial in Confidence. The Financial Statements are shown in Confidential Appendix 9.3.4E. (The Business Plan is provided on a confidential basis to Council Members).

It would be to the detriment of the Town and the Centre, if these documents were disclosed to the Town’s competitors.

Accordingly the information is summarised and the Business Plan is are ‘Laid on the Table’.

The Business Plan and associated financial information predicts that with this redevelopment the Centre will be in a strong financial position for the future.

The Business Case for the Redevelopment indicates that that the Centre will operate at a surplus following the completion of this development of the Centre with a strong position.

A full set of supporting financial statements for the operation of the Centre for the new development is 'Laid on the Table'.

The Beatty Park Leisure Centre Redevelopment based on the amended plans and has been estimated to cost \$14 million.

The funding for this project has been budgeted to be sourced from a combination of State government grant funding, together with the Town's own funds and loan funding.

It has been estimated that as a result of the redevelopment there will be a significant improvement in the financial position of the Centre.

It is evident from the projections outlined in the document that the cash position of the Centre is estimated to move from a negative \$91,551 in the financial year 2010/11 to a positive cash position in 2012/13 of \$438,392 and this increasing to \$1,553,133 in 2014/15.

The operating result is of course impacted by the increased depreciation cost which will be charged following the completion of the redevelopment.

However a surplus position of \$132,986 is achieved in the year 2013/14, with this increasing to \$776,592 in 2014/15.

The reason for this significant improvement is based on the financial, economic and operational assumptions as outlined in the Business Plan, but the major factors are as follows:

Energy Cost Savings

The installation of the geothermal energy system will reduce energy costs at the centre by an estimated \$300,000 per annum.

Increased Membership

It is estimated that memberships will increase from its current 1900 to 3500 over a three year period. The increase will be attributed to the increase in size of the proposed new gymnasium from 320m² to 750m² and additional group fitness area in the new two level building extension.

Increased in Outdoor 50 metre Pool

The increase in size of the 50 metre outdoor pool to 10 lanes will increase swimming numbers. It will also increase the area of pool for use by the general public, during peak times, thereby resulting in an improved amenity for the public.

New Learners Pool

A new "learners pool" which will be used for swimming lessons is expected to significantly increase capacity at the Swim School, which is currently already at capacity.

It is also expected that the general upgrade of this well established and iconic centre with a new entrance and upgraded change and toilet facilities will attract new memberships.

The financial cash position of the Centre is able to accommodate any of the proposed loan funding repayment schedules.

The Business Plan indicates that the Centre is financially viable with the planned development.

Grant Submissions:

Application for State Government Funding

The Town was successful in obtaining a \$2.5 million grant under the State Government Community Sports and Recreation Facility Fund (CSRFF). This funding must be used during 2011.

Application for Federal Funding

The Town previously made three submissions to the Federal Government for funding of this project, as follows:

Regional and Local Community Infrastructure Program RLCIP Strategic Projects 2008/2009 - \$500m

Application submitted for \$11 million – 6 March 2009

Notification of Unsuccessful received – 12 May 2009

Jobs Fund Project

Application submitted for \$12 million – 19 June 2009

Notification of Unsuccessful received – 1 September 2009

Regional and Local Community Infrastructure Program RLCIP Strategic Projects 2009/2010 - \$250m

Application submitted for \$10 million – 20 January 2010

Notification of Unsuccessful received – 16 June 2010

On 16 June 2010, the Town was advised that it was unsuccessful with its third application for Federal Government Funding. It was most disappointing not to receive any funding, in view of this, a revised project brief for a staged redevelopment has been prepared.

Funding Application – Action

On 28 July 2010 it was brought to the Town's attention that the National Auditor General's Report was critical of the Federal Minister for Infrastructure changing two (2) grant applications in the Regional and Local Community Infrastructure Programs (RLCIP). It was apparent that the Office of Local Government recommended that the Town's Beatty Park Project receive Federal Government Funding of up to \$10 million. The Minister, Anthony Albanese changed two (2) projects, one of which it is strongly believed to be Beatty Park and the other was in South Australia, funds were allocated to electorates in the Eastern States.

Letters were sent to Minister Albanese, Federal Member for Perth, Stephen Smith, Federal Member for Curtin, Julie Bishop and the Prime Minister, Julia Gillard, seeking a review of the matter. To date, a response has been received from the Department of Infrastructure, Transport, Regional Development and Local Government and the Honourable Julie Bishop (see Appendices 9.3.4C and D).

It should be noted that all Federal Funding for the RLCIP have closed. No other suitable Federal Funding Programs are available at the time of writing this report.

Other Funding Programs

The Town's Administration has investigated other funding options and advise as follows:

Federal Government

RCLIP (Regional and Local Community Infrastructure Program) funding

- No rounds available currently and future grants not announced yet.

Environmental Grants

- The Australian Government's Grants for rainwater tanks are only available for households and Surf Lifesaving Clubs. Therefore, the Town is ineligible.

State Government

Lotterywest – Stage 4 works.

- Heritage Grant for grandstand – amount vary from \$10,000 to \$200,000.
- Program Funding – \$5,000 to \$50,000 (to enhance current programs or establish new ones that are of benefit to the community).
- Funding for 50th anniversary celebrations an amount up to \$50,000 could be explored.
- Community Facility Grant – an amount potentially up to \$500,000 could be available - this is currently being investigated.

Heritage Grants Program – Heritage Council of WA – Stage 4 works.

- Beatty Park is on the State Heritage register - which means it can apply for up to \$100,000 for conservation works to the facility.

Environmental Grants

As of January 2010, the Office of Energy (OOE) Grants Program (formerly SEDO Grants Program) is closed for applications, and no further funding rounds will be held.

Healthways

- The Centre has applied for funding to assist with the Healthy Eating programme in the Café. This is up to \$45,000.

The Department of Sport and Recreation have advised that the Town is not eligible to receive any further CRSFF monies, as the Town has already been allocated \$2.5 million.

GEOHERMAL ENERGY SYSTEM:

An item on geothermal energy was presented to the Forum in August 2010.

Background:

Geothermally warmed groundwater is available from the Yarragadee Aquifer across much of Perth. It has been used successfully for 5 pool heating projects in WA (Bicton Baths, Challenge Stadium, Christ Church Grammar School, Claremont Pool and Craigie Leisure Centre) with a sixth installation nearing completion at St Hilda's Anglican School for Girls in Mosman Park.

It involves the drilling of a deep bore to approx 1km and pumping hot water from this bore, which is between 40 and 45 degrees, around the pool or air system heat exchanger. The water is then returned to the aquifer via a shallow bore with no loss of water to the system.

Benefits:

The benefits for Beatty Park Leisure Centre are:

- Substantial reduction in gas costs to heat pools and buildings;
- savings in green house gas emissions.

Estimated Time:

Stage 1 (approx 3-4 weeks):

- Preparation of report to determine probable depth for production and injection bores;
- budget cost estimates for drilling and consulting;
- risk assessments and recommendations.

Stage 2 (approx 6-8 months):

- Prepare conceptual designs of both geothermal and injection bores;
- prepare and distribute tender specifications to competent suitably qualified water well drilling contractors;
- supervision of drilling, bore construction and testing;
- analysis of results and preparation of bore completion report.

Estimated Cost:

- Drilling, new equipment and installation – \$1.5 million.
- Consultancies – \$80,000 (indicative).

Cost Benefit:

- Current 2010/2011 budget is \$363,000 for gas this should reduce to \$15,000 - \$50,000 a year (during maintenance of geothermal system or times of peak demand the gas boiler would be used).

Risks:

As with any drilling operation there are a number of risks involved, however as can be seen by the consultant's track record they have always achieved the client's goal.

The main risks are:

- Temperature not hot enough requiring deeper drilling;
- issues with drilling itself (rock, pockets of air, stopping and starting due to noise concerns).

Car Park

The existing Beatty Park car park area comprises 273 bays and was reconfigured and added to by the former Perth City Council in the early 1990s. The car park design followed the existing 'lie of the land' and resulted in fragmented carking layout with restricted access from the west and eastern parts of the car park.

The objectives of the proposed concept design for the car park reconfiguration associated with the redevelopment of the leisure centre was undertaken were:

- Increase the number of car parking spaces
- Retain significant vegetation where ever possible
- Improve car park function
- Improve access and egress
- Match into existing ground levels where ever possible
- Incorporate water harvesting principles into the final design wherever possible without compromising the hydraulic capacity of the existing drainage system

Number of car bays:

The proposed car park layout increases the number of car bays by 62 to a total of 335 bays including two bus parking bays.

Existing vegetation:

An assessment of the existing vegetation was undertaken and the proposed car park layout has endeavoured to retain as many significant trees as possible and this has to some extent also dictated the design. Extensive new plantings will be undertaken as part of the reconfigured car park.

Improved function:

As mentioned above the existing car park layout is somewhat fragmented with restricted access from the west and eastern parts of the car park.

The proposed design allows for 'two way' east/west access along two internal access ways for most of the car park area along Vincent Street. North/south access and vehicle circulation

Access and egress:

Access and egress onto Vincent Street especially during peak periods is problematic. Unfortunately there is no simple solution to provide priority to vehicles exiting the car park unless traffic signals were installed. This could be considered in the longer term subject to Main Roads WA approval and appropriate funding being allocated.

The reconfigured car park allows for a central two way north south egress/access onto Vincent Street with a central pedestrian refuge. The existing access at this location is out only at present. The other two existing access points onto Vincent Street remain relatively unchanged however a central pedestrian refuge is proposed on the eastern most access point.

Pedestrian movement through the car park will also be improved as part of the proposed design.

Existing levels:

The existing ground level will pose a challenge as the existing car park comprises differing gradients and a number changes in level. The final detailed design will determine the scope of works however the aim will be to retain as much of the existing pavement as possible to minimise costs while at the same time providing a workable car park.

“Water harvesting”:

During the storms of March 2010 there was severe runoff from the Beatty park car park which resulted in flooding to properties at the rear of Emmerson Street. The runoff washed ‘mulch’ and leaves from the car park and the reserve on drainage crates and into properties.

A careful assessment of how “water harvesting” could be incorporated into the proposed car park design will be undertaken at the detailed design stage to ensure that properties down stream are safeguarded from any further possible storm events.

INDICATIVE TIMELINE – PROPOSED STAGE 1:

June 2010 – September 2011	Investigation of: - Sustainability matters – Part Completed ; - Geothermal Tender – In progress ; - Design Refinement – Completed ; - Business Case Finalisation – Completed .
6 September 2010	- Presentation to Special Forum – Completed .
28 September 2010*	- Council to approve final concept design and authorise preparation of Working Drawings; - Council to approve Tender for Geothermal/Consultants.
30 September 2010	- Advertise Tender for Geothermal Consultant.
30 October 2010	- Tender for Geothermal Consultant closes.
9 November 2010	- Council to approve Tender for Geothermal Consultant.
October – December 2010	- Preparation of working drawings’ (allow 3 months) - Investigation of rainwater reuse.
21 December 2010*	- Council Meeting to approval Final Plans and Working Drawings and calling of Construction Tender.
December – 30 January 2011	- Preparation of Tender Documentation.
1 February 2011*	- Advertise Tender for Construction (allow 1 month).
1 March 2011 – 5 April 2011	- Evaluation of Tender for Construction.
14 April 2011*	- Council to approve Tender for Construction.
30 April 2011	- Award tender to successful builder.
May 2011 – October/November 2012	- 18 month construction project.

* Critical Dates.

Impact of Not Making or Delaying the Decision due at the Critical Dates

It is important that the Council be advised of the ramifications of not making or significantly delaying the decision, due at the Critical Dates. Information was obtained from the Project Architect, who advises as follows;

“22 September 2010

*Chief Executive Officer
Town of Vincent
244 Vincent Street
LEEDERVILLE WA 6007*

Attn: Mr John Giorgi

Dear John,

RE: BEATTY PARK LEISURE CENTRE- MAJOR ADDITIONS AND ALTERATIONS

In response to your request for confirmation of the following time frames involved in the above project, please be advised as follows:

1. Detailed Design (working drawings and specification)

- Time required for all Architectural and Engineering documentation (10-12 weeks).*
- Assuming commencement of this phase as 1 October 2010, this work would significantly completed by December 2010, in time to be reported to the Council before the traditional festive season close-down.*
- This will enable tenders to therefore be called towards the end of January 2011, closing at the end of February or early March 2011.*

2. Site possession and construction commencement

Assuming an acceptable Tender result in March 2011, construction could be commenced in April/May 2011.

3. Contract Period

We estimate the contract period to complete the entire works (i.e.: the new 50m x 10 lane outdoor pool/plant upgrade etc and the new works on the eastern flank of the building comprising new entry, gym, aerobics, kitchen, toilet upgrade, etc) within approximately 18 calendar months.

This time frame would achieve a project completion of approximately October/November 2012.

4. Construction Program Methodology

Given that the commencement of the building contract would be April/May 2011 (i.e.: the quiet or off season for the outdoor pool) we would instruct the successful Tenderer to pursue the outdoor pool construction and plant upgrade as a priority, in terms of sequencing the various components of the project.

Provided an alternative temporary entrance could be established at the front of the old Grandstand facing Vincent Street (as discussed previously), the other works of the Building Contract could be commenced almost simultaneously without overly compromising customer convenience and usage of the centre.

5. Construction Cost Escalation

The current construction climate in Perth is experiencing a cost escalation of approximately 3-5% per annum and I would expect this to continue during 2011, before ramping up on 2012.

John, whilst I trust the foregoing provides the required information and estimated time frames required, it follows that delays in appointing the engineering consultants and instructing the Project Team to proceed with the detailed design, will be similarly reflected in delay to the completion of the building works.

Yours faithfully,

PETER HUNT
EXECUTIVE CHAIRMAN”

Critical Dates

It is important to note that 28 September 2010, 21 December 2010, 1 February 2011 and 14 April 2011 are critical dates in the Timeline. Council decisions are essential on these dates to ensure that the project can progress as detailed, with a commencement in mid 2011. If decisions are not made or are significantly delayed, the project cannot proceed as outlined in the Indicative Timeline and delays will occur.

Preparation of Working Drawings and Tender Documentation

At least 10-12 weeks is required for the task of preparing Working Drawings and it will be extremely tight to have these prepared in time for the Ordinary Meeting of Council 21 December 2010. A decision is required at the Ordinary Meeting of Council 28 September 2010 to proceed to a staged redevelopment and to authorise the Project Architect to prepare Working drawings.

It should be noted that many Architectural firms (and builders) close from mid-December until mid-January, as this is the industry practice.

Refurbishment of Outdoor 50 Metre Pool

If a decision to proceed is not made at the Ordinary Meeting of Council 28 September 2010, it will result in the refurbishment of the 50 metre outdoor pool unable to be carried out during the winter months May – November 2011.

It is considered most important that the outdoor 50 metre pool upgrade be carried out during the winter months, so as to minimise inconvenience to the public and also minimise costs and financial loss to the Centre, by rostering staff according to demand. (Wherever possible, Centre employees will proceed on leave, work reduced hours or be used temporarily elsewhere in the organisation e.g. relief staff, temporary Rangers, Parks, etc). Advanced notice will be required to inform affected Centre employees.

It is strongly recommended that the pool not be closed over the summer months, as this will have the most negative impact financially on the Centre and will also cause the greatest inconvenience to the public.

Building Cost Escalation

The costs specified in this report are based on decisions being made on the critical dates as outlined in the Indicative Timeline.

If a delay is to occur (for whatever reason), it will result in the following;

- The outdoor pool will not be refurbished until Winter **2012**, which will result in a further cost escalation of **at least** 3.0%-5.0%, therefore increasing the cost of the work by at least **\$117,000-\$195,000** (i.e. based on \$3.9 million).
- Building cost escalation at approximately 3.5% per annum (which equates to 0.2916% per month) would result in increased costs of at least **\$20,850** per month, if decisions are not made at the Critical Dates.

These unnecessary costs should be avoided.

CONSULTATION/ADVERTISING:

The original concept plans were the subject of a six week consultation period.

LEGAL/POLICY:

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

Beatty Park Leisure Centre is register on the State Heritage List.

All tenders will be called in accordance with the Local Government Act 1995.

STRATEGIC IMPLICATIONS:

Strategic Plan 2009-2014 Strategic Objectives: Natural and Built Environment:

“1.1.6 Enhance and maintain the Town’s infrastructure to provide a safe, healthy, sustainably and functional environment:

- (i) Implement the redevelopment of the Beatty Park Leisure Centre”.*

SUSTAINABILITY IMPLICATIONS:

There will be a significant focus of the sustainability of the redevelopment of the Beatty Park Leisure Centre. The use of geothermal techniques is being investigated for use at the Centre for the heating of pool water and the buildings. Rainwater will be used for the flushing of the toilets and irrigation of the gardens is currently being investigated. Other areas of water saving or reuse will be further investigated by the consultants.

Wherever possible, natural light is to be incorporated to reduce the dependence on lighting and the size of the fitness areas have been calculated to allow for growth of programs, especially in areas where demand has increased within the industry over the past five years.

FINANCIAL/BUDGET IMPLICATIONS:

Funding:

An amount of \$10 million is included on the 2010/2011 Annual Budget for the proposed redevelopment.

Proposed Project Funding – Stage 1	Amount
Funding Source:	
Federal Government	\$0
CSRFF – State Government	\$2,500,000
Town of Vincent Reserve Funds	\$3,500,000
Town of Vincent Internal Funds and Borrowings	\$8,000,000
Total:	\$14,000,000

Staged Redevelopment	
Stage 1A – Proposed Construction to commence mid 2011	
<i>Item:</i>	<i>Indicative Costing</i>
New extension/refurbish Administration/Entrance	\$5,780,000
Refurbish change rooms and toilets; new crèche	\$700,000
New outdoor area for crèche	\$60,000
New fit out for swim school	\$60,000
Refurbish kitchen	\$150,000
External landscaping works, ramps, stairs	\$200,000
Rainwater tanks (for re-use)	\$150,000
Demolition works	\$50,000
Geothermal installation including plant	\$1,580,000
Subtotal:	<u>\$8,730,000</u>
Stage 1B – Proposed to be carried out in May – November 2011	
<i>Item</i>	<i>Indicative Costing</i>
Demolish existing 50m outdoor pool	\$100,000
Plant Room upgrade and refurbishment	\$700,000
New outdoor 50m x 10 lane pool	\$3,000,000
Subtotal:	<u>\$3,800,000</u>
TOTAL:	<u>\$12,530,000</u>

Design and Construct Contingency	\$500,000
Architect Fees	*\$610,000
Other Consultants Fees	\$360,000
* dependent upon final cost	
STAGE 1 GRAND TOTAL	<u>\$14,000,000</u>

**Stage 2: 2012 – 2013 – financial year- Proposed to commence mid 2012	
<i>Item</i>	<i>Indicative Costing</i>
Car park upgrade and reconfiguration	\$500,000
Landscaping, including water sensitive urban design principles	\$100,000
Refurbishment to existing gym area's	\$100,000
Refurbishment of lower deck changerooms	\$200,000
**Subtotal:	<u>\$900,000</u>

**Stage 3: 2013 – 2014 financial year	
<i>Item</i>	<i>Indicative Costing</i>
New learner's pool	\$300,000
Replacement indoor water slides	\$150,000
Dive pool renovation	\$250,000
Spa Upgrade	\$250,000
**Subtotal:	<u>\$950,000</u>

**Stage 4: 2014-2015 - financial year	
<i>Item</i>	<i>Indicative Costing</i>
Grandstand – heritage works	TBA

** Note: Costings for Stages 2, 3 and 4 are indicative only and are required to be further investigated and refined.

Funding Options

The funding of the balance of \$8 million can come from a number of options. Options are being investigated and a report will be prepared. These are as follows:

Loan of \$8 Million:

The repayments for this loan are estimated to be as outlined in the table below:

Loan Amount	Interest Rate	Period	Monthly Repayment	Annual Repayment
\$8,000,000	5.65%	20 Years	\$56,107	\$673,284

Loan of \$3 Million:

The repayments for this loan are estimated to be as outlined in the table below:

Loan Amount	Interest Rate	Period	Monthly Repayment	Annual Repayment
\$3,000,000	5.65%	20 Years	\$21,040	\$252,481

Use of Funds from Long Term Lease of nib Stadium

The loan funding can be reduced, if and when the financial offer from the State Government in regard to nib Stadium is received.

This allocation for the use of these funds for this project is subject to the Council's approval. A resolution of Council at the Special Meeting of Council held on the 6 September 2010, in regard to the use of the \$5 million states (in part) as follows:

“(vi) REQUESTS the Chief Executive Officer to provide a report to Council on the options for the allocation of the upfront Offer payment and Annual fee funds, by November 2010.”

It should be noted that the \$5 million will only be available to the Town when all legal agreements with all the parties involved have been signed. The Town has not received any information as to when this money could be received.

The Town's Director Corporate Services has commenced investigations into the options, however, he has proceeded on Long Service Leave until late October 2010.

The Town's Administration will continue investigations and will present a report to the Council in November 2010.

COMMENTS:

The redevelopment/upgrade at Beatty Park Leisure Centre is one of the most significant projects undertaken by the Town.

Beatty Park was built in 1962 for the British Empire and Commonwealth Games. The facility is now 48 years old and in urgent need of upgrade.

This project commenced in 2004 and has now progressed to a stage where a Council decision is required, to enable the project to be progressed.

The upgrade of the Centre, particularly the plant room and outside pools, is urgently required, with much of the plant room equipment being the original equipment installed when the Centre was constructed in 1962. If this is not undertaken, there will be dire consequences for the pool operations of the Centre within two to three years. In the interim, the risk of a major plant failure is also of concern.

The new extensions including the gym and group fitness rooms and change rooms, together with the refurbished entrance and upgraded Retail and Café facilities will provide the Centre with a new promotional image. The modernisation of the main entrance frontage will be impressive and iconic.

This area is essential to the financial viability of the Centre, as the current gym is constricted with the space available and membership is currently capped at 2000. This also restricts secondary revenue available from the other programmes offered at the Centre, such as the Café and Retail Shop.

This redevelopment is essential for the future of the Beatty Park Leisure Centre and this design represents an excellent best practise model for the facility.

Accordingly, Council approval of the Officer Recommendation is therefore requested.

9.1.1 FURTHER REPORT - Nos. 148-158 (Lot 600) Scarborough Beach Road, corner Fairfield Street and Flinders Street, Mount Hawthorn - Proposed Low Impact Telecommunication Facility to Existing Shopping Centre (The Mezz)

Ward:	North	Date:	20 September 2010
Precinct:	Mount Hawthorn Centre; P2	File Ref:	PRO0266
Attachments:	001 ; 002		
Reporting Officer:	A Fox, Planning Officer (Strategic)		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report relating to Nos. 148 – 158 (Lot 600) Scarborough Beach Road, corner Fairfield Street and Flinders Street, Mount Hawthorn – Proposed Low Impact Telecommunication Facility to Existing Shopping Centre (The Mezz);*
- (ii) *NOTES:*
 - (a) *the Electromagnetic Emission (EME) readings as shown in attachment 002 from twelve (12) sites specified by the Town, as detailed in Attachment 001; and*
 - (b) *that as at 20 September 2010, Optus has not made a formal notification to the Town for any further low-impact facilities in Mount Hawthorn; and*
- (iii) *NOTIFIES the objectors of the original proposal for the low impact facility at Nos. 148 – 158 (Lot 600) Scarborough Beach Road, corner Fairfield Street and Flinders Street, Mount Hawthorn – Proposed Low Impact Telecommunication Facility to Existing Shopping Centre (The Mezz) of the EME readings.*

Cr Burns departed the Chamber at 7.44pm.

Moved Cr Buckles, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

Cr Burns returned to the Chamber at 7.45pm.

Debate ensued.

AMENDMENT

Moved Cr Buckels, Seconded Cr McGrath

That a new clause (iv) be inserted as follows:

- “(iv) *CONSIDERS amending the Town’s Policy No. 3.5.6 – Telecommunications Facilities to:*
 - (a) *better differentiate between low impact and high impact facilities regarding the need for a 300 metre separation from residential areas; and*

- (b) *consider recommending that all applications to the Town for any such facility be accompanied by an Electromagnetic Radiation Emission (EME) Survey Report, including Pre-Commissioning Measurements and Existing Environmental Radio Frequency EME.”*

Debate ensued.

Cr Topelberg suggested changing the amendment to review the Policy The Mover, Cr Buckels agreed and changed his amendment to read as follows:

“(iv) *REVIEW the Town’s Policy No. 3.5.6 – Telecommunications Facilities to:*

- (a) *better differentiate between low impact and high impact facilities regarding the need for a 300 metre separation from residential areas; and*
- (b) *consider recommending that all applications to the Town for any such facility be accompanied by an Electromagnetic Radiation Emission (EME) Survey Report, including Pre-Commissioning Measurements and Existing Environmental Radio Frequency EME.”*

The Seconder, Cr McGrath agreed.

Debate ensued.

AMENDMENT PUT AND CARRIED (9-0)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 9.1.1

That the Council;

- (i) *RECEIVES the further report relating to Nos. 148 – 158 (Lot 600) Scarborough Beach Road, corner Fairfield Street and Flinders Street, Mount Hawthorn – Proposed Low Impact Telecommunication Facility to Existing Shopping Centre (The Mezz);*
- (ii) *NOTES:*
- (a) *the Electromagnetic Emission (EME) readings as shown in attachment 002 from twelve (12) sites specified by the Town, as detailed in Attachment 001; and*
- (b) *that as at 20 September 2010, Optus has not made a formal notification to the Town for any further low-impact facilities in Mount Hawthorn;*
- (iii) *NOTIFIES the objectors of the original proposal for the low impact facility at Nos. 148 – 158 (Lot 600) Scarborough Beach Road, corner Fairfield Street and Flinders Street, Mount Hawthorn – Proposed Low Impact Telecommunication Facility to Existing Shopping Centre (The Mezz)of the EME readings; and*
- (iv) *REVIEW the Town’s Policy No. 3.5.6 – Telecommunications Facilities to:*
- (a) *better differentiate between low impact and high impact facilities regarding the need for a 300 metre separation from residential areas; and*
- (b) *consider recommending that all applications to the Town for any such facility be accompanied by an Electromagnetic Radiation Emission (EME) Survey Report, including Pre-Commissioning Measurements and Existing Environmental Radio Frequency EME.*

PURPOSE OF REPORT

The purpose of this report is to advise the Council of the results of the EME readings from twelve sites in the Town. This is to fulfil clause (iv) of the Council's decision held on 8 June 2010.

FURTHER REPORT:

The Council at its Ordinary Meeting held on 8 June 2010, considered Item 9.1.7 relating to Nos. 148-158 (Lot 600) Scarborough Beach Road, Mount Hawthorn – Proposed Low Impact Telecommunication Facility to Existing Shopping Centre (The Mezz). The proposal involved the construction of three (3) panel antennas, each not more than 2.8 metres long, attached to the rooftop lift motor room of the "The Mezz" shopping centre, located within the upper level car park area in the middle of the site.

At this meeting, the Council resolved to strongly object to the proposed telecommunication facility for a number of reasons including the local community's public health and safety concerns with the proposed location. As part of the resolution, the Council resolved as follows:

"...(iv) REQUESTS that Optus arrange for EME readings (as agreed and at their cost) to be undertaken at least ten sites identified by the Town; readings at these sites must be made prior to construction of the facility and again after the commissioning of the facility; readings are to be made by independent National Association of Testing Authorities (NATA) accredited assessors (as selected by the Town); readings are to be provided to the Town who will make them public and will notify Objectors of those readings;

- (a) these sites are to include the north east and north west corners of The Mezz Shopping Centre Car Park, The Mt Hawthorn Primary School, and four (4) sites each that are at a distance of between 100 metres and 200 metres from the proposed location..."*

In order to satisfy the requirements of Clause (iv) above, the Town requested the applicant (Optus) to provide readings at 12 sites including 'The Mezz' Shopping Centre carpark, the Mount Hawthorn Primary School, Braithwaite Park, Axon Reserve, Edinborough Park and 6 sites that are of a distance of between 100 metres and 200 metres, from the proposed location. A map of these locations is shown in Attachment 001.

In relation to the above request, Optus contracted independent (NATA) accredited assessors, Total Radiation Solutions to undertake Radiofrequency Electromagnetic Radiation Emission (RF EME) readings from the sites outlined above. The readings were submitted to the Town on 8 September 2010, and a copy of these readings is shown in Attachment 002. The report summarises as follows:

"The total measured RF EME levels (Table 3) for the measured bands at the selected locations (1 – 12) were less than 1% of the general public limit.

The total maximum measured RF EME level was at Location 6 which was 0.0025% of the general public limit."

It is noted that on 25 June 2010, Daly International wrote to the Town to advise that the proposal to install the low-impact facility on the lift motor room in the carpark, at Nos. 148-158 Scarborough Beach Road, Mount Hawthorn (The Mezz) will not be proceeding. Optus advised that they will now be looking at an alternate site for this facility, as outlined to the Council (Item 9.1.6) at its Ordinary Meeting held on 24 August 2010.

While Optus are not proposing to proceed with the installation of the telecommunication facility on the lift motor room, the readings have been presented to the Council to fulfil clause (iv) of the Council's resolution made in relation to this matter, at its Ordinary Meeting held on 8 June 2010. Further to this, in accordance with this resolution, the Town has written to those residents who objected to the proposal, to notify them of this Further Report, and the associated EME readings.

The Item was originally reported to the Council at its Ordinary Meeting held on 8 June 2010.

9.1.4 Nos. 201-203 (Lot 1; D/P 1239) Oxford Street, corner Melrose Street, Leederville – Proposed Change of Use from Two-Storey Commercial Building with Shop and Ancillary Tea House to Three-Storey Commercial Building with Shop, Unlisted Use (Art Gallery), Warehouse and Ancillary Tea House and Associated Alterations and Additions

Ward:	South	Date:	21 September 2010
Precinct:	Oxford Centre; P04	File Ref:	PRO2011; 5.2010.324.1
Attachments:	001 ; 002 ; 003		
Reporting Officer:	D Pirone, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Burgess Design Group on behalf of the owner Cameraland WA Pty Ltd for proposed Change of Use from Two-Storey Commercial Building with Shop and Ancillary Tea House to Three-Storey Commercial Building with Shop, Unlisted Use (Art Gallery), Warehouse and Ancillary Tea House and Associated Alterations and Additions, at Nos. 201-203 (Lot 1; D/P 1239) Oxford Street, corner Melrose Street, Leederville, and as shown on plans stamp-dated 2 September 2010, subject to the following conditions:

- (i) *the gross floor area of the proposed:*
 - (a) *shop shall be limited to a maximum of 355 square metres;*
 - (b) *art gallery shall be limited to a maximum of 221 square metres;*
 - (c) *warehouse shall be limited to 108 square metres; and*
 - (d) *ancillary tea house shall be limited to 41 square metres.*

Any increase in floor space or change of use for the subject land shall require a separate Planning Approval to be applied to and obtained from the Town;
- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Oxford Street and Melrose Street;*
- (iii) *all signage that does not comply with the Town'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 Town prior to the erection of the signage;*
- (iv) *windows, doors and adjacent areas fronting Oxford Street and Melrose Street shall maintain an active and interactive relationship with these streets;*
- (v) *first obtaining the consent of the owners of Nos. 205-207 Oxford Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 205-207 Oxford Street in a good and clean condition;*

- (vi) *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;*
- (vii) *power is required to be undergrounded across both the Oxford Street and Melrose Street frontages of the development. All costs associated with the provision of this underground power shall be met by the owner(s);*
- (viii) **WITHIN TWENTY-EIGHT (28) DAYS OF THE ISSUE DATE OF THIS 'APPROVAL TO COMMENCE DEVELOPMENT', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:**
- (a) *pay a cash-in-lieu contribution of \$14,460 for the equivalent value of 4.82 car parking spaces, based on the cost of \$3,000 per bay as set out in the Town's 2010/2011 Budget; OR*
- (b) *lodge an appropriate assurance bond/bank guarantee of a value of \$14,460 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*
- (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
- (2) *to the owner(s)/applicant following receipt by the Town 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*
- (3) *to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.*

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

- (ix) **PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:**
- (a) **Construction Management Plan**
- A Construction Management Plan shall be submitted to and approved by the Town, addressing the following issues:*
- 1. public safety, amenity and site security;*
 - 2. contact details of essential site personnel;*
 - 3. construction operating hours;*
 - 4. noise control and vibration management;*
 - 5. Dilapidation Reports of nearby properties;*
 - 6. air and dust management;*
 - 7. stormwater and sediment control;*
 - 8. soil excavation method (if applicable);*
 - 9. waste management and materials re-use;*
 - 10. traffic and access management;*
 - 11. parking arrangements for contractors and subcontractors;*
 - 12. Consultation Plan with nearby properties; and*
 - 13. any other matters deemed appropriate by the Town;*

(b) Refuse Management

A Refuse Management Plan shall be submitted to and approved by the Town prior to commencement of works. The Plan should include details of refuse bin location, vehicle access and manoeuvring.

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

Commercial:

General Waste: One (1) 240 litre MGB per commercial unit or per 200sqm of floor space (collected weekly); and

Recycle Waste: One (1) 240 litre MRB per commercial unit or per 200sqm of floor space (collected fortnightly);

(c) Landscape and Reticulation Plan

A detailed landscape and reticulation plan for the development site and adjoining road verge shall be submitted to the Town's Parks and Property Services Section for assessment and approval.

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

- 1. the location and type of existing and proposed trees and plants;*
- 2. all vegetation including lawns;*
- 3. areas to be irrigated or reticulated;*
- 4. proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and*
- 5. separate soft and hard landscaping plans (indicating details of plant species and materials to be used).*

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

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

(d) Schedule of External Finishes

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

(e) Awnings

Continuous and complementary awnings being provided over the Oxford Street and Melrose Street footpath in accordance with the Town's Local Law relating to Verandahs and Awnings over Streets, with the awnings being a minimum height of 3.3 metres from the footpath level to the underside of the awning and a maximum extension of 500 millimetres from the kerb line of Oxford Street and Melrose Street;

(f) Right of Way Widening

No development shall occur within 1.5 metre of the western boundary of Nos. 201-203 Oxford Street, to facilitate future right of way widening; and

(g) Verge Upgrade

In keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments, the footpaths adjacent to the subject land are to be upgraded, by the applicant, to the Town's specification. If the proposed works are to include the angled parking as shown in the applicant's submission, the cash in-lieu payment can be used as a part contribution toward the cost. However, as the scope of works is yet to be determined, and will exceed the cash in-lieu payment, a further sum of \$20,000 shall be lodged with the Town, as a bond, prior to the issue of a Building Licence. The bond will be held until such time as the Town enters into an agreement with the applicant in respect of the extent of the verge works, which shall be designed and constructed in consultation with the Town; and

(x) **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the Town:**

(a) Bicycle Parking Facilities

Two (2) class one or two and five (5) class 3 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 Town prior to installation of such facilities; and

(b) 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 Town.

COUNCIL DECISION ITEM 9.1.4

Moved Cr Topelberg, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Cr McGrath departed the Chamber at 7.52pm.

Debate ensued.

Cr McGrath returned to the Chamber at 7.55pm.

Debate ensued.

MOTION PUT AND CARRIED (9-0)

ADDITIONAL INFORMATION:

The adjoining landowner at Nos. 205-207 Oxford Street, Leederville (owner of the business known as *Oxford Spares*), in addition to a written submission has reiterated concerns to the Town's Officers in respect of the lack of car parking at Nos.201-203 Oxford Street, Leederville. The concerns relate to the subject building having no provision for parking or servicing at the front of the premises, and that persons park illegally in the car bays at Nos.205-207 Oxford Street, Leederville.

The Town's Officers advised that an application to register the property in order for the Town's Rangers to infringe illegal parking on the property can be made; however, this offer was not taken up. The adjoining landowner further noted that any shortfall of parking supported on the subject site would result in a 30 per cent increase in the current problems experienced at Nos. 205-207 Oxford Street, Leederville.

Further plans of the development are attached as they were inadvertently missed from the Agenda.

Landowner:	Cameraland WA Pty Ltd
Applicant:	Burgess Design Group
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Shop and Ancillary Tea House
Use Class:	Shop, Unlisted Use (Art Gallery), Warehouse and Ancillary Tea House
Use Classification:	"P" and "SA" and "AA"
Lot Area:	412 square metres
Access to Right of Way	West side, 3 metres wide, sealed, privately owned

PURPOSE OF REPORT:

The proposal requires referral to the Council for determination given the proposed car parking shortfall and proposed "SA" use, whereby objections have been received.

BACKGROUND:

- 11 June 2002 The Council at its Ordinary Meeting conditionally approved an application for alterations and two-storey additions with terrace to existing commercial building.
- 19 November 2003 The Town under delegated authority from the Council conditionally approved an application for alterations and additions to existing signage.
- 21 January 2004 The Town under delegated authority from the Council partly refused and partly approved an application for signage to existing shop.
- 13 April 2004 The Council at its Ordinary Meeting refused an application for alterations to signage to existing shop.
- 8 December 2006 The Town under delegated authority from the Council refused a retrospective application for signage addition to existing shop and change of use from shop to shop and eating house.

- 28 December 2006 The applicant lodged an application for review at the State Administrative Tribunal (SAT).
- 27 June 2007 The SAT resolved to approve the abovementioned application, and resolved that the eating house was in fact an ancillary tea house and the car parking is calculated as if this is a shop.
- 19 May 2008 The Town under delegated authority from the Council conditionally approved an application for signage addition to existing shop.

DETAILS:

The proposal involves the change of use from two-storey commercial building with shop and ancillary tea house to three-storey commercial building with shop, unlisted use (art gallery), warehouse and ancillary tea house and associated alterations and additions.

The applicant's submission is attached to the report (002).

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
Building Setbacks:		
-West (rear)		
First Floor	6 metres	3.107 metres
Second Floor	6 metres	3.107 metres
<i>Officer Comments:</i>		
Supported – This is not considered to have an undue impact on the neighbouring property as the right of way is 3 metres wide, which adds to the 3.107 metre rear setback. Furthermore, no objections were received from the western neighbouring property.		

Car Parking	
Car parking requirement (nearest whole number)	= 34 car bays
<ul style="list-style-type: none"> • Shop – 1 bay per 15 square metres of gross floor area Gross Floor Area = 396 square metres (requires 26.4 car bays)	
<ul style="list-style-type: none"> • Art Gallery – 1 bay per 50 square metres of gross floor area Gross Floor Area = 221 square metres (requires 4.42 car bays)	
<ul style="list-style-type: none"> • Warehouse – 3 bays for the first 200 square metres of gross floor area and 1 bay per 100 square metres of gross floor area thereafter Gross Floor Area = 108 square metres (requires 3 car bays)	
Total car bays required = 33.82 car bays	
Apply the adjustment factors.	(0.6141)
<ul style="list-style-type: none"> • 0.85 (within 800 metres of a rail station) • 0.85 (within 400 metres of a bus stop) • 0.85 (within 400 metres of a public car parking place with in excess of 75 car parking spaces) 	= 20.88 car bays
Minus the car parking provided on-site	7 car bays
Minus the approved on-site car parking shortfall.	9.06 car bays*
<ul style="list-style-type: none"> • *Prior to 11 June 2002, a ballet school existed on the site with a car parking shortfall of 1 car bay. • 11 June 2002 – The Council at its Ordinary Meeting approved a shortfall of 6.48 car bays. • 27 June 2007 – The State Administrative Tribunal approved a shortfall of 1.58 car bays. 	
Resultant shortfall	4.82 car bays

Bicycle Parking
<p>Shop</p> <ul style="list-style-type: none"> • 1 space per 300 square metres of public area for employees (class 1 or 2) = 1.32 spaces • 1 space per 200 square metres of public area for visitors (class 3) = 2.52 spaces <p>Art Gallery</p> <ul style="list-style-type: none"> • 1 space per 100 square metres of public area (class 1 or 2) = 1.11 spaces • 2 spaces plus 1 space per 100 square metres of public area (class 3) = 2.15 spaces <p>Warehouse – N/A</p> <p>Total class one or two bicycle spaces = 2.43 spaces = 2 spaces Total class three bicycle spaces = 4.67 spaces = 5 spaces</p>

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

Consultation Submissions		
Item	Comments Received	Officer Comments
Support (2)	No comments provided.	Noted.
Objection (2)	<ul style="list-style-type: none"> • Shortfall of car parking. 	<ul style="list-style-type: none"> • Not supported – Refer to Comments section.
Advertising	Advertising for a period of 21 days was carried out as per the Town's Policy No. 4.1.5 – relating to Community Consultation.	

Other Implications	
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic	Nil.
Sustainability	Nil.
Financial/Budget	Nil.

COMMENTS:

The Town's Policy No. 3.7.1 relating to Parking and Access suggests that the Council may determine to accept a cash-in-lieu payment where the shortfall is greater than 0.5 car bay to provide and/or upgrade parking in other car parking areas within the immediate vicinity of the proposed development. In this instance, the resultant car parking shortfall of 4.82 car bays would equate to a payment of \$14,460. The parking shortfall is not considered excessive given its locational context, and is therefore supported subject to a cash-in-lieu payment.

As detailed on the site plan, the applicant has proposed a verge upgrade plan which details widening of the verge and the provision of eight car bays and landscaping. The applicant has requested the Town give consideration to this concept in respect of utilising the cash-in-lieu funds, in addition to a standard verge upgrade contribution required of developers of commercial, retail, multiple dwellings and similar developments. Preliminary discussions have been held with the Town's Technical Services Officers, who will further consider the concept when upgrading the verge. It is noted however, that in the event that the verge is upgraded to provide car parking bays, the bays will remain public car parking and will by no means be for the exclusive use of customers/staff of Nos. 201-203 Oxford Street, Leederville.

In light of the above, it is recommended that the Council approve the application, subject to standard and appropriate conditions to address the above matters.

9.1.5 Nos. 51-53 (Lot 61; D/P 2358 and Lot 31; D/P 27973) Salisbury Street, Leederville – Proposed Retaining Wall and Fence Addition to Vacant Land

Ward:	North	Date:	20 September 2010
Precinct:	Leederville; P03	File Ref:	PRO4670; 5.2010.217.2
Attachments:	001		
Reporting Officer:	D Pirone, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by GHD Pty Ltd on behalf of the owner Trustees of the Christian Brothers in WA Inc for proposed Retaining Wall and Fence Addition to Vacant Land, at Nos. 51-53 (Lot 61; D/P 2358 and Lot 31; D/P 27973) Salisbury Street, Leederville, and as shown on plans stamp-dated 13 August 2010, subject to the following conditions:

- (i) *any new street/front wall, fence and gate within the Salisbury Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (ii) *no street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorized pruning;*
- (iii) *first obtaining the consent of the owners of No. 348 Oxford Street, No. 55 Salisbury Street and No. 49 Salisbury Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the retaining walls facing No. 348 Oxford Street, No. 55 Salisbury Street and No. 49 Salisbury Street in a good and clean condition; and*
- (iv) **PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:**
 - (a) **Right of Way**
No development including the proposed retaining wall shall occur within 0.5 metre of the southern right of way along Lot 31 Salisbury Street only; and
 - (b) **Dividing Fences**
The maximum height of the dividing fence shall be 1.6 metres above the finished ground level of the retaining wall along the western boundary.

COUNCIL DECISION ITEM 9.1.5

Moved Cr Maier, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST (4-5)

For: Mayor Catania, Cr Burns, Cr Farrell, Cr Harvey

Against: Cr Buckels, Cr Lake, Cr McGrath, Cr Maier, Cr Topelberg

Reasons:

1. **Consideration of objections received.**
2. **Non-compliance with Policies in terms of retaining walls and fill.**

Landowner:	Trustees of the Christian Brothers in WA Inc
Applicant:	GHD Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R30
Existing Land Use:	Vacant
Use Class:	N/A
Use Classification:	N/A
Lot Area:	1340 square metres
Access to Right of Way	South side, 5 metres wide, sealed, Town owned

PURPOSE OF REPORT:

The proposal is referred to the Council for determination due to the significant variation to the Town's Policy No. 3.2.1 relating to Residential Design Elements.

BACKGROUND:

11 September 2009 The Western Australian Planning Commission granted conditional approval for four green title lots over Nos. 51-53 Salisbury Street, Leederville.

9 February 2010 The Council at its Ordinary Meeting conditionally approved the demolition of the two existing single houses at Nos. 51-53 Salisbury Street, Leederville.

DETAILS:

The proposal involves the addition of retaining walls and dividing fences in order to comply with the conditions of subdivision.

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Retaining Walls:	Retaining walls and filling shall not exceed 500 millimetres within the street setback area. Retaining walls and filling shall not exceed 500 millimetres behind the street setback line and within 1 metre of a common boundary.	Maximum height of retaining wall with filling on northern (Salisbury Street) boundary is 510 millimetres. Maximum height of retaining wall with filling on western boundary is 1590 millimetres. Maximum height of retaining wall with filling on southern (right of way) boundary is 1060 millimetres.
<i>Officer Comments:</i>		
Supported – The site survey plan indicates that the entire site slopes from 29.57 on the eastern boundary of the lots to 27.68 on western boundary of the lots, along the Salisbury Street boundary. Proposed Lot 300 has a finished ground level of 28.35, with the existing ground level being 27.68. This is a further increase of 510 millimetres, in lieu of the previously proposed 720 millimetres. The ground levels of the western neighbouring properties at No. 55 Salisbury Street and No. 349 Oxford Street are approximately 26.83. Therefore, the existing ground level of the subject lot is 850 millimetres higher than the ground level of the neighbouring		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<p>lots. With the additional 510 millimetres, this increases the retaining wall/finished ground level to 1.36 metres above the ground level of the neighbouring properties. The western neighbouring properties objected to the previously proposed height, whereby the Town's Officers requested amended plans from the applicant, to reduce the height of the retaining wall by 500 millimetres. The applicant has submitted amended plans that reduce the finished ground levels by 200 millimetres and advised that they are prepared to reduce the fence height by 300 millimetres, which will effectively reduce the overall height by 500 millimetres. However, the minimum height of the fence, in order to comply with the privacy requirements is 1.6 metres. Therefore, a condition has been applied to the approval, to reduce the fence height to 1.6 metres. Furthermore, it is considered that the properties fronting Oxford Street will be developed in the future and is most likely that the rear area of the lots will be used for car parking. It is considered that the additional height of the retaining wall will help to protect the amenity of proposed Lots 300 and 303 as these will be developed for single dwellings.</p> <p>In regards to proposed Lots 301 and 302, the reduction in the finished ground level has resulted in the retaining walls being less than 500 millimetres within the street setback area and within 1 metre of a common boundary. These retaining walls are therefore compliant with the Residential Design Codes and the Town's Residential Design Elements Policy.</p>		

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

Consultation Submissions		
Item	Comments Received	Officer Comments
Support (1)	No comments provided.	Noted.
Objection (4)	<ul style="list-style-type: none"> The western boundary wall is too high. 	<ul style="list-style-type: none"> Not supported – See comments above.
	<ul style="list-style-type: none"> The boundary fences will exceed 1.8 metres. 	<ul style="list-style-type: none"> Not supported – See comments above.
Advertising	Advertising for a period of 14 days was carried out as per the Town's Policy No. 4.1.5 relating to Community Consultation.	

Other Implications	
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic	Nil.
Sustainability	Nil.
Financial/Budget	Nil.

COMMENTS:

In light of the Officers Comments stated in the Non-Compliance Table, it is recommended that the Council approve the application subject to standard and appropriate conditions to address the above matters.

9.1.6 No. 56 (Lot 163; D/P 3845) Ellesmere Street, Mount Hawthorn - Proposed Reconsideration of Condition

Ward:	North	Date:	22 September 2010
Precinct:	Mount Hawthorn; P01	File Ref:	PRO3910; 5.2010.355.1
Attachments:	001 ; 002		
Reporting Officer:	D Pirone, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by D Italiano on behalf of the owner D & M F Italiano for a Reconsideration of the Condition relating to the width of a proposed crossover at No. 56 (Lot 163; D/P 3845) Ellesmere Street, Mount Hawthorn, and as shown on plans stamp-dated 23 July 2010, subject to the following conditions:

- (i) *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 Ellesmere Street;*
- ~~(ii) *any new street/front wall, fence and gate within the Ellesmere Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*~~
- (ii) *WITHIN 28 DAYS OF THE ISSUE DATE OF THE 'APPROVAL TO COMMENCE DEVELOPMENT', the applicant shall modify the new street/front wall, fence and gate within the Ellesmere Street setback area to comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (iii) *PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:*
 - (a) *Privacy Screening*

The balcony to the master bedroom on the eastern and western elevations and the porch on the eastern elevation being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 54 and 58 Ellesmere Street stating no objection to the respective proposed privacy encroachments. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies.

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

COUNCIL DECISION ITEM 9.1.6

Cr Harvey departed the Chamber at 8.06pm.

Moved Cr Farrell, **Seconded** Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, **Seconded** Cr Buckels

That a new subclause (iii)(b) be added as follows:

“(iii)(b) Driveways and Crossovers

The proposed crossover being reduced to a maximum width of 4.876 metres.”

Debate ensued.

AMENDMENT PUT AND LOST (3-5)

For: Cr Buckels, Cr Lake, Cr Maier

Against: Mayor Catania, Cr Burns, Cr Farrell, Cr McGrath, Cr Topelberg

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

Cr Harvey returned to the Chamber at 8.12pm.

Debate ensued.

MOTION PUT AND CARRIED (7-2)

For: Mayor Catania, Cr Buckels, Cr Burns, Cr Farrell, Cr Harvey, Cr McGrath,
Cr Topelberg

Against: Cr Lake, Cr Maier

Landowner:	D & M Italiano
Applicant:	D Italiano
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	491 square metres
Access to Right of Way	Not Applicable

PURPOSE OF REPORT:

The proposal is referred to the Council for determination due to the significant variation to the Town's Policy No. 3.2.1 relating to Residential Design Elements.

BACKGROUND:

12 June 2007 The Council at its Ordinary Meeting conditionally approved an application for the demolition of the existing single house and the construction of a two-storey with basement, single house.

8 May 2008 The Town under delegated authority from the Council approved an application for a two-storey single house subject to several conditions, including the following:

“(iv) *if the existing street tree adjacent to the property on Ellesmere Street is to be removed, it is to be replaced by a street tree of a suitable species, size and location at the applicant's/owner's costs to the satisfaction of the Town's Parks Services Section; and*

(v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the proposed crossover being reduced to a maximum width of 4.876 metres. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies.”*

DETAILS:

The application involves the re-consideration of condition (v) of the Planning Approval issued by the Town under delegated authority on 8 May 2008. The condition requires the crossover to be reduced from 5.13 metres to 4.876 metres.

The owner has requested that this condition be reconsidered by the Town's Officers and a width of 6.74 metres is proposed. The owner has provided the Town with a written submission as to why the application should be supported, which is attached to this report (002) and summarised with Officer comments below:

“The proposed vehicular access is constrained by the narrow width of the lot and is not inconsistent with vehicular access widths of other dwellings in the area. It is therefore not considered to have a detrimental impact on the amenity of the area.”

Officer Comment:

Supported – The street has a number of varying crossover widths; therefore, the proposed width would not result in an undue impact on the streetscape or the amenity of the area.

“As we have become more reliant on ambulance medical services it will allow medical service personnel and vehicles to manoeuvre between the property and the street in such a manner that is safe in use.”

Officer Comment:

This appears to be a reasonable request in light of the occupant's medical circumstances.

“The imposed condition and limited extent of frontage available to the development hinders proper placement of the vehicular access, and would result in an inordinate alignment with the hard standing, which poses a safety concern. The proposed vehicular access will overcome this situation.”

Officer Comment:

Supported – The increase in crossover and driveway width allows for increased manoeuvring in and out of the garage.

Furthermore, condition (iv) of the Planning Approval issued by the Town under delegated authority from the Council on 8 May 2008, relates to the removal of the verge tree. As this verge tree has been removed and replaced already, in the event of an approval, this condition is now not required.

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Vehicular Access:	The proposed crossover being a maximum of 40 per cent (4.876 metres) of the width of the frontage.	Proposed width is 6.74 metres or 55 percent of the width of the frontage.
<i>Officer Comments:</i>		
Supported – A site inspection was undertaken and has revealed that the additional crossover width will not have an undue impact on the streetscape, as Ellesmere Street is very wide and the street verge does not seem to be dominated by cars that would rely on the width of the street.		

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

Other Implications	
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic	Nil.
Sustainability	Nil.
Financial/Budget	Nil.

COMMENTS:

In light of the above, it is recommended that the Council approve the reconsideration of condition (v) from the Planning Approval issued on 8 May 2008.

9.1.8 Development of Sustainable Residential Design Guidelines – Progress Report No. 2

Ward:	Both Wards	Date:	20 September 2010
Precinct:	All Precincts	File Ref:	PLA0209
Attachments:	-		
Reporting Officer(s):	A Fox, Planning Officer (Strategic)		
Checked/Endorsed by:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Progress Report No. 2 relating to the Development of Sustainable Residential Design Guidelines;*
- (ii) *AUTHORISES the Chief Executive Officer to register membership with the Green Building Council of Australia for a period of two years, at a cost of \$2,200 per financial year, following which time membership will be reviewed; and*
- (iii) *NOTES that the draft Sustainable Residential Design Guidelines and draft Sustainable Residential Design Policy will be tabled at the next meeting of the Sustainability Advisory Group for feedback and comment prior to it being presented to the Council for consideration.*

Moved Cr McGrath, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Cr McGrath, Seconded Cr Topelberg

That a new clause (iv) be inserted as follows:

- “(iv) REQUESTS the Chief Executive Office provide a report to the Council no later than 21 December 2010 on an appropriate incentive scheme for developers and architects to apply the Green Star Rating System and achieve a four star rating or higher. The Chief Executive Officer may seek the advice of the Sustainability Advisory Group on this matter.”*

Debate ensued.

AMENDMENT NO 1 PUT AND CARRIED (9-0)

Debate ensued.

AMENDMENT NO 2

Moved Cr Maier, Seconded Cr Lake

That a new clause (v) be inserted as follows:

- “(v) REQUESTS that the Chief Executive Officer investigates any opportunities that membership of the Green Building Council of Australia provides to assist in the education of practising professionals and the general community through tailored workshops.”*

Debate ensued.

AMENDMENT NO 2 PUT AND CARRIED (9-0)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 9.1.8

That the Council;

- (i) ***RECEIVES the Progress Report No. 2 relating to the Development of Sustainable Residential Design Guidelines;***
- (ii) ***AUTHORISES the Chief Executive Officer to register membership with the Green Building Council of Australia for a period of two years, at a cost of \$2,200 per financial year, following which time membership will be reviewed;***
- (iii) ***NOTES that the draft Sustainable Residential Design Guidelines and draft Sustainable Residential Design Policy will be tabled at the next meeting of the Sustainability Advisory Group for feedback and comment prior to it being presented to the Council for consideration; and***
- (iv) ***REQUESTS the Chief Executive Office:***
 - (a) ***provide a report to the Council no later than 21 December 2010 on an appropriate incentive scheme for developers and architects to apply the Green Star Rating System and achieve a four star rating or higher. The Chief Executive Officer may seek the advice of the Sustainability Advisory Group on this matter; and***
 - (b) ***investigates any opportunities that membership of the Green Building Council of Australia provides to assist in the education of practising professionals and the general community through tailored workshops.***

PURPOSE:

The purpose of this report is to present to the Council an update on the progress of the Town's draft Sustainable Residential Design Guidelines and provide a recommendation in relation to the Green Star Environmental Rating System of the Green Building Council of Australia.

The research into the Green Star Rating System has been undertaken in accordance with the resolution of the Council at its Ordinary Meeting held on 27 April 2010 in relation to Item 9.1.7 – Research into the Development of Sustainable Design Guidelines – Progress Report 1.

BACKGROUND:

The Council at its Ordinary Meeting held on 27 April 2010 considered the Progress Report No. 1 relating to the Development of Sustainable Design Guidelines and resolved as follows:

“That the Council;

- (i) ***RECEIVES the Progress Report No. 1 relating to Research into the Development of Sustainable Design Guidelines, together with the associated Attachments;***

- (ii) *AUTHORISES the Chief Executive Officer to further develop the existing sustainability portal on the Town's Website to provide information on Sustainable Building Design;*
- (iii) *REQUESTS the Chief Executive Officer to provide a report to the Council on the appropriateness of adopting the Green Star Environmental Rating System of the Green Building Council of Australia as a Scheme requirement for certain developments by August 2010;*
- (iv) *REQUESTS that the Sustainability Advisory Group investigate and make recommendations on the appropriateness of adopting the Green Star Environmental Rating System of the Green Building Council of Australia and ways to better promote sustainable building practices within the Town; and*
- (v) *AUTHORISES the Chief Executive Officer to write to the Western Australian Local Government Association (WALGA) asking that they consider working to develop model policies and/or guidelines to promote sustainable building design.*

DETAILS:

The Town's Officers have undertaken additional research in order to address the Council resolution of the Ordinary Meeting held on 27 April 2010. The following information addresses the above matters:

- (ii) *AUTHORISES the Chief Executive Officer to further develop the existing sustainability portal on the Town's Website to provide information on Sustainable Building Design;*

The Town's Officers have updated the 'Sustainability' section of the Town's website to include a link to the 'Your Home' website which offers technical advice for home buyers and renovators. 'Your Home' is a collaborative project of the government and the building and design industry. The link is <http://www.yourhome.gov.au/>.

The sustainability section of the Town's website currently contains information relating to but not limited to Travelsmart, water conservation, climate change, Vincent Wetlands Heritage Trail, energy smart homes, home energy audits and world environment news.

It is noted that the Town is in the process of redeveloping its website. An internal 'Web Design Working Group' has been working through issues relating to the requirements and development of the Town's new website. As part of this, all service areas within the Town will be involved in updating information relating specifically to their area. Sustainability will be one of the areas that will require review and update at this time.

- (iii) *REQUESTS the Chief Executive Officer to provide a report to the Council on the appropriateness of adopting the Green Star Environmental Rating System of the Green Building Council of Australia as a Scheme requirement for certain developments by August 2010;*

In the process of reviewing the Town Planning Scheme No. 1 the Town's Officers are continuing to investigate mechanisms to effectively incorporate sustainable design provisions into the Town Planning Scheme No. 2, and associated policies and guidelines.

The Town's Officers have been working towards developing draft *Sustainable Residential Design Policy* and *Sustainable Residential Design Guidelines* which will direct sustainable design at a local residential level. The draft Policy and Guidelines will be tabled at the next Sustainability Advisory Group meeting scheduled for 25 October 2010 for comment and feedback prior to being presented to the Council.

In relation to the Green Building Council of Australia's (GBCA) Green Star Rating System, it is understood that this system is geared predominately towards large scale commercial and multi-residential development. The Town's Officers have considered the appropriateness of mandating the Green Star Rating System through provisions in the existing Town Planning Scheme No. 1 and proposed Town Planning Scheme No. 2 for large scale development. At this stage, due to the additional specialised skill level and staff resources required to ensure that various initiatives have been implemented it is not considered appropriate at this time.

Notwithstanding this, it is noted that the Leederville Masterplan Design Guidelines requires that new development within the Masterplan area achieve the GBCA Green Star Rating as follows:

"The Town of Vincent is committed to ensuring that any new developments in Leederville meet best-practice standards for environmental sustainability. All new developments are required to demonstrate best practice ecologically sustainable design by achieving a minimum of 4 star 'best practice' under the Green Building Council of Australia (GBCA) rating system. Identified icon buildings are required to achieve a minimum 5 star GBCA rating."

- (iv) *REQUESTS that the Sustainability Advisory Group investigate and make recommendations on the appropriateness of adopting the Green Star Environmental Rating System of the Green Building Council of Australia and ways to better promote sustainable building practices within the Town.*

Green Building Council of Australia Membership:

On 24 June 2010, the Town's Sustainability Advisory Group (SAG) hosted an information forum on sustainable building and the Green Star Rating System. The forum was presented by the Western Australian representative from the GBCA.

At the meeting of the SAG, held on 19 July 2010, the Group discussed the appropriateness of the Town becoming a member of the Green Building Council of Australia (GBCA). At this time it was suggested that the Town should join the GBCA for a period of 2 years, following which continual membership will be reviewed. In relation to this, the following information is provided:

- Local Government Membership fee is \$2,200 per financial year.
- Membership with the GBCA would provide the following benefits to the Town:
 - Allow the Town to lead by example, in terms of promoting sustainable design;
 - On-going professional development by joining the Continuing Professional Development program;
 - Provide flow-on benefit through education of staff who will receive the latest and best knowledge of green building practices;
 - Discounts for events hosted by the GBCA, registration at Green Star Foundation courses and publications;
 - Discount for Green Star registration and certification should the Council wish to undertake Green Star rating certification for Town owned buildings (e.g. Leederville Masterplan);
 - Access to tailored in-house training courses which could be geared towards Council staff and/or developers/builders;
 - Access to practical Green Star environmental rating tools and support the development of new tools to assist the Town in green building initiatives; and
 - Networking opportunities for staff to gain access to green building advocates and experts through the attendance at GBCA run sustainability events.

The Town's Officers consider that membership to the GBCA would be most beneficial for the Town, particularly by giving greater opportunity for staff education through workshops, seminars and access to the latest resources; the potential to assist in the education of developers/builders and general community through tailored workshops; allowing the Town to be better placed to promote sustainable building design principles; and most importantly supporting the Town in leading by example, particularly for the proposed development in the Leederville Masterplan area.

Additionally, should the Town consider registration for the Green Star Rating System for existing or future Town owned buildings, membership to the GBCA would provide not only a reduction in the registration and certification fees, but also the necessary resources to better understand the process.

Notwithstanding this, the SAG did not support the Town mandating the Green Star Rating System within the Town Planning Scheme No 1 or proposed Town Planning Scheme No. 2 at this time.

- (v) *AUTHORISES the Chief Executive Officer to write to the Western Australian Local Government Association (WALGA) asking that they consider working to develop model policies and/or guidelines to promote sustainable building design.*

The Town wrote to WALGA on 3 May 2010 in relation to the above Council resolution. WALGA responded on 7 May 2010 with the following comments:

'In response to your request for advice on what WALGA considered to be a good working model policy and/or guidelines to promote sustainable building design, the Association has yet to formalise a policy position for the Local Government sector in this regard.

*However, the sustainability principles and performance outcomes that are enshrined within policy frameworks such as the Green Star rating system (as developed by the green Building Council of Australia) are ideologically aligned to the direction that WALGA would advocate for the Local Government Sector in Western Australia.
...'*

CONSULTATION/ADVERTISING:

Nil at this time.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 states:

"Natural and Built Environment

- Objective 1.1 Improve and maintain environment and infrastructure,*
- 1.1.2 Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision,*
 - 1.1.4 Minimise negative impacts on the community and environment,*
 - 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment."*

FINANCIAL/BUDGET IMPLICATIONS:

The current 2010/2011 Budget allocates \$10,000 for the “Strategic Planning and Heritage Publications and Promotions” account.

COMMENTS:

The Town’s Officers consider that, rather than enforcing the Green Star Rating System as a provision within the Town’s Town Planning Scheme No. 1 and proposed Town Planning at this point in time, the Town initially registers for membership with the Green Building Council of Australia for a two year period, to be reviewed following this period. Membership to the GBCA will be a valuable resource in staff education and provide a flow on effect to the green building practices of developers/builders and the Town’s residents generally.

It is considered that greater enforcement of sustainable design should be initiated from the State level, with the Town’s role at this time being predominately one of education, encouragement and leading by example. Membership with the GBCA is one way that can assist the Town in this regard. In addition, development of the Town’s new website will see considerably more emphasis on education and resources relating to sustainability, not just from a design point of view, but as a holistic approach to all areas of sustainability within the Town.

Additionally, the Town can provide direction and education through incorporating mechanisms to achieve sustainable objectives in their policies and guidelines. As an example, in the development of the *Sustainable Residential Design Policy* and *Sustainable Residential Design Guidelines*, the Town aims to take a proactive approach to sustainable planning and design. Rather than mandating sustainable design practices, the policy and guidelines will provide guidance on the principles of best practice energy efficient building design for residential dwellings. This policy and guidelines will be tabled at the next Sustainability Advisory Committee meeting scheduled for 25 October 2010.

9.1.9 Town of Cambridge – West Leederville Planning and Urban Design Study – Part 2 – Detailed Planning

Ward:	N/A	Date:	21 September 2010
Precinct:	N/A	File Ref:	ORG0016
Attachments:	001		
Reporting Officer:	E Lebbos, Strategic Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the Town of Cambridge – West Leederville Planning and Urban Design Study – Part 2 – Detailed Planning as shown in Attachment 001; and*
- (ii) *ADVISES the Town of Cambridge that the Town of Vincent SUPPORTS IN PRINCIPLE the West Leederville Planning and Urban Design Study – Part 2 – Detailed Planning and makes the following comments:*
 - (a) *Ensure that appropriate measures are taken to investigate whether transport infrastructure, utilities and services will be able to support the level of development proposed under the West Leederville Planning and Urban Design Study – Part 2 – Detailed Planning;*
 - (b) *Ensure recommendations of the Masterplan are consistent with Directions 2031 and Beyond – Metropolitan Planning Beyond the Horizon, which was formally adopted on 30 August 2010, and the associated draft Central Metropolitan Perth Sub – Regional Strategy, which is currently out for public comment until 29 November 2010, particularly as West Leederville has been identified as a District Centre; and*
 - (c) *In light of the close proximity of the West Leederville Study area to the Town of Vincent’s Leederville Masterplan, ensure that the planning and urban design outcomes of West Leederville are congruous to those identified in the Leederville Masterplan, in order to facilitate best practice planning and urban design outcomes for both areas.*

COUNCIL DECISION ITEM 9.1.9

Moved Cr Buckels, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an overview of the *West Leederville Planning and Urban Design Study – Part 2 – Detailed Planning* provided by the Town of Cambridge and provide comment to them.

BACKGROUND:

The Town of Cambridge has commissioned Consultants Chris Antill Planning & Urban Design, Max Margetts & Associates, Sinclair Knight Merz P/L, and Australian Property Consultants to prepare a Planning and Urban Design Study for West Leederville.

The Town received a formal invitation from the Town of Cambridge, dated 2 September 2010, requesting comment from the Town on the *West Leederville Planning and Urban Design Study – Part 2 – Detailed Planning*. The comment period closes on 1 October 2010.

DETAILS:

The West Leederville Study has been developed in two parts:

- Part 1 - Local Planning Strategy; and
- Part 2 - Detailed planning for key areas within the study area.

Part 1 of the West Leederville Study ‘Scenarios for Change’ was advertised for public comment in March 2009. The following three “scenarios” were examined:

- Modest Change;
- Targeted Change; and
- Significant Change.

The item was presented to the Council at its Ordinary Meeting held on 14 April 2009. The following was resolved:

“That the Council;

- (i) *RECEIVES the report relating to the Town of Cambridge West Leederville Planning and Urban Design Study; and*
- (ii) *AUTHORISES the Chief Executive Officer to notify the Town of Cambridge that the Town of Vincent SUPPORTS IN PRINCIPLE the intent and content of the West Leederville Planning and Urban Design Study as “Laid on the Table”, subject to the following recommendations being made with respect to the scenario selected;*
 - (a) *being cognisant of realistic feasibility of infrastructure, transport and public utility costs, to support proposed development and intensification of the area;*
 - (b) *being based on regular engagement with local business operators and local residents;*
 - (c) *should avoid encroachment of commercial uses into existing residential areas and ensure the amenity of these areas is not compromised; and*
 - (d) *should encourage development to a maximum of eight (8) storeys.”*

Following the closing of the consultation period, the Town of Cambridge adopted a strategy which combined the targeted and significant change scenarios. The following planning principles were identified as underpinning this proposed strategy for West Leederville:

- Access, Movement and Parking;
- Land Use;
- Built Form and Urban Design;
- Public Domain; and
- Sustainability.

The second part of the Study, *West Leederville Planning and Urban Design Study – Part 2 – Detailed Planning*, outlines how the strategy adopted in Part 1, can be achieved. The following five sub-precincts ('nodes') have been identified for more detailed study:

1. Cambridge 'High Street' Node;
2. Southport Street Node;
3. Leederville Station Link;
4. Community Node; and
5. Kerr Street to Abbotsford Street.

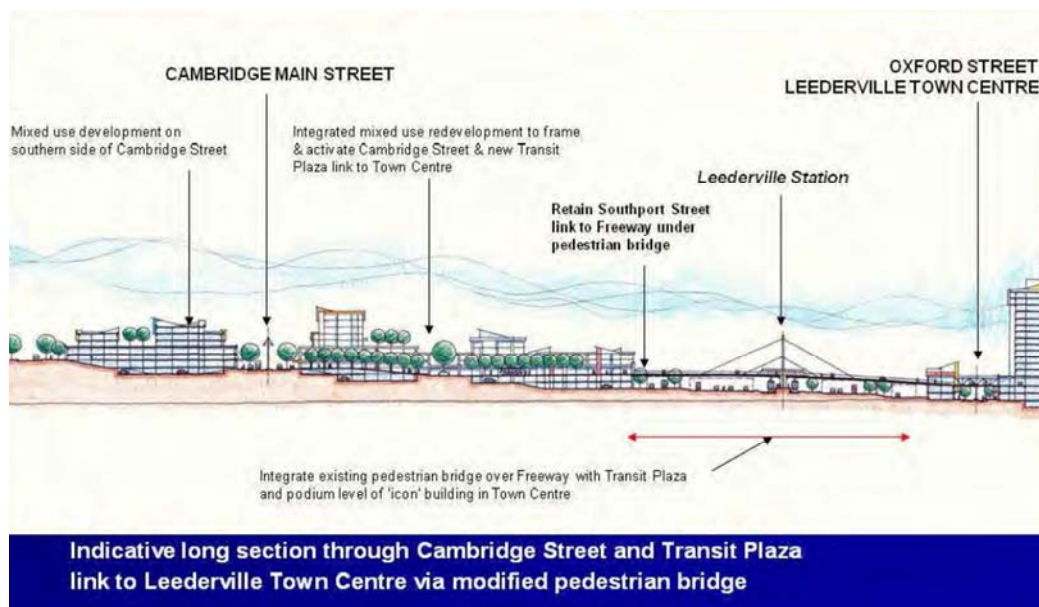
Indicative Development Plans have been prepared for each of the nodes (refer to Attachment 001) which illustrate how the planning and development principles adopted for West Leederville might be applied. Of particular interest to the Town of Vincent however, are the Indicative Development Plans relating to the Leederville Station Link node (the Indicative Development Plan – Leederville Station Link, and the Indicative Development Plan - Alternative Leederville Station Link).

This node has been identified as a highly important, strategically-located precinct which, if developed appropriately, could considerably reverse the severance effected by the construction of the Mitchell Freeway and railway, which separated the West Leederville community from Leederville. The Town of Cambridge Mayor has requested that the Town of Cambridge and the Town of Vincent investigate options to better integrate West Leederville and the Oxford Street Precinct via a joint study. Following recent discussion between the Town of Vincent and the Town of Cambridge, it was agreed that it would be mutually beneficial to work together for the integration of West Leederville and Oxford Street. As per Agenda Item No. 9.4.6, it is estimated that the cost to the Town in undertaking a joint study with the Town of Cambridge would be \$40,000, to be funded from the Leederville Masterplan Consultancy Budget.

According to the *West Leederville Planning and Urban Design Study – Part 2 – Detailed Planning*, the desired future character of this node '*shall be developed as a high density, mixed use TOD community, with a direct, safe and comfortable pedestrian and public transit link to the Leederville railway station and Town Centre.*'

The Town of Cambridge envisage that the careful siting and planning of new developments and redevelopments within the Leederville Station Link node will over time, gradually enable a direct and level access route to be constructed between buildings to link Cambridge Street with the Leederville Station and the original town centre of Leederville. Although initially it is envisaged that this link will only be available to pedestrians, and possibly buses, there is the potential to eventually incorporate light rail also.

The following graphic illustrates how proposed developments will activate Cambridge Street, and work with the existing topography to provide pedestrians with a flat, direct route from Cambridge Street through the proposed Transit Plaza, and across the pedestrian/bus bridge to the Leederville Train Station and Oxford Street:



Preferred uses for this node include the following:

- *'Appropriate TOD uses throughout the precinct;*
- *Stand-alone residential developments;*
- *Cafes, especially with al fresco facilities;*
- *Retail at ground level along Cambridge Street in a "main street" configuration;*
- *Retail or other commercial at ground level along Southport Street;*
- *Combined business and residential developments;*
- *Transit plaza and associated infrastructure; and*
- *Appropriately managed car parking incorporating dwell time limits and a fee regime.'*

Proposed Development Controls for this node include:

- *'Height limit: Minimum of 2-3 storeys, maximum 8 storeys, with approval for an additional two storeys possible for development along Cambridge Street if certain public benefits achieved, such as the provision of pedestrian and public transport links, public car parking and public spaces as generally described and illustrated in the attached Indicative Development Plan;*
- *Height limit for new development north of the proposed loop road and backing on to Tower Street residential properties to be 3 storeys. New development to be set back from the rear property boundaries of the Tower Street lots a minimum of 6 metres; and*
- *Ground floor to first floor height shall be a minimum of 3.2 metres with a minimum floor to ceiling clearance of 3.0 metres to provide for commercial tenancies...'*

In general, it is considered that the Indicative Development Plan for the Leederville Station Link, along with the preferred uses and proposed development controls as outlined above, will compliment and enhance the Leederville Masterplan through encouraging pedestrian and public transport linkages between the Town of Vincent and the Town of Cambridge via the Leederville Station Link.

In particular, the Town of Vincent is supportive of the extension of the Route 97 bus (refer to page 10 of Attachment 001), which would improve the linkages between the West Leederville and Leederville Train Stations and the Leederville Town Centre. The extension of the bus route would create highly valued linkages between the northern and Fremantle train lines, which could minimise the need to travel into the City Centre in order to change train lines.

Furthermore, it is considered that the scale, intensity and mix of uses in general for this precinct/node, as well as for the additional four precincts/nodes listed above, will ultimately attract an increased amount of patrons and activity to Leederville.

It is noted that in addition to the Indicative Development Plans for the five sub-precincts, the *West Leederville Planning and Urban Design Study – Part 2 – Detailed Planning* outlines proposed future land use and zoning changes for the area (refer to Attachment 001). The Town of Cambridge will be required to initiate an Amendment to their Town Planning Scheme No. 1, to incorporate these necessary land use and zoning changes, which will be accompanied by design guidelines to control built form outcomes.

CONSULTATION/ADVERTISING:

The Town of Cambridge is currently advertising the *West Leederville Planning and Urban Design Study – Part 2 – Detailed Planning* for public comment, which closes on 1 October 2010.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

The Town of Vincent Strategic Plan 2009-2014 states;

Economic Development

2.1 Progress economic development with adequate financial resources

2.1.2 Develop and promote partnerships and alliances with key stakeholders’.

SUSTAINABILITY IMPLICATIONS:

As mentioned in the ‘Details’ Section above, one of the five underlying planning principles underpinning the proposed planning strategy for West Leederville relates to ‘sustainability’. The main objectives outlined under this planning principle relate to the triple bottom line (social, economic and environmental) aspects of sustainability as follows:

- *‘Promote environmentally sustainable practices, including resource efficiency...at all stages of development...;*
- *Provide sufficient land for local employment opportunities and to support local and regional economic growth;*
- *Expand sustainable and efficient public transport options to reduce excessive private vehicle trips;*
- *Ensure timely provision of services and facilities that are equitable, durable, accessible and of a high quality and that promote community well-being and health;*
- *Promote a range of housing choices...to ensure a diverse population can be housed; and*
- *Design buildings to be adaptable and to accommodate changes in land use or additions expected over time.’*

FINANCIAL/BUDGET IMPLICATIONS:

Following recent discussion between the Town of Vincent and the Town of Cambridge, it was agreed that it would be mutually beneficial to work together for the integration of West Leederville and Oxford Street. It is estimated that the cost to the Town in undertaking a joint study with the Town of Cambridge, relating to the link between West Leederville and Oxford Street, would be \$40,000, to be (shared 50% each) and be funded from the Leederville Masterplan Consultancy Budget.

COMMENTS:

Given the close proximity of West Leederville to the Town of Vincent’s Leederville Masterplan, and its status as a ‘District Centre’, as identified in *Directions 2031*, it is consistent with best planning practice for the Town of Cambridge to commence the redevelopment of West Leederville, particularly in light of the strong focus on appropriate forms of development around Transport Nodes as outlined in *Directions 2031*.

Furthermore, the redevelopment of West Leederville is consistent with best practice urban design principles for infill projects, as outlined in the draft Central Metropolitan Perth Sub – Regional Strategy.

Overall, the *West Leederville Planning and Urban Design Study – Part 2 – Detailed Planning* is considered a sound planning document that addresses current best practice planning through its employment of a combination of planning/urban design principles, including enhancing ‘Mainstreet’ principles, improving pedestrian amenity, and promoting Transit Oriented Development. Furthermore, the *West Leederville Planning and Urban Design Study – Part 2 – Detailed Planning* has built on the attributes of the area, including the Leederville Train Station, and has factored in the Town of Vincent Leederville Masterplan, which may ultimately attract an increased amount of patrons and activity to the Leederville Masterplan area.

In light of the above, it is recommended that the Council adopt the Officer Recommendation and forward the Town’s comments and a copy of this report to the Town of Cambridge for their consideration.

9.2.3 Right of Way Bounded By Chatsworth Road, William, Lincoln and Harley Streets, Highgate - Proposed Naming

Ward:	South	Date:	22 September 2010
Precinct:	Hyde Park Precinct (P12)	File Ref:	TES0274
Attachments:	001		
Reporting Officer:	A Munyard, Senior Technical Officer (Land and Development)		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council

- (i) *APPROVES the application of the name "Marocchi Lane" to the right of way Bounded by Chatsworth Road, William, Lincoln and Harley Streets, Highgate, as illustrated on the attached Plan, subject to payment from the applicant for the supply and installation of the street nameplates being received; and*
- (ii) *ADVISES the;*
 - (a) *applicant that payment of \$350 (incl GST) for the supply and erection of two (2) poles and street nameplates shall be received prior to the matter progressing further; and*
 - (b) *Geographic Names Committee and all residents adjoining the right of way of its decision once payment, as outlined in clause (ii)(a), has been received.*

Moved Cr Topelberg, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

Cr Farrell departed the Chamber at 8.24pm.

Debate ensued.

Cr Farrell returned to the Chamber at 8.25pm.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Farrell

That the recommendation be amended to read as follows:

“That the Council

- (i) *APPROVES the application of the name "Marocchi Lane" to the right of way Bounded by Chatsworth Road, William, Lincoln and Harley Streets, Highgate, as illustrated on the attached Plan, ~~subject to payment from the applicant for the supply and installation of the street nameplates being received; and~~*

(ii) *ADVISES the;*

~~(a) — applicant that payment of \$350 (incl GST) for the supply and erection of two (2) poles and street nameplates shall be received prior to the matter progressing further; and~~

~~(b) — Geographic Names Committee and all residents adjoining the right of way of its decision. once payment, as outlined in clause (ii)(a), has been received.”~~

AMENDMENT PUT AND CARRIED (9-0)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 9.2.3

That the Council

(i) *APPROVES the application of the name "Marocchi Lane" to the right of way Bounded by Chatsworth Road, William, Lincoln and Harley Streets, Highgate, as illustrated on the attached Plan; and*

(ii) *ADVISES the Geographic Names Committee and all residents adjoining the right of way of its decision.*

Note: The Council noted that Mrs Marocchi was a Town of Vincent Citizen of the Year in 2008 and as a gesture of goodwill, deleted the requirement for any payment for the pole and street nameplates.

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval for the naming of the private right of way (ROW) Bounded By Chatsworth Road, William, Lincoln and Harley Streets, Highgate.

BACKGROUND:

The Town has, through its ROW naming and lighting program previously named those ROWs which are dedicated as public roads. The naming of other ROWs is facilitated upon the request from residents, provided the cost of installing name plates is borne by the applicant and the name is approved by the Council and Landgate's Geographic Names Committee.

Naming of ROWs has a number of positive outcomes for adjacent residents. Once approved by the Geographic Names Committee, ROW names are included in the Streetsmart guide, and are therefore identifiable to FESA, should their attendance be necessary, and to the public in general.

DETAILS:

The Town has received an application for the naming of a ROW bounded by Chatsworth Road, William, Lincoln and Harley Streets. The name "*Marocchi Lane*" has been proposed, in honour of the late Mrs Doris Marocchi, whose family still reside in their home adjacent to the ROW. Mrs Marocchi passed away in March 2010.

Mrs Marocchi was active in community and sporting groups for over 50 years. In 2008 she was the recipient of the Premier's Active Citizenship Award. The following is an extract from the Town's Newsletter, at the time the award was announced:

"Doris Marocchi of Highgate has been outstanding in her contribution to the Italian community and sports (namely soccer). She has been actively involved in these areas for over forty years.

After joining the WA Italian Club in 1949 Doris worked tirelessly on committees organising functions and fundraising events and in the 1980s and 1990s Doris was involved in services and events for the senior members of the Club such as craft afternoons, bingo nights, Christmas parties, dinner dances and bus day trips.

Doris's association with the Azzurri Soccer Club began in 1948 and throughout the years she provided a service to the Club and the promotion of soccer within WA. In 1980 Doris joined the Good Neighbour Council and in this capacity she visited the homes of newly arrived migrants and provided assistance in everyday matters of Australian life. Premier's Australia Day."

The applicant considers that the naming of the ROW "Marocchi Lane" is a fitting tribute to Mrs Marocchi and her considerable contribution to her community. The Town strongly supports the application of names to ROWs, which honour its outstanding citizens (refer attached plan).

The Geographic Names Committee has advised that the name meets with all its guidelines and can be applied subject to the Council's approval.

CONSULTATION/ADVERTISING:

Consultation regarding ROW, road or place names is not usually undertaken. Such naming is based on the decision of the Council together with the approval of the Geographic Names Committee.

LEGAL/POLICY:

There are no legal implications to naming the ROWs.

SUSTAINABILITY IMPLICATIONS:

N/A

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"(a) implement adopted annual infrastructure upgrade programs, including streetscape enhancements, footpaths, rights of way, car parking and roads."*

FINANCIAL/BUDGET IMPLICATIONS:

The cost to erect two (2) poles and street nameplates in the ROW will cost \$350 (incl GST). The family of the late Mrs Marocchi have given an undertaking to pay the costs of manufacture and installation of the street nameplates.

COMMENTS:

Naming of ROWs is a wonderful opportunity to recognise the significant contributions residents have made to the development of the Town. It is recommended that the Council approve the application of the name "Marocchi Lane" to the ROW.

9.3.3 Physical Activity Strategic Plan Update

Ward:	Both	Date:	20 September
Precinct:	All	File Ref:	CMS0084
Attachments:	001 ; 002		
Reporting Officer:	J Bennett, Acting Manager Community Development		
Responsible Officer:	J Anthony, Acting Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council RECEIVES the report relating to the adoption of the Physical Activity Strategic Plan, the Parks and Reserve Strategy/Recreational Needs Analysis and the Playground Upgrade Program.

COUNCIL DECISION ITEM 9.3.3

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

PROCEDURAL MOTION

Moved Cr Maier, Seconded Cr McGrath

That the item be DEFERRED to enable a report that is consistent with the original request to be presented.

PROCEDURAL MOTION PUT AND CARRIED (7-2)

For: Cr Buckels, Cr Farrell, Cr Harvey, Cr Lake, Cr McGrath, Cr Maier, Cr Topelberg
Against: Mayor Catania, Cr Burns

PURPOSE OF REPORT:

The purpose of the report is to update the Council on any changes that will be made in the Town's parks and recreation areas over a five year period commencing 2010/2011, as a result of adoption of the Physical Activity Strategic Plan, the Parks and Reserve Strategy/Recreational Needs Analysis and the Playground Upgrade Program.

BACKGROUND:

Under the Delegated Authority Reports 16 December 2009 – 8 February 2010 the following resolution was adopted.

“That the Council;

- (i) NOTES the community consultation submissions on the Physical Activity Strategic Plan 2009-2013;*
- (ii) ADOPTS the strategies and timelines as recommended in the Physical Activity Strategic Plan 2009-2013; and*

- (iii) *REQUESTS a report by April 2010 detailing the five year (5) program commencing in 2010/2011, of changes that will be implemented in each of the Town's parks and recreation areas as a result of the adoption of the 'Physical Activity Strategic Plan' in the 'Parks and Reserve Strategy/Recreational Needs Analysis' and the 'Playground Upgrade Program'.*

DETAILS:

In accordance with the Council resolution, a range of strategies from the Physical Activity Strategic Plan 2009-2013 have been initiated.

The impact in parks and reserves has been significant with the opening of Town of Vincent Wetlands Heritage Trail and the beginning of promotion and use of this Trail. Installation of Outdoor Gym equipment is seen as an enhancement to travelling on the trail and also for use in local parks.

At the Ordinary Meeting of Council 11 August 2009 the purchase and installation of Outdoor Exercise Equipment was approved. This positioning and installation of the equipment was in line with recommendations made from the Physical Activity Strategic Plan and to date equipment has been installed in the following areas:

- Hyde Park – 10 items of Life Trail Equipment, this equipment targets increasing physical activity and wellness in older adults;
- Charles Veryard Reserve – 2 items Outdoor Gym Equipment;
- Beatty Park Reserve – 2 items Outdoor Gym Equipment;
- Les Lilleyman Reserve – 2 items Outdoor Gym Equipment; and
- Forrest Park – 2 items of Outdoor Gym Equipment.

The Wetlands Heritage Trail was officially opened on Sunday 17 January in Hyde Park. The trail stretches across 7km from Charles Veryard to Banks Reserve. It will form an exciting infrastructure backbone for physical activity, nature, heritage and cultural appreciation.

The Trail opening provided the opportunity to launch the Wild Wetlands program which encourages families and community members to be active in their local parks. This program was supported with a grant of \$29,550 from the Department of Environment and Conservation. The launch was opened with a traditional Welcome to Country and Smoking Ceremony. There were displays from a range of community groups and activities including reptile handling, aboriginal story telling, stone painting, bird and local history walks. The Wild Wetlands program has continued with activities in the Autumn School Holidays.

These programs provide ongoing opportunities to encourage people to be physically active and appreciate the natural environment of their local parks.

In addition in accordance with the Parks and Reserves Strategy/Recreational Needs Analysis the following projects have been completed to significantly enhance the recreational opportunities in the Town.

Redevelopment of Britannia Reserve Clubrooms to meet the needs of the local community. This included the creation of additional secure storage, the rationalisation of the changing rooms and the enhancement of the kitchen, toilets and club room. Also a large patio was added to provide a sheltered spectator area. An upgrade was made to the adjacent playground transforming this into a family friendly facility.

Forrest Park Pavilion has recently been redeveloped and completed to ensure that there is adequate space to accommodate the range of sporting and community requirements undertaken on the reserve. This has resulted in two change rooms, a small club area and refurbished playgroup facilities. Outdoor gym equipment, signage and additional lighting has been installed to enhance the informal use of the reserve for activities such as dog walking.

Playgrounds have been upgraded in line with the playground upgrade program along with the implementation of a the barbeque upgrade program that has installed and replaced barbeques in local parks.

Attached is an outline of the ongoing planned changes according to each park area and the implementation schedule for further physical activity initiatives.

CONSULTATION/ADVERTISING:

Extensive consultation was undertaken for the Physical Activity Strategic Plan and ongoing projects will incorporate input from key stakeholders.

LEGAL/POLICY:

As strategies are initiated there may be policy changes required.

STRATEGIC IMPLICATIONS:

In accordance with the Town's Plan for the Future, Strategic Plan 2009 - 2014, objectives:

- “1.1 Improve and maintain the environment and infrastructure;*
- 1.1.5 Enhance and maintain parks, landscaping and community facilities:*
 - (b) Continue to implement infrastructure improvements for public open space, including the Wetlands Heritage Trail and the Greenway Plan.*
- 3.1 Enhance community development and wellbeing:*
 - 3.1.1 Celebrate and acknowledge the Town's cultural and social diversity*
 - (h) Deliver a range of leisure programs to encourage structured and unstructured recreation in the community.”*

SUSTAINABILITY IMPLICATIONS:

The initiatives highlighted are in line with the Sustainable Environment Plan 2007 – 2012.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$17,000 is allocated in the 2010/11 Budget to continue the strategies of the Physical Activity Strategic Plan.

COMMENTS:

The Physical Activity Strategic Plan is being implemented in an ongoing manner. The installation of freely accessible fitness options through the Wetlands Heritage Trail and Outdoor Gym Equipment will give access to new physical activity options to a broad cross section of the community.

The ongoing upgrade of playground equipment will provide improved play spaces for families and children across the Town.

The Presiding Member advised that Cr Maier had declared a financial interest in Item 9.4.1. Cr Maier departed the Chamber at 8.35pm and did not speak or vote on this matter.

9.4.1 Motion to Change Part of the Council Decision relating to the Review of Policy No. 4.2.7 – Council Members – Allowances, Fees and Reimbursements of Expenses and Policy No. 4.1.16 – Vehicle Management

Ward:	-	Date:	22 September 2010
Precinct:	-	File Ref:	ADM0094/ADM0023
Attachments:	001 ; 002		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

CORRECTED OFFICER RECOMMENDATION:

That;

(i) *the Council NOTES:*

(a) *that at the Ordinary Meeting of Council held on 12 May 2009 (Item 9.4.3) it resolved as follows:*

“That the Council APPROVES BY AN ABSOLUTE MAJORITY the financial support that will be provided to Council Members through the payment of allowances, fees and reimbursement of expenses incurred and insurance cover while performing their official functions and duties of office as detailed in Policy 4.2.7 - "Council Member - Allowances, Fees and Re-imbusement of Expenses" (as shown in Appendix 9.4.3), for the period 1 July 2009-30 June 2011, subject to clause 2.2 of Policy No 4.2.7 being amended to read as follows:

“2.2 (a) All lease costs, insurance, vehicle registration costs shall be paid by the Town.

(b) Clause 2.2(a) is subject to the Mayor claiming no expense allowances under this Policy other than mobile phone and call costs specified in Policy Clause 3.4 – Mobile Phone. only claiming;

(i) ~~mobile phone and call costs specified in Policy Clause 3.4 – Mobile Phone.~~”

(b) *that at the Ordinary Meeting of Council held on 10 June 2008 (Item 10.4.3) it resolved in part as follows:*

“That the Council APPROVES of the following;

(i) Policies to be AMENDED as shown in Appendix 10.4.3;

...(c) 4.1.16 – Vehicle Management; and”

(ii) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(1)(e) of the Local Government Act 1995, three Council Members, namely Mayor Nick Catania, Councillor Steed Farrell and Councillor Joshua Topelberg, being one third of the number of offices of members of the Council, SUPPORT this motion to change the Council decision;*

(iii) *Councillor Steed Farrell MOVES a motion to CHANGE part of the decision by amending clause 2 of Policy No. 4.2.7 adopted at the Ordinary Meeting of Council held on 12 May 2009 (as above) and clause (i)(c) adopted at the Ordinary Meeting of Council held on 10 June 2008;*

- (iv) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(1)(e) of the Local Government Act 1995 the Council APPROVES BY AN ABSOLUTE MAJORITY that clauses 1.3 and 2 of Policy No. 4.2.7 adopted at the Ordinary Meeting of Council held on 12 May 2009 (as above) be RESCINDED and clause (i)(c) adopted at the Ordinary Meeting of Council held on 10 June 2008 be CHANGED to delete all reference to "Mayoral Vehicle" in the Policy;*
- (v) *APPROVES BY AN ABSOLUTE MAJORITY, in accordance with the provisions of:*
- (a) *Section 5.98(5) of the Local Government Act 1995, to AMEND the Local Government Allowance paid to the Office of the Mayor to be set at \$60,000 per annum paid prorata for the period 29 September 2010 to 30 June 2011;*
- (b) *Section 5.98A of the Local Government Act 1995, to AMEND the Local Government Allowance paid to the Office of the Deputy Mayor to be set at 25% of that paid to the Office of the Mayor (\$15,000); and*
- (c) *Section 102 of the Local Government Act 1995 to CANCEL the current discretionary Allowances for the Office of the Mayor for the provision of a mobile telephone, vehicle car kit and miscellaneous expenses effective from 29 October 2010;*
- (vi) *subject to clause (v) above being approved, APPROVES BY AN ABSOLUTE MAJORITY to AMEND the following Policies:*
- (a) *No. 4.2.7 – Council Members – Allowances, Fees and Reimbursements of Expenses, as shown in Appendix 9.4.1A; and*
- (b) *No. 4.1.16 – Vehicle Management, to delete all reference to the provision of a vehicle for the Office of the Mayor, as shown in Appendix 9.4.1B; and*
- (vii) *subject to clause (v) and (vi) above being approved, DOES NOT advertise the amended Policies for community consultation for the following reasons:*
- (a) *there are significant financial cost savings and/or no financial imposition to the Town; and*
- (b) *there is no impact on the community if the changes are approved.*

***Note: The above heading and corrected Officer Recommendation was distributed prior to the meeting.**

Cr Lake departed the Chamber at 8.36pm.

COUNCIL DECISION ITEM 9.4.1

Moved Cr Farrell, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr McGrath, Seconded Cr Buckels

That clause (vii) be deleted.

Debate ensued.

AMENDMENT PUT AND LOST (2-5)

For: Cr Buckels, Cr McGrath

Against: Mayor Catania, Cr Burns, Cr Farrell, Cr Harvey, Cr Topelberg

(Cr Lake and Cr Maier were absent from the Chamber and did not vote on this matter.)

Debate ensued.

Cr Buckels requested that clause (vii)(a) be changed to read as follows:

“(vii)(a) there are significant financial cost savings and/or no financial imposition to the Town; and”

There was no objection to this request. The Presiding Member, Mayor Nick Catania asked that the change be made.

MOTION (as changed) PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (7-0)

(Cr Lake and Cr Maier were absent from the Chamber and did not vote on this matter.)

Cr Lake and Cr Maier returned to the Chamber at 8.50pm. The Presiding Member, Mayor Nick Catania advised that the item was carried.

ADDITIONAL INFORMATION:

Advice has been sought from the Department of Local Government concerning this matter including whether a Procedural Recession Motion is required. The Department has advised that to avoid any doubt, the Procedural Recession Motion should form part of the Officer Recommendation.

“2. *MAYORAL VEHICLE*

****The Office of the Mayor will not be provided with a vehicle, as the Council has resolved to increase the Mayoral Allowance to the maximum permissible amount.***

(* Adopted at OMC 28 September 2010.)

If the Mayor so requests;

2.1 — A fully serviced and maintained vehicle will be available for the term of the Mayor for the Mayor's use as chosen by the Mayor (in liaison with the Chief Executive Officer) up to the standard of that provided to the Chief Executive Officer. The Chief Executive Officer (in liaison with the Mayor) is authorised to negotiate the most suitable and cost effective vehicle purchase or lease contract.

2.2 — (a) — All lease costs, insurance, vehicle registration costs shall be paid by the Town.

(b) — Clause 2.2(a) is subject to the Mayor claiming no expense allowances under this Policy other than mobile phone and call costs specified in Policy Clause 3.4 — Mobile Phone.

2.3 — The Mayor shall be entitled to reimbursement of fuel costs to a maximum value of \$83* per week, to a maximum of \$3,164* per annum (also see Policy No. 4.1.16 clause 5.1.3(c)).

(* Indexed by CPI on 1 July of each year — includes 2010 increase)”

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval to amend Policy No. 4.2.7 - Council Members – Allowances, Fees and Reimbursements of Expenses and Policy No. 4.1.16 – Vehicle Management, which will result in financial cost savings to the Town.

BACKGROUND:

The vehicle provided for the Office of the Mayor expires on 28 October 2010. In reviewing the matter, a number of issues have arisen, as detailed in this report.

The matter has been discussed with the Mayor, who has agreed that consideration should be given to reviewing the matter. He is agreeable to the proposal to recommend an increase in the level of remuneration provided to of the Office of the Mayor. If approved by the Council, the Mayor will then be entitled to use the Mayoral Allowance at his discretion. However, he would be totally responsible for the provision of a vehicle either lease or purchase, and all other discretionary expenses (provision of a mobile phone, payment of mobile phone calls, Christmas cards etc).

As there are significant cost savings to the Town, the matter should be considered by the Council.

Allowances

The Local Government Act 1995 and associated Administration Regulations prescribe allowances that may be paid to Council Members. The allowances may comprise meeting attendance fees, reimbursement of expenses and an allowance for the Mayor and Deputy Mayor.

Council Members – Allowances, Fees and Reimbursements of Expenses

At its meeting held on 12 May 2009, the Council considered the matter of Council Member Expenses, Fees and Allowances and resolved (in part) as follows:

1.1 Meeting Attendance Fees

The Mayor and Councillors shall be entitled to an annual meeting attendance fee as follows, which is provided on the principle that each Council Member regularly attends meetings of Council (and committees, where appropriate) to which they are appointed and carry out other responsibilities of the office;

Mayor: \$14,000
Councillors: \$ 7,000

1.2 Mayoral Allowance

The Mayor shall be entitled to an annual local government allowance at a rate of 0.002 of the Council's operating revenue, (Section 5.98, Regulation 33 of Local Government (Administration) Regulations 1996, to a maximum of \$60,000. (Currently \$47,280).

1.3 Deputy Mayoral Allowance

The Deputy Mayor shall be entitled to an annual local government allowance equivalent to 25% of the Mayoral Allowance. (Section 5.98A, Regulation 33A of Local Government (Administration) Regulations 1996).” (Currently \$11,820).

If the Council approves of the change to the Mayoral allowance, it would also need to determine the amount paid to the Deputy Mayor, which is currently set at 25% of the Mayoral Allowance. It is recommended that the current amount remain the same percentage of 25% of the maximum Mayoral Allowance (i.e. \$60,000). This would mean that the current amount of \$11,820 would increase to \$15,000 (25%). (For information, \$11,820 equates to 19.7%). Alternatively, the current amount of \$11,820 could remain the same.

Provision of Vehicle for the Office of the Mayor

Since the inception of the Town, until a vehicle was provided in the 2002/03 financial year, the Office of the Mayor claimed travelling and mileage allowance, in accordance with the provision of the Local Government Act and Regulations.

At the Ordinary Meeting of Council held on 8 July 2003 (Item 10.4.2), the Council approved of the provision of a vehicle for the Office of the Mayor. On 12 May 2009 the Council amended its Policy No. 4.2.7 – Council Members – Allowances, Fees and Reimbursements of Expenses to read as follows:

“2. MAYORAL VEHICLE

If the Mayor so requests;

- 2.1 *A fully serviced and maintained vehicle will be available for the term of the Mayor for the Mayor's use as chosen by the Mayor (in liaison with the Chief Executive Officer) up to the standard of that provided to the Chief Executive Officer. The Chief Executive Officer (in liaison with the Mayor) is authorised to negotiate the most suitable and cost effective vehicle purchase or lease contract.*
- 2.2
 - (a) *All lease costs, insurance, vehicle registration costs shall be paid by the Town.*
 - (b) *Clause 2.2(a) is subject to the Mayor claiming no expense allowances under this Policy other than mobile phone and call costs specified in Policy Clause 3.4 – Mobile Phone.*
- 2.3 *The Mayor shall be entitled to reimbursement of fuel costs to a maximum value of \$83* per week, to a maximum of \$3,164* per annum (also see Policy No. 4.1.16 clause 5.1.3(c)).
(* Indexed by CPI on 1 July of each year – includes 2010 increase)”*

Expiry of "Operating Lease" for Mayor's Vehicle:

The operating lease for the Mayor's existing Ford Falcon G6E vehicle expires on 28 October 2010. If required, this can be extended on a monthly basis until 31 December 2010, at the current least a cost of \$1,107 per month (excl. GST).

Current Lease Payment:

The current monthly lease payments for the Mayor's vehicle are \$1,217.78 (incl GST) each month for Mayor's car - **\$1,107 (excl GST)**. This was based on a purchase price of the vehicle of \$38,500 two (2) years ago.

Request for new Lease:

The Mayor has recently requested that the Town investigates a new Lease. As the Mayor's term expires in October 2011 (in one year's time). He has requested that the Town also investigates different types of vehicles.

Vehicle Management Policy - Policy 4.1.16:

In accordance with the Town's Vehicle Management Policy (Category 1: "Senior Employees/Mayor") the specified vehicle is either the Ford Falcon LPG "G6E" series/ Holden Calais (LPG) or equivalent standard of vehicle as per WA Government Fleet Policy Contribution Category Rate C Class *Executive 2*.

Policy 4.2.7: Council Member – Allowances, Fees and Re-Imbursement of Expenses

Policy 4.2.7 regarding the Mayoral Vehicle states at clause 2.1 that 'if the Mayor so requests a fully serviced and maintained vehicle will be available for the term of the Mayor for the Mayor's use as chosen by the Mayor (in liaison with the Chief Executive Officer) up to the standard of that provided to the Chief Executive Officer. The Chief Executive Officer (in liaison with the Mayor) is authorised to negotiate the most suitable and cost effective vehicle purchase or lease contract'.

Further, Clause 2.2(a) of the policy states that "*all lease costs, insurance, vehicle registration costs shall be paid by the Town*".

Chief Executive Officer's Vehicle

The current vehicle used by the Chief Executive Officer is a Ford 6GE LPG – current purchase price of \$38,904 (excluding GST).

DETAILS:

In addition to the meeting fees and allowances paid to all Council Members (\$7,000 to Councillors and \$14,000 to the Mayor), the Council's policy currently prescribes the following payments:

- (i) telecommunication – telephone and facsimile machine rental charges, internet*, set up and expenses;
- (ii) *to assist with accessibility and availability, the Mayor and Councillors are provided with a fully maintained mobile telephone (approximate annual cost \$9,200). The cost of a phone is \$495 (approx) and the Mayor's mobile phone calls for the previous 12 months is \$2,018.71;
- (iii) travelling expenses;
- (iv) childcare costs;

- (v) conferences and seminars;
 - (vi) insurance;
 - (vii) *consumables and stationery; and
 - (viii) *miscellaneous expenses (these include home office desk and chair, drycleaning, satchel, hire of dinner suit/formal dresses, 50 Christmas cards).
- (* discretionary expenses.)

The majority of all Council Member fees and allowances already adopted by the Council have been set at the maximum allowable rather than at a nominated sum, so that the allowances may be adjusted in accordance with any legislative changes introduced by the State Government from time to time, rather than by Council decision.

Office of the Mayor Discretionary Expenses

Should the Council consider an increase in the Mayoral Allowance to the maximum amount permitted in accordance with the Regulations, the total sum of \$60,000 must incorporate the other “discretionary expenses” detailed above.

Annual expenditure currently incurred as “discretionary expenses” is as follows:

Actual vehicle lease cost for 12 months	\$13,284
Actual vehicle registration	\$250
Actual vehicle operating costs, repairs & maintenance	\$2,650
Actual vehicle fuel	\$1,700
Actual vehicle insurance	\$305
Actual subtotal annual cost	\$18,189
Mobile telephone and calls	\$2,513
Total	\$20,702

It should be noted that the only expenses claimed by the Mayor relate to his mobile phone and calls. If this matter is approved by the Council, the discretionary allowances would be cancelled, effective from the day after expiry of the vehicle lease (i.e. 29 October 2010). The Office of the Mayor would be entitled to claim travel costs, as per the Local Government Act 1995.

Comparison with Other Local Governments

A survey of other metropolitan and several major regional Local Governments has been carried out. At the time of writing this report, the following responses have been received.

Local Government	Mayoral Allowance	Deputy Mayor Allowance	Vehicle Provided by Local Government
Armadale	\$60,000*	\$15,000	Yes
Belmont	\$48,488	\$10,147	Yes
Bunbury	\$60,000*	\$15,000	Yes
Cambridge	\$60,000	\$6,000	No
Cockburn	\$60,000	\$15,000	No
Geraldton-Greenough	\$60,000	\$15,000	No
Gosnells	\$60,000	\$15,000	No
Kwinana	\$60,000	\$15,000	No

Local Government	Mayoral Allowance	Deputy Mayor Allowance	Vehicle Provided by Local Government
Mandurah	\$50,000	\$12,500	Yes
Melville	\$60,000	\$15,000	No
Nedlands	\$39,730	\$9,930	No
Rockingham	\$60,000	\$15,000	No
South Perth	\$50,000	\$12,500	Yes
Swan	\$53,000	\$13,500	No
Subiaco	\$26,000	\$3,000	No
Victoria Park	\$48,500	\$12,500	Yes
Vincent	\$47,280	\$11,820	Yes

* Includes vehicle & operating expenses.

Town of Cambridge

On 24 November 2009 the Town of Cambridge resolved to pay their Office of the Mayor the maximum allowance of \$60,000, subject to all discretionary allowances being cancelled.

CONSULTATION/ADVERTISING:

It is the Council's normal practice to advertise significant changes to its current policies for a period of 21 days. The Chief Executive Officer recommends that the changes to the policies not be advertised for the following reasons:

1. there are significant financial cost savings to the Town of almost per \$8,000 annum; and
2. there is no impact on the community if the changes are approved.

LEGAL/POLICY:

- Local Government Act 1995, Section 5.101A;
- Local Government (Administration) Regulations 1996;
- Policy No. 4.2.7 – Council Members – Allowances, Fees and Reimbursements of Expenses;
- Policy No. 4.1.16 – Vehicle Management.

The Local Government (Administration) Regulations currently provide that:

- (a) the minimum annual local government allowance for a mayor or president is \$600; and
- (b) the maximum annual local government allowance for a mayor or president is:
 - (i) \$14,000, or
 - (ii) 0.002 of the local government's operating revenue, whichever is the greater amount, but in any case no more than \$60,000.

For the period 2010/2011 year, the Council's Operating Revenue as detailed in the Budget is \$38,397,559. Applying the 0.002 rate to this figure provides an amount of \$76,795.

Accordingly, the maximum amount applicable to the Town of Vincent would be \$60,000. The maximum amount relates directly to an Operating Revenue of \$30,000,000.

Regulation 31 Expenses which are to be reimbursed- section 5.98 (2) and (3)

Regulation 31(1) states that the following expenses **are** to be reimbursed, if a claim is submitted:

- Actual rental charges for 1 home telephone and 1 facsimile machine;
- Childcare costs;
- Travel costs for attendance at a meeting.;

Sub clauses (4) and (5) specify that it is the actual travel costs from a place of residence or work to a meeting and back, which must be "*verified by sufficient information*".

(The Department of Local Government has recommended that a log book be kept to record the amount of private and business use travelled and the purpose of the business use which is claimed. Council Policy 4.2.7 clause 4.1 specifies which meetings can be claimed.

Advice from the Department of Local Government

In researching this matter, it has become apparent that there is doubt as to the legality under the Local Government Act to provide a vehicle for the Office of the Mayor for private use. Information was sought from the Department of Local Government, who advised as follows:

1. The Department has previously indicated (to other local governments) that the regulations do not provide for a council to make available to a Council Member a benefit in the form of private use of a motor vehicle provided by the local government.
2. If private use is provided, the Department would expect that a procedure is put in place to enable the cost of the private use to be recouped from the Council member.
3. A Guideline on this will be issued shortly.
4. The Department is awaiting some amendments to the Local Government (Administration) Regulations which will prescribe payment methods for reimbursement of expenses under S5.101A.
5. Under this proposed change, provision of a mayoral vehicle will be considered a method of payment, therefore if council provides a vehicle the value of vehicle could form part of the mayoral allowance (i.e. mayoral allowance \$60,000 - Vehicle valued at \$20,000 - annual payment to the Mayor \$40,000).
6. It is not anticipated that these changes will take effect until December 2010.
7. A draft Policy of the Department's current thinking on this matter has been provided.

If the Council chooses to continue to provide a vehicle, it should adopt a policy, similar to what is recommended by the Department.

STRATEGIC IMPLICATIONS:

Not applicable.

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Vehicle Comparison

For information, the following information relates to the current lease vehicle:

Financial Comparison – Current Proposed

Item	Current	Proposed	Difference (Current-Proposed)
Mayoral Allowance	\$47,280	\$60,000	+\$12,720
Vehicle Lease – Ford 6GE LPG	\$13,284	-	-
Vehicle Repairs	\$2,650	-	-
Fuel	\$1,700	-	-
Insurance	\$305	-	-
Administration Cost (estimated 3hrs/yr)	\$100	-	-
Subtotal	\$65,219		
Discretionary Items			
Mobile Phone	\$495	-	-
Mobile Phone Calls	\$2,018	-	-
TOTAL COST (50%:50%):*	\$67,832	\$65,163	-\$2,669
TOTAL COST (40%:60%):#	\$67,832	\$64,130	-\$3,702

(Based on an average of 1,163km per month, which is the actual for the previous 12 months paid at \$0.74 per kilometre)

* Travel costs based on 50% business use and 50% private use.

Travel costs based on 40% business use and 60% private use.

Proposed New Lease (12 Months)	
Proposed lease G6E (LPG) falcon per month (One year)	\$1,750
Proposed lease cost 12 x months (subtotal) (E)	\$21,000
Proposed Registration	\$250
Proposed Repairs	\$1,500
Proposed Fuel	\$1,700
Proposed Insurance	\$305
Subtotal (F)	\$3,755
Total (E) + (F)	\$24,755

The lease company has further advised that the purchase price of the existing lease vehicle at the end of the lease would be **\$25,909** (excl GST).

Purchase of Existing Lease Vehicle (excluding GST)	
Purchase G6E (LPG) falcon at end of lease (A)	\$25,909
Trade in 12 Months (B) (estimated)	\$21,500
Difference - subtotal - (A) – (B) = (C)	\$4,409
Proposed Registration	\$250
Proposed Repairs	\$1,500
Proposed Fuel	\$1,700
Proposed Insurance	\$305
Subtotal (D)	\$3,755
Total (C) + (D)	\$8,164

Options – Cost Analysis Summary

The Options available to the Town are:

Option 1 – Lease a Ford 6GE for one (1) year at a cost of **\$24,755 (excluding GST)**.

Comment

This is the most expensive option and would equate to \$2,062.91 per month. This option is not recommended.

Option 2 – Purchase the current lease vehicle at a cost of \$25,909 and sell in October 2011 for \$21,500 (estimated).

Comment

This will cost **\$8,614** (approx). This is the second preferred option. This option would also require an amount of \$25,909 to be found to purchase the vehicle. The funds could be taken from the Light Fleet Reserve Fund.

Option 3 – Increase Mayoral Allowance to the maximum permissible of \$60,000 and discontinue all vehicle (other than travel costs which can be claimed) and discretionary expenses for the Office of the Mayor.

Comment

As can be seen from the above, if the Council approves of the change to the current Policies, as detailed above, it will result in a **cost saving** of at least **\$2,669* to \$3,702# per annum**.

This is the recommended option as it will save the Town \$2,669* to \$3,702#.

(Actual costs to be verified by use of a logbook).

* Travel costs based on 50% business use and 50% private use.

Travel costs based on 40% business use and 60% private use.

COMMENTS:

The recommended option will result in a significant cost saving to the Town. Approval of the officer recommendation is therefore requested.

9.4.2 Consideration of Submissions Concerning Policy No. 3.9.16 - Resident Parking – Verge Information Signage

Ward:	Both	Date:	22 September 2010
Precinct:	All	File Ref:	PKG0107
Attachments:	001		
Reporting Officer:	J MacLean, Manager Ranger and Community Safety Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

- (i) *CONSIDERS the two (2) submissions received concerning Policy No. 3.9.16 - Resident Parking – Verge Information Signage; and*
- (ii) *ADOPTS Policy No. 3.9.16 - Resident Parking – Verge Information Signage as amended and shown in Appendix 9.4.2.*

COUNCIL DECISION ITEM 9.4.2

Moved Cr Lake, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Lake, Seconded Cr McGrath

That the item be DEFERRED for further information and clarification.

PROCEDURAL MOTION PUT AND CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of the report consider the two (2) submissions received concerning the Policy No. 3.9.16 - Resident Parking – Verge Information Signage.

BACKGROUND:

At the Ordinary Meeting of Council held on 13 July 2010, a report was presented to the Council relating to the introduction of a Verge Parking Scheme and adoption of associated Policy.

The Policy was advertised on 17 August 2010 and closed on 10 September 2010. At the closing of submissions, only two (2) submissions (in favour) were received as follows:

1. From a resident in Franklin Street, Leederville as follows:

“Good morning all,

After reviewing and considering the RESIDENT PARKING – VERGE INFORMATION SIGNAGE Policy 3.9.16 we believe this to be a positive step by the council towards many ratepayers concerns on how to deal with circumstances that do arise and which in the past have been difficult for all concerned. The signage we believe to have been well thought through and policy clearly worded. It both provides certainty for ratepayers and clear directions for enforcement should this eventuate.

We live by a church and school, and really don't want people parking on our verge. We understand that the majority of people will do the right thing, but only if they are aware of resident's wishes. We don't want to have to call the ranger for illegal parking during a wedding, or particularly a funeral, and the proposed policy would alleviate the need for this.

We would make only one suggestion and that is that ratepayers be able to purchase additional signs beyond the one free sign in the event these are stolen on more than 1 occasion in a lifetime. With respect to clause 2 (a) "shall report the matter to the Police and provide the Town with the "Stolen Property Item Reference Number"" we would like to ensue that the process of online reporting via the Police website (<https://ebusiness.police.wa.gov.au/PAC/SDP/Default.aspx>) will in fact provide this. We are sure that any attempt to do this at a Police Station will be met with resistance.

We sincerely look forward to Council moving forward with this Policy development."

The Manager Ranger and Community Safety Services concurs with the suggestions and the Policy has been amended accordingly at clause 2(a) (as shown by underlining).

2. From a resident in Chatsworth Road, Highgate as follows:

"Good morning,

I support the policy as my verge is well maintained however I had had instances where people have parked on it without my permission - most notably when there are events in Hyde Park."

CONSULTATION/ADVERTISING:

The Policy was advised in accordance with the Town's Community Consultation Policy.

LEGAL/POLICY:

The amended Policy will be included in the Council's Policy Manual.

STRATEGIC IMPLICATIONS:

The above is in keeping with the Town of Vincent Strategic Plan 2009 - 2014, at Item 3.1.3(a) "*Determine the requirements of the community and ensure that the services provided meet those needs.*"

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

As only two (2) submissions were received – which were favourable, it is recommended that the amended Policy be adopted by the Council.

9.4.3 Appointment of Community Representative to Town of Vincent Advisory Groups

Ward:	-	Date:	20 September 2010
Precinct:	-	File Ref:	CVC0017/ENS0095
Attachments:	-		
Reporting Officer:	M McKahey, Personal Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

(i) *APPOINTS the following community representatives to the Town's Advisory Groups for the 2010-2011 period (until 17 October 2011);*

(a) *Art Advisory Group;*

1. *Mr Carl Howard Lemnell; or*
2. *Ms Debra Majteles; or*
3. *Mrs Helen Pemberton; or*
4. *Mr Vincent Sammut;*

(b) *Safer Vincent Crime Prevention Partnership;*

1. *Ms Shameema Kolia; or*
2. *Ms Sharan Kraemer; and*

(ii) *subject to Clause (i) above being approved, APPROVES BY AN ABSOLUTE MAJORITY to amend;*

(a) *the Art Advisory Group Terms of Reference to change the number of community representatives from three (3) to six (6); and*

(b) *the Safer Vincent Crime Prevention Partnership Terms of Reference to change the number of community representatives from five (5) to six (6).*

Moved Cr Lake, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

Cr Lake suggested accepting both nominations into the Safer Vincent Crime Prevention Partnership.

AMENDMENT NO 1

Moved Cr Lake, Seconded Cr Topelberg

That subclause (i)(b) be amended to read as follows:

“(i)(b) Safer Vincent Crime Prevention Partnership;

- 1. Ms Shameema Kolia; and ~~or~~*
- 2. Ms Sharan Kraemer; and”*

AMENDMENT NO 1 PUT AND CARRIED (9-0)

Debate ensued.

Cr Burns advised that she believed six (6) community representatives in the Art Advisory Group would be excessive therefore suggested accepting Mr Carl Howard Lemnell and Ms Debra Majteles.

AMENDMENT NO 2

Moved Cr Burns, Seconded Cr Farrell

That subclause (i)(a) be amended to read as follows:

“(i)(a) Art Advisory Group;

- 1. Mr Carl Howard Lemnell; and ~~or~~*
- 2. Ms Debra Majteles; ~~or~~*
- 3. ~~Mrs Helen Pemberton; or~~*
- 4. ~~Mr Vincent Sammut;”~~*

Debate ensued.

AMENDMENT NO 2 PUT AND CARRIED (9-0)

AMENDMENT NO 3

Moved Cr Burns, Seconded Cr Maier

That subclause (ii)(a) be amended to read as follows:

“(ii)(a) the Art Advisory Group Terms of Reference to change the number of community representatives from three (3) to four (4) ~~six (6)~~; and”

AMENDMENT NO 3 PUT AND CARRIED (9-0)

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

COUNCIL DECISION ITEM 9.4.3

That the Council;

(i) *APPOINTS the following community representatives to the Town's Advisory Groups for the 2010-2011 period (until 17 October 2011);*

(a) *Art Advisory Group;*

1. *Mr Carl Howard Lemnell; and*

2. *Ms Debra Majteles;*

(b) *Safer Vincent Crime Prevention Partnership;*

1. *Ms Shameema Kolia; and*

2. *Ms Sharan Kraemer; and*

(ii) *subject to Clause (i) above being approved, APPROVES BY AN ABSOLUTE MAJORITY to amend;*

(a) *the Art Advisory Group Terms of Reference to change the number of community representatives from three (3) to four (4); and*

(b) *the Safer Vincent Crime Prevention Partnership Terms of Reference to change the number of community representatives from five (5) to six (6).*

PURPOSE OF REPORT:

The purpose of the report is for the Council to appoint Community Representatives to the Town's Art Advisory Group and Safer Vincent Crime Prevention Partnership for the 2010-2011 period (until 17 October 2011).

BACKGROUND:

In late July 2010, vacancies occurred in the Town of Vincent's Art Advisory Group and Safer Vincent Crime Prevention Partnership, due to the resignation of a former community representative from each Group.

An advertisement calling for nominations from the community was placed in the local newspaper on 17 August 2010 and nominations closed on 10 September 2010. At the close of the advertising period, nominations were received, as follows:

Art Advisory Group:

Name	Suburb	Membership of Community Organisations	Summary of Comments
Mr Carl Howard Lemnell	Mount Hawthorn	<ul style="list-style-type: none"> • Hale School Art Community Member (5 years) 	<ul style="list-style-type: none"> • Private Collector of Art and Antiques with a wide knowledge of current trends in the arts in all its forms. • Diploma in Museum Studies and Conservation from ECU (Churchlands) and currently doing the same course (10 years later) at ECI, Mount Lawley Campus. • Would like to develop the arts into the wider community.

Name	Suburb	Membership of Community Organisations	Summary of Comments
Ms Debra Majteles	North Perth	<ul style="list-style-type: none"> • Voluntary Guide at the AGWA • Member of MLGC Captain 2003-2004 • National Council of Jewish Women • Friends of the Perth International Arts Festival 	<ul style="list-style-type: none"> • Has a long and passionate interest in the visual arts which will be of value for all aspects listed in the Terms of Reference. • Wrote a paper on Public Art in the City as part of Bachelor of Arts UWAA. • Was a co-ordinator and key organiser of the Salek Minc Art Exhibition and Sale from 1983 to 1996. • Has held three exhibitions at current address since 2006 to raise money for charity; promote artists and their work; and encourage public to engage in art. • Has been a volunteer guide at AGWA since 2002 and will assume the role of president of the Voluntary Gallery guides on 17/09/10. • Volunteers at the annual Sculpture by the Sea. • Sponsors (and selects) an acquisition art prize for Carmel School. • Has a keen interest and involvement with the Visual Arts which can be usefully employed for the benefit of the Town.
Mrs Helen Pemberton	Perth	<ul style="list-style-type: none"> • South Vincent Precinct Group (Committee) • Dalkeith Tennis Club 	<ul style="list-style-type: none"> • Former Community Representative on the Town's Art Advisory Group. • Has been an art collector for many years and regularly visits commercial and university galleries; AGWA, various municipal art shows and exhibitions of student and graduate work. • Particularly (but not exclusively) interested in Australian Aboriginal Art - was a Director to the Tjukurpa Collection for 12 years during the acquisition of that collection.

Name	Suburb	Membership of Community Organisations	Summary of Comments
			<ul style="list-style-type: none"> • Would enjoy the opportunity once again to be involved with the Art Advisory Group as a long-standing community member, who is actively interested in the arts.
Mr Vincent Sammut	Leederville	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • Previous experience as a Community Representative on the Town's Art Advisory Group (seven years). • Past teaching experience in various Visual Arts areas, i.e. Painting, Drawing, Photography, Design - 3 years Perth Technical College; 6 years at several colleges and community centres; adult art classes. • Over 40 years of personal art practice developing a direction & statement which is truly reflective of his deepest convictions, has enabled him to engage with art in a critical and analytical way. • Feels he can make a worthwhile contribution as an advisor and contributor of art works and to suggest ideas which could help policy formation. • Is passionate about art.

The objectives of the Art Advisory Group are to act in an advisory capacity in the acquisition of artwork and the visual arts budget, act as Judges for the Town's Art Competition; develop and implement an acquisition policy.

Safer Vincent Crime Prevention Partnership:

Name	Suburb	Membership of Community Organisations	Summary of Comments
Ms Shameema Kolia	Rivervale	<ul style="list-style-type: none"> • Muslim Youth WA • Muslim Women's Support Centre 	<ul style="list-style-type: none"> • Believes should be considered as a representative on the Group because of involvement with the Town as a Business Owner. • Brings a diverse wealth of experience and knowledge - as a young Muslim woman who migrated to Australia as a teenager.

Name	Suburb	Membership of Community Organisations	Summary of Comments
			<ul style="list-style-type: none"> • Has been involved in community work for many years and understands the needs and concerns of Ethnic Communities. • Believes her experience can benefit the Partnership and is committed to bringing about positive changes in the Town of Vincent through this Partnership.
Ms Sharan Kraemer	North Perth	<ul style="list-style-type: none"> • Lecturer/Researcher - Criminology/Justice 	<ul style="list-style-type: none"> • Has a strong interest in safety both in the community where she lives and in her professional life. • Believes a network of like-minded people and organisations can maintain high levels of collaborative effort for the benefit of all. • Believes has an informed contribution to make to this Partnership.

It is important that local government considers the concerns of its residents, and addresses as many issues as possible that relate to community concerns about safety and security. The objectives of the Safer Vincent Crime Prevention Partnership is to address community concerns and respond appropriately by facilitating the development of strategies which are based on evidence and information received by the Group, providing suggestions to the Town of Vincent Council on possible solutions.

CONSULTATION/ADVERTISING:

Expressions of Interest were advertised in the local newspaper for just over three (3) weeks.

Letters were also sent to the two community representatives who had previously expressed an interest in joining the LATM Advisory Group.

LEGAL/POLICY:

The Local Government Act 1995, Sections 5.8 to 5.25 allows local governments to appoint committees and prescribes the legal requirements for these.

Since its inception, the Town has been operating by having two Council meetings each month (except January) and no committee system. Since late 1995, it has used various Advisory Groups.

The Advisory Groups do not have any legal status and their prime role is to make recommendations for the consideration of the Council. Advisory Groups cannot perform the role of Committees.

It is suggested that the Terms of Reference be amended to read as follows:

ART ADVISORY GROUP:

1.1 Three (3) Council Members

Three (3) Council Members, as follows;

1. Cr Anka Burns (*Chair*)
2. Cr Dudley Maier
3. Cr Joshua Topelberg

1.2 Up to ~~Three (3)~~ Six (6) Community Representatives

Having knowledge and interest in community affairs of the Town of Vincent. The current community representatives are as follows;

1. Ms Anna Ciffolilli, North Perth
2. Mr Jaime Phillips, Highgate
3. *Vacant*

1.3 Council Officers

- Manager Community Development
- Arts Officer

Chief Executive Officer Comment:

It is considered that the specific nature of the Art Advisory Group will benefit from the additional members (who are well qualified and experienced). If the increased numbers become too unwieldy, they can be reviewed and reduced accordingly after October 2011.

SAFER VINCENT CRIME PREVENTION PARTNERSHIP:

1.1 Three (3) Council Members

Three (3) Council Members, as follows;

1. Cr Sally Lake (*Chair*)
2. Cr Anka Burns
3. Cr Warren McGrath

1.2 Up to ~~Five (5)~~ Six (6) Community Representatives (including External Organisations/Representatives (as per 1.5 below)

Having a knowledge and interest in the safety and security issues within the Town of Vincent and able to represent the various ethnic communities in the Town, Precinct Groups, resident and business interests and providing a geographic spread from across the Town. The current representatives are as follows:

1. Ms Natashya Cox, Leederville
2. Mrs Betty Kraemer, North Perth
3. Mr Suresh Rajan, Ethnic Communities Council, North Perth
4. Ms Maria McAtackney, Nyoongar Patrol System Inc, Perth
5. *Vacant*

1.3 Council Officers

- Manager Ranger & Community Safety Services
- Co-ordinator Safer Vincent
- Customer Service Officer (*Minute Taker*)

1.4 Police

- Officer in Charge, Wembley Police Station
- Officer in Charge, Perth Police Station

1.5 External Organisations/Representatives

- Ethnic Communities Council of WA (ECCWA)
- Nyoongar Patrol

STRATEGIC IMPLICATIONS:

Nil, however, the use of Advisory Groups is in keeping with the Council's philosophy of involving the community in the decision making process.

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The costs associated with the Advisory Groups is not specifically itemised in the Town's budget, they are absorbed within the administration costs and allocated to the various sections.

COMMENT:

As all of the nominees are well qualified and experienced, it is therefore recommended that all be appointed and the matter be reviewed again after October 2011.

The appointment of community representatives will ensure that the Art Advisory Group and Safer Vincent Crime Prevention Partnership can continue to function, with input from the community's perspective.

9.4.6 Leederville Masterplan – Progress Report No. 10

Ward:	South	Date:	22 September 2010
Precinct:	Oxford Centre; P4	File Ref:	PLA0147
Attachments:	001 ; 002 ; 003 ; 004 ; 005 ; 006		
Reporting Officers:	R Lotznicker, Director Technical Services; R Boardman, Director Development Services; John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the Leederville Masterplan Progress Report No. 10, as at 22 September 2010;
- (ii) **AMENDS** the Built Form Guidelines (as 'Laid on the Table' and electronically attached as shown in Appendix 9.4.6A) as follows:
 - (a) to allow for a mixed use development, incorporating commercial, car parking and residential land uses, on The Avenue car park site located in Precinct 4 of the Built Form Guidelines (Oxford Markets Precinct "The Avenue" North – Supermarket). In particular pages 6, 8, 27 28, 29, 30 and 31 of the document are to be amended;
 - (b) to delete the word Supermarket from the title of Precinct 4 of the Built Form Guidelines (Oxford Markets Precinct "The Avenue" North – Supermarket). In particular pages 6, 8 and 29 of the document are to be amended; and
 - (c) to include minimum height development standards to prevent under development of the sites in the following areas of the Leederville Masterplan area:
 - (1) Precinct 1 – Oxford Street North: minimum building height is to be 2 storeys;
 - (2) Precinct 4 – Oxford Markets Precinct Vincent Street: minimum building height is to be 2 storeys;
 - (3) Precinct 5 – Entertainment Precincts 1 and 2: minimum building height is to be 2 storeys; and
 - (4) Precinct 8 – Network City: minimum building height is to be 2 storeys;
- (iii) **ADVERTISES** the Amended Built Form Guidelines for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:
 - (a) advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;
 - (b) where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and
 - (c) forwarding a copy of the subject Policy to the Western Australian Planning Commission;

- (iv) *after the expiry of the period for submissions:*
- (a) *REVIEWS the Amended Built Form Guidelines, having regard to any written submissions; and*
 - (b) *DETERMINES the Amended Built Form Guidelines, with or without amendment, to or not to proceed with it;*
- (v) *APPROVES of the:*
- (a) *Town of Vincent and Town of Cambridge to jointly engage consultants to investigate the better integration of the West Leederville Masterplan (as released for public comment on 3 September 2010) and the Leederville Masterplan, at an estimated total cost of \$40,000 (to be shared equally), to be funded from the Leederville Masterplan Consultancy Budget; and*
 - (b) *revised Indicative Timeline as shown in this report; and*
- (vi) *AUTHORISES the Chief Executive Officer to:*
- (a) *prepare Expressions of Interest documentation, for the disposal of The Avenue Sites for the further consideration of the Council; and*
 - (b) *submit an Expression of Interest (EOI) document to the State Government Department of Treasury and Finance, for the provision of office accommodation on the Town's land holdings within the Leederville Masterplan area.*
-

Moved Cr Buckels, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Buckels, Seconded Cr Topelberg

That new subclauses (iii)(d) and (e) be inserted as follows:

- “(vii) **REQUESTS** the Chief Executive Officer to:
- (a) *arrange, as a matter of priority, for an independent design review of the Leederville Masterplan; and*
 - (b) *before advertising the Amended Built Form Guidelines for public comment, arrange for the Town Of Vincent to host a Peer Review Workshop on the Leederville Masterplan that includes Council Members, the Town's Administration and other invited persons from planning consultancies and development organisations (such as, City Vision, Future Perth, Urban Design Centre of WA, etc.) to undertake a review of the Leederville Masterplan.”*

Debate ensued.

PROCEDURAL MOTION

Moved Cr Buckels, Seconded Cr Lake

That the clauses (ii), (iii), (iv) and (vi)(a) be DEFERRED for further consideration.

PROCEDURAL MOTION PUT AND CARRIED (9-0)

Debate ensued.

AMENDMENT NO 2

Moved Cr Maier, Seconded Cr Lake

That clause (vi)(b) be deleted.

AMENDMENT NO 2 PUT AND LOST (1-8)

For: Cr Maier

Against: Mayor Catania, Cr Buckels, Cr Burns, Cr Farrell, Cr Harvey, Cr Lake,
Cr McGrath, Cr Topelberg

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 9.4.6

That the Council;

- (i) *RECEIVES the Leederville Masterplan Progress Report No. 10, as at 22 September 2010;*
 - (ii) *APPROVES of the:*
 - (a) *Town of Vincent and Town of Cambridge to jointly engage consultants to investigate the better integration of the West Leederville Masterplan (as released for public comment on 3 September 2010) and the Leederville Masterplan, at an estimated total cost of \$40,000 (to be shared equally), to be funded from the Leederville Masterplan Consultancy Budget; and*
 - (b) *revised Indicative Timeline as shown in this report; and*
 - (iii) *AUTHORISES the Chief Executive Officer to submit an Expression of Interest (EOI) document to the State Government Department of Treasury and Finance, for the provision of office accommodation on the Town's land holdings within the Leederville Masterplan area; and*
 - (iv) *DEFERS clauses (ii), (iii), (iv) and (vi)(a) of the original recommendation for further consideration.*
-

PURPOSE OF REPORT:

The purpose of this report is to provide a progress update on the Leederville Masterplan to the Council as at September 2010, seeking approval to amend the Built Form Guidelines, participate in a Joint Study with the Town of Cambridge to facilitate the reconnection of Leederville with West Leederville, and to present an overview of matters affecting change in the progression of the Leederville Masterplan.

BACKGROUND:

An update of the Leederville Masterplan was presented to a confidential Forum on 6 September 2010.

At the Special Meeting of Council held on 16 March 2009, the Council considered Progress Report 9 relating to the Leederville Masterplan and resolved (in part) as follows;

“That the Council;

- (i) RECEIVES the Leederville Masterplan Progress Report No. 9;*
- ...(vi) CONSIDERS the following documents as working documents to assist in the further development and implementation of the Leederville Masterplan;*
 - (a) Leederville Masterplan Integrated Transport Study (DPI funded study);*
 - (b) Leederville Station Precinct Study (DPI funded study); and*
 - (c) Leederville Masterplan Traffic and Services Report;*
- (vii) DEFERS the calling of Expressions of Interest from interested parties due to the reasons outlined in the report dated 9 March 2009 from the Town's Property Consultant (Colliers International (WA) Pty Ltd) and NOTES that the matter will be further reviewed in 2010; and...”*

For detailed background prior to 2008, refer to previous Council Progress Reports relating to the Leederville Masterplan.

- 19 February 2008 A Progress Report and Presentation on the Leederville Masterplan by the Chief Executive Officer and Directors was presented at a Council Forum.
- 18 March 2008 The Consultants JCY presented their progress and draft Built Form Guidelines to a Council Forum along with the first presentation relating to the West Perth Regeneration Project.
- 9 April 2008 The Town's Officers met with consultants JCY to discuss the progress of the Built Form Guidelines and the West Perth Regeneration Masterplan.
- 14 April 2008 The Town's Officers met with consultants JCY and representatives of the DPI to discuss the inception of Studies relating to the Leederville Station Study, the Transport Study and the Carr Place Precinct.
- 2 July 2008 The Council considered the Leederville Masterplan at a Special Meeting. The Council resolution is outlined in the Minutes for this meeting.
- 14 October 2008 The Council considered the Leederville Masterplan at a Special Meeting.
- 19 November 2008 A community workshop regarding the Leederville Masterplan and Draft Built Form Guidelines was held at the Town's Administration Offices.
- 22 December 2008 The Town's Officers held a Council Member Forum to present a summary of the outcomes of the community consultation period and the community workshop to the Council Members.

- 10 February 2009 The Council at an Ordinary Meeting resolved to include the Olive Trees located on the south-east corner of No. 1 (Lot 34) The Avenue, Leederville onto the Town's Municipal Heritage Inventory as a Management Category B - Conservation Recommended.
- 11 February 2009 A recommendation was presented at the meeting of the Heritage Advisory Group stipulating that the location of the heritage listed Olive Trees be included on all planning documents associated with the Leederville Masterplan.
- 16 March 2010 The Council considered Progress Report No. 9 relating to the Leederville Masterplan at a Special Meeting. Leederville Masterplan Built Form Guidelines adopted with amendments.
- 23 February 2010 The Council considered Progress Report No. 10 relating to the Leederville Masterplan. At this meeting, the final amended version of the Leederville Masterplan Built Form Guidelines were adopted by the Council and have become known as Appendix 19 to the Town's Planning and Building Policy Manual.
- 25 May 2010 The Council at its Ordinary Meeting adopted the final amended version of the Town's Policy No. 3.4.1 relating to the Oxford Centre Precinct, which has been amended to remove development standards that apply to the area that falls within the Leederville Masterplan Built Form Guidelines.

DETAILS:

Amendments to the Built Form Guidelines: [Refer Appendix 9.4.6B]

The aim of the Oxford Markets Precinct – “the Avenue” North – Supermarket is to establish a new super market and food market on the site of the Town of Vincent on-grade parking and to create a multi-storey parking lot. At the Special Council Member Forum held on 6 September 2010, the Council considered options to increase street level activity of this area and to further enhance employment opportunities inline with the Leederville Masterplan objectives.

It was considered that further developing the Guidelines to allow a mixed use development on this site with a mixture of ground floor retail, podium of 3-4 floors and mid rise component was appropriate to achieve these objectives. This will allow for office accommodation, service apartments or a hotel (or a combination of these).

Demand for a Hotel

In early August 2009, the Town's Officers contacted Tourism Western Australia (Tourism WA) to obtain information regarding hotel demand in Perth.

Unfortunately, the Agency advised the Town's Officers that they did not have sufficient staff resources to provide a response to the Town's enquiry. The Agency did however, recommend that the Town's Officers review the following documents, which may provide the required information:

- Perth Hotel Economic Impact Study, prepared by Access Economics, dated February 2010; and
- Perth Hotel Investment Study, prepared by Transocean Group, dated June 2007.

A review of these documents (which are Laid on the Table) is provided below:

Current Shortfall and Consequences:

According to the Perth Hotel Economic Impact Study (2010), despite strong and sustained growth in occupancies and revenue since 2002, minimal room stock has been added to the Perth CBD hotel market, and as a result, it has been operating at or close to capacity. The Study notes that 1,000 additional short stay rooms are needed by 2010, and only 357 rooms are currently in development. In addition, it is anticipated that Perth will require an additional 270 to 300 hotel rooms a year from 2010 to keep up with projected demand growth of 3 percent per annum;

The Study identifies a number of consequences of this shortfall:

- Anecdotal evidence suggests that the market conditions may have in some instances crowded out visitation types that require significant room allotments, particularly conferences and tour groups. Perth's limited hotel room supply-coupled with other Australian capital cities' ability to integrate convention bookings with room offerings has reduced Perth's ability to compete in the conventions market.
- Perth does not currently have the capacity in its hotel accommodation sector to achieve the growth in tourist visitation forecast by Tourism Forecast Committee (TFC) over the period to 2018.
- As Perth is the prime gateway for the whole of the state, insufficient accommodation to meet tourist demand in Perth is likely to have consequential adverse economic and employment impacts within the regions.
- The loss of room nights sold compounds over time, with increasing levels of demand unable to be accommodated. As hotel occupancy is constrained, so too is tourism income, with an annual loss of \$50 million in 2011-12 growing to \$660 million in 2019-20.

In the light of this outlook, the Perth Hotel Investment Study (2007) recommends that the government take action to create a supportive environment and to actively facilitate the measured growth of the accommodation sector in Perth. Such action is required to meet the needs of the States dynamic economy, its rapidly growing population and to maximise the economic and social benefits that the accommodation sector can create.

Hotels have a major influence on the ability of a City to secure visitors, for business, tourism or conference activities. Whilst the hotels are a major beneficiary of expenditure of such visitors, the benefits of visitation to Perth flow across the community and economy with resultant benefits in terms of income, employment, service provision and taxation. For the Town of Vincent, this is particularly relevant for the Leederville Precinct area, with its dining, entertainment and cultural opportunities, which is vital to the tourism industry of Perth. With the development of the Leederville Masterplan, the area is strongly emerging as an entertainment Precinct, with a robust built form and a high concentration of retail, dining, bars and entertainment uses concentrated along Oxford Street.

In light of the shortage of short stay accommodation in Perth, as outlined above, it is considered appropriate for a hotel development to be encouraged in the Leederville Precinct.

**Government Office Accommodation Master Planning Discussion Paper – June 2011
(Discussion Paper Laid on the Table)**

The Minister for Commerce; Science and Innovation; Housing
Minister Assisting the Treasurer, Bill Marmion MLA has stated:

“The Master Planning for future Government office accommodation aims to make services more accessible to the public and achieve significant savings in leasing and operating costs. Under the plan, a number of departments will be relocated from expensive Central Business District (CBD) accommodation to suburban commercial settings, reducing the amount of city floor space leased by the Government by as much as 20%. Those that remain in the city because they need to be there will be consolidated in fewer buildings, which will improve the efficiency and effectiveness of Government work environments.”

The Master Planning will involve major State Government office buildings being established at several suburban activity centres over the next five years. Choosing locations close to a major rail route and the freeway, and ease of access to and from the Perth CBD, make suburban centres attractive locations for new Government office accommodation. Apart from the direct savings in accommodation costs, the decentralisation of services will provide a valuable economic stimulus to the development of metropolitan centres beyond the CBD. It will also have additional benefits for the public transport system and improve community access to front-line Government services."

Key recommendations regarding the State Government's office accommodation were aimed at enhancing value for money through a more strategic approach to the planning and coordination of both accommodation locations and the design of office fit-out.

Currently some 58% of Government office accommodation is located in the CBD and CBD fringe – across 10 large Government owned buildings and 148 individual leases in 86 buildings. CBD rents are typically 30% higher than rents in the Perth metropolitan area.

Cabinet has approved a new Master Planning approach for future Government office accommodation, to be led by the Department of Treasury and Finance's Building Management and Works business unit. The objectives of Master Planning are to:

- reduce the overall cost of Government office accommodation;
- support Government service delivery;
- support the Western Australian Planning Commission's *Directions 2031 Draft Spatial Framework for Perth and Peel*; and
- support future machinery of Government reforms.

The Master Planning will be driven by the following principles:

1. **Decentralise Government office accommodation from the CBD and CBD Fringe.**
2. **Consolidate remaining CBD and CBD fringe office accommodation into fewer buildings.**
3. **Locate new Government office buildings in metropolitan activity centres.**
The Master Planning proposes to establish new Government office buildings in several metropolitan activity centres, in support of *Directions 2031*, over the next five years.
4. **Co-locate Government agencies in regional towns.**
5. **Adhere to the policy of 15 square metres of floor space per person.**
6. **Standardise office fit-out and share facilities in major buildings.**
A new modern standard open-planned fit-out will provide a quality work environment and staff amenity and the flexibility to accommodate individual agency growth and relocations. A new approach to facilities management in larger multi-agency buildings will provide a wide range of common facilities and a more co-ordinated approach to building services.
7. **Enhance environmental sustainability of Government office buildings**
Improved environmental performance in office buildings will deliver savings in energy and water use, and enhance the working environments.

The final date for submissions was 31 August 2010. The Town's response, dated 31 August 2010, advised the following:

- *'The Discussion Paper makes mention of the Western Australian Planning Commission (WAPC) strategic document, Directions 2031, in particular reference to increasing Government Office Accommodation in Metropolitan Activity Centres. It is considered that scope also exists to investigate the appropriateness of Government Accommodation in Regional Town Centres, identified in Directions 2031, such as Leederville located in the Town of Vincent.*

- *Leederville currently contains existing Government Accommodation, namely the Department of Sport and Recreation and the Water Corporation. It is considered that these offices are well positioned, and given the proximity to the Leederville Train Station, options for similar Government Accommodation in the area could be further explored.*
- *Whilst it is recognised that the key objective of the document is to decentralise Government Office Accommodation, this does not cater for the development of these facilities in inner City areas that are not considered the CBD or CBD fringe. This applies to several key areas within the Town of Vincent, which have good access to services and infrastructure that would support Government Accommodation.'*

State Government – Calling of Expression of Interest (EOI)

The Town received a response from the Building Management and Works, dated 10 September 2010, advising that an advertisement has been placed in the West Australian Newspaper on 8 September 2010, seeking Expressions of Interest for 15,000 to 25,000 square metres of leased office accommodation in several metropolitan activity centres. Any proposals to supply office accommodation must be submitted through this EOI.

The Office Accommodation Requirements outlined in the EOI document are as follows:

- The provision of 15,000 to 25,000 square metres of office accommodation in a single building in a metropolitan activity centre.
- Sited within an easy 10 minute walk of a rail station, with ease of access and egress from a freeway or highway.
- On site parking for a minimum of 1 car per 75 square metres of office accommodation.
- Ample public parking within an easy 10 minute walk of the site.
- Located near retail facilities.
- Minimum 5 Star Green Star and 4.5 Star NABERS ratings.
- Multi-storey building with large flexible floor plates (in preference to a campus style building).
- A maximum lease term, including options, of 20 years.

The request for EOI does not specify when the office accommodation is required – however, the documents indicate that new buildings are envisaged.

The closing date for the lodgement of Expressions of Interest is 29 September 2010. Initially, the Expressions of Interest will be used to inform the development of the Plan, in particular the activity centres in which Government will establish a new office accommodation presence. Subject to approval of the Plan, short-listed proponents will be invited to submit a detailed response to a Request for Proposal.

The EOI's will be used to develop the Plan, in particular the activity centres in which the government will establish a new office accommodation presence.

Short-listed proponents will be invited to submit a detailed Request for Proposal.

In this respect, the Town's Administration is of the view that an EOI should be submitted to the State Government, to pursue the provision of suitable office accommodation within the Town's land holdings in Leederville. The submission of an EOI is in keeping with the Council's Strategic Plan 2009-2014.

In view of the above, the Officer Recommendation therefore includes a clause to amend the Built Form Guidelines to incorporate provisions to facilitate a mixed use development in the Oxford Markets Precinct for "the Avenue" North – Supermarket site. It is also considered appropriate that the title referring to 'supermarket' is restrictive in this respect and should be modified and/or deleted to better represent the type and intensity of uses in this precinct.

The Water Corporation Masterplan: [Refer Appendix 9.4.6C]

As detailed in the background section above, the Council at its Ordinary Meeting held on 23 February 2010 adopted the final amended version of the Leederville Masterplan Built Form Guidelines, which has become known as Appendix 19 to the Town's Planning and Building Policy Manual. This final amended version has incorporated the recommendations contained within clause (iv) of Item 7.2 of the Special Meeting of Council held on 16 March 2009 relating to Progress Report No. 9 of the Leederville Masterplan.

To ensure consistency in the application of the Leederville Masterplan Built Form Guidelines, the Council at its Ordinary Meeting held on 25 May 2010 adopted the final amended version of the Town's Policy No. 3.4.1 relating to the Oxford Centre Precinct, which has been amended to remove development standards that apply to the area that falls within the Leederville Masterplan Built Form Guidelines.

In addition to the above, the Leederville Masterplan Built Form Guidelines are being incorporated into the current review of the Town Planning Scheme No. 1 and in the preparation of the Policy Manual to accompany the proposed Town Planning Scheme No. 2.

In terms of development within the Leederville Masterplan area, the Water Corporation and Cox Bailey Woodland, Architects provided an informal briefing session on their redevelopment proposal on 12 August 2010. A set of plans for the development has also been received by the Town. Key elements of the proposal include:

- 3 new commercial buildings fronting Newcastle Street, inclusive of:
 - Building 1 – 11 storeys
 - Building 2 – 18 storeys
 - Building 3 – 28 storeys
 - Total Commercial Floor Area – 80,128 square metres
 - Total Retail Floor Area – 3753 square metres
 - Total Car Bays - 1131
- 3 new residential buildings fronting Newcastle Street, inclusive of:
 - Building 1 – 12 storeys
 - Building 2 – 21 storeys
 - Building 3 – 15 storeys
 - Total number of dwellings – 240
 - Total number of car bays – 336
- 4-5 storey addition to existing the Water Corporation Building, including:
 - A total of 9718 square metres of new office space.
 - The addition of a 730 square metre Childcare facility.

The Corporation is progressing the development approvals process for the site with the Town and Western Australian Planning Commission, with the aim of achieving a development approval by the end of 2010. Finalisation of the draft development approval submission has been completed. A development application was lodged in September 2010 and is currently being processed.

The West Leederville Planning and Urban Design Study: [Refer Appendix 9.4.6D]

The Town of Cambridge has commissioned Consultants Chris Antill Planning & Urban Design, Max Margetts & Associates, Sinclair Knight Mertz P/L, and Australian Property Consultants to prepare a Planning and Urban Design Study for West Leederville. The area is particularly significant to the Town in light of its proximity to the Leederville Masterplan area. The West Leederville Study has been developed in two parts:

- Part 1 - Local Planning Strategy; and
- Part 2 - Detailed planning for key areas within the study area.

The second part of the Study, *West Leederville Planning and Urban Design Study – Part 2 – Detailed Planning*, is currently out for public comment, and outlines how the strategy adopted in Part 1 can be achieved. A separate report relating to this Study has been included in this agenda.

As part of the *West Leederville Planning and Urban Design Study* Indicative Development Plans have been prepared for each of the nodes. Of particular interest to the Town of Vincent however, are the Indicative Development Plans relating to the Leederville Station Link node. This node has been identified as a highly important, strategically-located precinct which, if developed appropriately, could considerably improve the severance effect caused by the construction of the freeway and railway, which separated the West Leederville community from its original town centre, the Oxford Street Precinct.

The Town of Cambridge and the Town of Vincent have met to investigate options to better integrate the future planning visions of West Leederville and the Oxford Street Precinct via a joint study.

Therefore, as per the Officer Recommendation, it is requested that the Council approve the joint engagement of consultants to better link the West Leederville and Leederville Masterplan areas, at an estimated cost of \$40,000 (to be shared 50% each) to be funded from the Leederville Masterplan Consultancy Budget.

Minimum Development Standards in the Leederville Masterplan Built Form Guidelines:

The Leederville Masterplan has been prepared to facilitate and encourage the improved development of the Leederville area. The Built Form Guidelines have been prepared to facilitate the type of built form espoused by the Leederville Masterplan and to provide increased residential and commercial opportunities.

Proposed development which does not capitalise on the opportunities presented in the Guidelines has the potential to detrimentally affect developer confidence and impede the holistic vision for the area.

Therefore minimum height development standards are proposed in certain areas of the Leederville Masterplan area to prevent under development of the sites, as follows:

- (a) Precinct 1 – Oxford Street North: minimum building height is to be 2 storeys;
- (b) Precinct 4 – Oxford Markets Precinct Vincent Street: minimum building height is to be 2 storeys;
- (c) Precinct 5 – Entertainment Precincts 1 and 2: minimum building height is to be 2 storeys; and
- (d) Precinct 8 – Network City: minimum building height is to be 2 storeys.

The above areas have been chosen as they are predominately privately owned, zoned urban under the Metropolitan Region Scheme (as opposed to Reserves) and are located along key major roads when there is a need to ensure a rhythm and a minimum consistency in building form. Oxford Street south has not been included as this would be inconsistent with the Aim of the Guidelines for this portion of the street, which is to *'maintain the scale and ambience of the Oxford Street café strip'*.

To ensure the appropriate scale of development in the Leederville Masterplan area the Officer Recommendation includes a clause to incorporate minimum development provisions.

Leederville Masterplan Drainage Study:

A detailed survey of the existing drainage in the Masterplan area has been completed and the next stage is to conduct a detailed analysis of the capacity of the drainage system.

Discussions with various consultants who specialise in the analysis of drainage systems associated with major developments are in progress. Discussions have also taken place with the Water Corporation regarding the capacity of the Mounts Bay main Drain.

The Avenue Carpark – Transfer of land:

As part of the Leederville Masterplan proposal, as previously reported to the Council, a section of the Water Corporation's Mounts Bay Main Drain was diverted through The Avenue carpark. The purpose of the works was to provide an unencumbered parcel of land which would be able to be subdivided into two (2) allotments.

Prior to the drain diversion, the section of Main Drain traversed the site from limiting the future development of the site.

The Town funded the drain diversion works and in return the Water Corporation agreed to transfer the portion of land (drainage reserve owned by the Water Corporation) to the Town at no cost.

The Draft Contract of Sale and License Deed of Variation relating the drainage reserve was completed in March 2010.

Possible Future Laneway to Leederville Parade:

The initial proposal for The Avenue Carpark 'two lot' subdivision included a 6.0m wide laneway running north/south to Leederville Parade. It was intended that this Lane provide both vehicular and pedestrian access to Leederville and to the side and rear of future developments on both the former 'The Avenue' carpark land and the adjoining Lot 100 Oxford Street.

In discussions with the owner of Lot 100 Oxford Street it was agreed in principle that the 6.0m laneway would straddle both the Town's land and Lot 100 and be dedicated as a road as it would provide mutual benefits to both the Town's future development and the future development on Lot 100 Oxford Street.

A development application was subsequently submitted by the owner of Lot 100 where the ceding of a portion of the allotment for laneway purposes formed part of the conditions of approval. The development is still pending and should it not proceed, the provision of a laneway will need to be reviewed.

Rear Portion of No 109-117 Oxford Street, Leederville

It was previously considered that a 3.0m² portion of the above lots may be incorporated in the future dedicated roadway which would form part of the Leederville Masterplan development.

While it was initially considered that the portion of land in question was not absolutely crucial for the creation of a future road system associated with The Avenue Car Park redevelopment, it is now considered that a much better road alignment would be achieved if this small portion of land was acquired and incorporated in the proposed future road reserve.

The advantage for the owners of Nos 109-117 Oxford Street would be that in the future this property would have access to a dedicated roadway from the rear (western end). This could have further redevelopment advantages for the property as if the future road were designed with the exclusion of the portion of land in question, it is highly unlikely that Nos 109-117 Oxford Street would have rear access to a dedicated road, or any rear access.

The Town's officers have met with the land owners on several occasions to negotiate acquiring the land and an offer was presented based upon a valuation prepared for the Town by a licensed valuer. The offer was rejected by the owners and they indicated that they were not prepared to give up this portion of their lot.

The Town's officers are currently seeking advice from State land Services regarding alternative acquisition options.

Newcastle Street Streetscape Improvement Proposal:

At its Ordinary Meeting held on 11 May 2004 the Council received a report on proposed options to improve the streetscape along Newcastle Street between Loftus Street and Oxford Street. This section of Newcastle Street forms a major gateway into the Leederville Masterplan area and the draft plan would result in the undergrounding of Power and high level streetscape improvements.

Since May 2004 a number of meetings have been held with the Water Corporation regarding the timing of their proposed redevelopment where the Newcastle Street upgrade was discussed. The Council considered a further report on Newcastle Street at its Meeting held on 8 September 2009 where it conditionally adopted concept plan No. 2597-CP-1A (attached at Appendix 9.4.6G) for Streetscape Improvements to Newcastle Street, between Loftus Street and Carr Place.

The Water Corporation have advised that they will be contributing substantially to the proposed upgrade as their property frontage comprises a large portion of the street. Once the Water Corporation have engaged a developer, they will work closely with the Town's officers to further progress the Newcastle Streetscape Enhancement proposal.

CONSULTATION/ADVERTISING:

The amended Built Form Guidelines will be advertised once a week for four (4) weeks.

Current Property Market [Refer Confidential Appendix 9.4.6E]

The Town's Chief Executive Officer and Director Corporate Services met with the Town's Property Consultant, Mr Ian Mickle - Director Investment Sales of Colliers International Pty Ltd, and requested information concerning marketplace situation property prices. Mr Mickle presented information at the Special Confidential Forum held on 6 September 2010. (Refer Appendix 9.4.6F).

Mr Mickle's advice is summarised as follows:

"Synopsis

With the above in mind, any future outlook for the State's residential/mixed-se/office property market should be on of cautious optimism. We anticipate the improvement of local and global economic conditions over the medium term is likely to result in a positive effect on buyer sentiment for both local and overseas-based market participants for West Australian property."

“In summary;

- *The West Australian economy’s medium term (one to five-year) outlook remains positive, being underpinned by an estimated \$200 billion worth of investment projects including the \$43 billion Gorgon Gas Project.*
- *Increased employment opportunities are likely to drive employment and population growth in Western Australia in the foreseeable future.*
- *Sustained population growth will lead to greater demand for residential dwellings over the medium term.*
- *Emerging Asian economies such as China and India, who are currently experiencing the urbanisation process, will continue to drive demand for Western Australian resources.*
- *Labour constraints, mining tax impact and inflationary pressures pose potential risks to the West Australia economy.*
- *As global economic conditions are projected to improve post-2011 – and in turn, local economic certainty – the demand for mixed-use development site product is likely to improve in line with the continued recovery in economic conditions, buyer confidence and market sentiment.*
- *However, market participant depth is likely to remain shallow as a result of restrictive credit towards non-income producing property acquisition from lenders.*
- *The utilisation of joint venture development agreements is to continue in order to minimise risk for private sector developers.*
- *Overseas investor-developer interest to be sustained in the foreseeable future for land bank opportunities across the broader metropolitan area.*
- *From 2011 onwards, there is limited luxury apartment supply anticipated as soft market conditions and restrained lending having restricted built-form development.*
- *Accordingly, once all current projects under construction are completed, it is not likely the market will see the emergence of a high volume of new apartment supply of luxury apartment due to current softer market demand.*
- *This is likely to lead to an imbalance in demand and supply, taking into consideration sustained population growth in Western Australia, and present as an opportunity to able developers to capitalise on market conditions.*
- *An anticipated recovery in apartment market sales from an ageing population over the medium term, coupled with constrained short-term supply, is likely to underpin demand for mixed-use development site product.*

Recommendations

Taking into account the above economic and property commentary, the market appears to have improved considerably since 2008/09. Whilst funding remains problematic, certain larger local developers have both the capacity and the desire to secure prominent development sites and commence larger scaled mixed-use projects.

There is no doubt the quality of the Leederville Masterplan Project will be attractive to the market. We recommend Council give serious consideration to marketing a portion of the lots in the latter half of 2010.”

LEEDERVILLE MASTERPLAN UPDATED INDICATIVE TIMELINE:

Indicative Timeline as at September 2010

STAGES	INDICATIVE DATES
Stage 5 – Disposal of Land (Expression of Interest (EOI) and Tender Process)	
<ul style="list-style-type: none"> ▪ Receiving of three DPI Studies; <ul style="list-style-type: none"> ▪ Carr Place Precinct Study ▪ Leederville Station Precinct Study ▪ Integrated Public Transport and Access Study 	Completed October 2008

STAGES	INDICATIVE DATES
<ul style="list-style-type: none"> ▪ Advertise 3 DPI Studies, Draft Built-Form Guidelines, and the Traffic and Service Report. ▪ Community Workshop 	<p>Completed November 2008</p> <p>Completed (November 2008)</p>
<ul style="list-style-type: none"> ▪ Report to a Council Forum on the findings of the Community Consultation submission concerning the Leederville Masterplan Integrated Transport Study, Leederville Station Precinct Study, Carr Place Precinct Study and design options for YMCA Headquarters 	<p>Completed February 2009</p>
<ul style="list-style-type: none"> ▪ Report to Council on the findings of the Community Consultation submission concerning the Leederville Masterplan Integrated Transport Study, Leederville Station Precinct Study, Carr Place Precinct Study and design options for YMCA Headquarters 	<p>Completed February 2009</p>
<ul style="list-style-type: none"> ▪ Special Meeting of Council to defer project for 12 months due to Global Financial Crisis 	<p><i>16 March 2009</i></p>
<ul style="list-style-type: none"> ▪ Approval of Built-Form Guidelines 	<p><i>16 March 2010</i></p>
<ul style="list-style-type: none"> ▪ Presentation to Confidential Forum 	<p><i>6 September 2010</i></p>
<ul style="list-style-type: none"> ▪ Council Decision to proceed with Stage 1 or amend Built Form Guidelines ▪ To allow for Hotel/Serviced Apartment/Office Building ▪ To determine land details and Public Access Way (adjacent to Kailis Building) 	<p><i>28 September 2010</i></p>
<ul style="list-style-type: none"> ▪ Preparation of EOI Documentation for 1st Stage (West of Oxford Street) ▪ Report to Council to approve EOI document and changes to Built Form Guidelines 	<p><i>June – December 2010</i></p> <p><i>December 2010</i></p>
<ul style="list-style-type: none"> ▪ Advertise EOI (6 week process) 	<p><i>March 2011</i></p>
<ul style="list-style-type: none"> ▪ Evaluation of EOIs (Design, Financial, Objectives) 	<p><i>April 2011</i></p>
<ul style="list-style-type: none"> ▪ Preparation of Request for Tender Documents 	<p><i>April 2011</i></p>
<ul style="list-style-type: none"> ▪ Council Approval of Request for Tender Documents 	<p><i>May 2011</i></p>
<ul style="list-style-type: none"> ▪ Advertise Request for Tender (12 weeks) 	<p><i>June – August 2011</i></p>
<ul style="list-style-type: none"> ▪ Evaluation of Tenders 	<p><i>August – September 2011</i></p>
<ul style="list-style-type: none"> ▪ Council Approval of Tenderer(s) (or JV Partners) 	<p><i>October 2011</i></p>
<ul style="list-style-type: none"> ▪ Preparation of Documentation 	<p><i>October – December 2011</i></p>
<ul style="list-style-type: none"> ▪ Preparation of Business Plan for Major Land Transaction 	<p><i>January – February 2012</i></p>
<ul style="list-style-type: none"> ▪ Council Approval of Business Plan Documents 	<p><i>March 2012</i></p>
<ul style="list-style-type: none"> ▪ Advertise Business Plan/Major Land Transaction (6 weeks) 	<p><i>March – April 2012</i></p>

STAGES	INDICATIVE DATES
<ul style="list-style-type: none"> ▪ Consideration of Business Plan Submissions 	<p><i>April 2012</i></p>
<ul style="list-style-type: none"> ▪ Council Decision of Major Land Transaction Business Plan to proceed (or discontinue with Major Land Transaction) (Council decision to proceed to Design/Implementation Stage) 	<p><i>May 2012</i></p>
<p>Stage 6 – Preparation of Design Plans and Subdivision</p> <ul style="list-style-type: none"> ▪ Detailed Public Realm Design ▪ Preparation of Design Guidelines ▪ Preparation of Detailed Civil Design ▪ Preparation of Landscape Plan – Themes ▪ Preparation of Subdivision Documentation ▪ Presentation to Council for Approval of above 	<p>June – December 2012</p>
<p>Stage 7 – Development/Implementation - Stage 1 Land</p> <ul style="list-style-type: none"> ▪ Implementation/Construction 	<p>January 2013 – June 2017</p>
<p>Stage 8 – Development of Stage 2 Land (land east of Oxford Street)</p>	<p>To be advised</p>

Note: The above dates are contingent on the Council decisions being made as specified.

LEGAL/POLICY:

The Expressions of Interest will be conducted in accordance with the requirements of the *Local Government Act 1995*.

STRATEGIC IMPLICATIONS:

The matter is in keeping with the Town's Strategic Plan 2009-2014 - Plan for the Future, Objective 2.1 - *"Progress economic development with adequate financial resources"*, in particular Actions:

- “2.1.1 *Promote the Town as a place for investment, appropriate to the vision for the Town.*”
 - (d) *Promote tourist activity with the Town and review the Town’s facilities in terms of attracting regional events and programs.*
- 2.1.2(a) *Establish public/private alliances and partnerships to attract external funding and investment to enhance the strategic direction of the Town.*
- 2.1.2(b) *Develop partnerships with government agencies.*
- 2.1.2(c) *Work with State Government to encourage and promote more Government Office accommodation in the Town.*
- 2.1.3 *Promote business development.*
 - (b) *Develop and implement marketing strategy/opportunities to promote the Town (including Commercial centres) as a “Location of Choice”.*
- 2.1.7 *Implement the Leederville Masterplan.”*

SUSTAINABILITY IMPLICATIONS:

It is considered that the Leederville Masterplan will direct future development to occur in a manner that meets the community's changing needs through the provision of a range of housing types and employment choices consistent with transit-oriented design principles and green building design. This is considered to be a sustainable future development.

FINANCIAL/BUDGET IMPLICATIONS:

The 2010/2011 Budget contains an amount of \$100,000 for the Leederville Masterplan – Consultants Fees.

Expenditure to Date - As at September 2010

Year	Budget	Expenditure
2005-2006	\$225,000	\$58,279
2006-2007	\$191,000	\$41,600
2007-2008	\$200,000	\$85,412
2008-2009	\$186,000	\$41,128
2009-2010	\$146,000	\$14,609
2010-2011	\$100,000	*\$7,500

(* approximately.)

Indicative Budget - Stage 1 and 2

ITEM	YEAR						
	2005/2006	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012
• Legal	-	2,500	20,000	20,000	30,000	30,000	30,000
• Project Management	-	-	5,000	10,000	5,000	5,000	5,000
• Property Services/ Valuers	-	-	20,000	20,000	10,000	10,000	10,000
• Financial/Economic	-	-	5,000	5,000	5,000	5,000	5,000
• Technical/Engineering (traffic, civil, engineering, hydraulic, electrical, surveying)	-	-	34,380	5,000	5,000	5,000	10,000
• Probity Auditor	-	-	10,000	5,000	-	10,000	-
• Community Consultation/Marketing/ Media/Public Relations/Advertising	-	-	10,000	5,000	5,000	5,000	10,000
• Architects/Urban Design	58,297	31,700	44,720	5,000	5,000	5,000	10,000
• West Perth Urban Regeneration Study	-	-	36,240	-	30,000	20,000	20,000
• Landscape Architects	-	-	-	25,700	-	5,000	-
Total	58,297	34,200	*185,340	105,700	95,000	100,000	100,000

(*Note: Unexpended Funds are Carried Forward).

The Town's Administration has been giving consideration to the disposal of the Town's land. At this stage, it is strongly recommended that the Town not sell the land outright, but rather lease it long term for a period of 50-60 years. This lease method has been proposed by the Water Corporation for their land. Furthermore, the City of Subiaco has recently advertised land for a 50 year lease.

Whilst this may have an initial lower financial return to the Town, it will have long term benefits. A further report will be provided to the Council when the matter has been further investigated.

COMMENTS:

There is strong evidence to support a change to the Built Form Guidelines to allow a mixed use development on "The Avenue" Carpark site – as outlined in the report. There is also benefit in jointly engaging consultants with the Town of Cambridge to investigate the better integration of the Town of Cambridge West Leederville Masterplan and the Town's Leederville Masterplan.

In view of the advice from the Town's Property Consultant, it is recommended that the Council considers the calling of Expressions of Interest in the land in early 2011. In the interim, the Town's Administration will continue to progress and finalise all the necessary EOI documentation for the approval of the Council.

In light of the above, it is recommended that the Council approve the Officer Recommendations.

9.4.7 Amended Policies No. 3.8.1 - Outdoor Eating Areas; and No. 3.8.7 - Prohibition of Smoking in Town's Playgrounds

Ward:	Both	Date:	22 September 2010
Precinct:	All	File Ref:	ENS0077
Attachments:	001 ; 002 ; 003		
Reporting Officer:	P Reddingius, Environmental Health Officer S Teymant, Acting Manager Health Services		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report relating to amendments to the Tobacco Product Control Act 2006, as shown in Appendices 9.4.7 (Attachment 001);
- (ii) **NOTES** that the amendments to the Tobacco Product Control Act 2006 will have limited impact on the Town from an operational perspective;
- (iii) **AMENDS** the Town of Vincent Policy No. 3.8.1 – Outdoor Eating Area, Clause 10 – Smoking as shown in Appendix 9.4.7 (Attachment 002);
- (iv) **APPROVES BY AN ABSOLUTE MAJORITY TO RESCIND** the Town of Vincent Policy No. 3.8.7 – Prohibition of Smoking in Town’s Playgrounds, as shown in Appendix 9.4.7 (Attachment 003), as this has been superseded by the recent amendments to the Tobacco Products Control Regulations 2006 which came into affect on 22 September 2010; and
- (v) **DOES NOT ADVERTISE** the amended Policy No. 3.8.1 – Outdoor Eating Area, as the changes are as a result of amendments to the Statewide Regulations, which prevail over the Town Policy.

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

COUNCIL DECISION ITEM 9.4.7

Moved Cr Topelberg, Seconded Cr Harvey

That the recommendation be adopted.

Debate ensued.

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

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the amendments to the Tobacco Products Control Act 2006, which came into effect as of 22 September 2010, and the impact that the amendments will have on the Town's operations, and to amend the Town’s Policy No. 3.8.1 – Outdoor Eating Area and rescind the Town’s Policy No. 3.8.7 – Prohibition of Smoking in Town’s Playground.

BACKGROUND:

The changes to the *Tobacco Products Control Act 2006* will have limited impact on the Town's current operations. In accordance with the Town's *Trading in Public Places Local Law 2008*, *Outdoor Eating Areas Policy 3.8.1* and *Prohibition of Smoking in Town's Playgrounds Policy 3.8.7*, the Town is advanced in its preparedness and well equipped to enforce relevant amendments to the Act.

The Town's *Trading in Public Places Local Law 2008* provides for the regulation, control and management of trading activities, outdoor eating facilities, stalls, display of goods and items and traders and entertainers in any street or public place within the district, by establishing the requirements with which persons must comply, in order to undertake those activities. It provides the Town's *Outdoor Eating Area Policy No. 3.8.1* with a legitimate basis of enforcement.

The Town's *Outdoor Eating Areas Policy No. 3.8.1 – Clause 10* came into effect on 1 January 2009 and prohibits smoking in Outdoor Eating Areas (other than those licensed premises that have an approved 'breakout area' as defined with the Policy).

The Town's *Prohibition of Smoking in Town's Playgrounds Policy No. 3.8.7* endeavours to separate the healthy activity of play with the unhealthy activity of smoking, in addition to mitigating the adverse health effects that may arise from second hand passive smoke inhalation. The Town prohibits smoking in all Town owned children's playgrounds. The amendments to the *Tobacco Products and Control Act 2006* will prohibit smoking within 10 metres of any children's playground equipment, and unlike the Town's Policy will be enforceable.

Along with a small number of other Local Government Authorities, the Town's leadership against smoking in local outdoor eating areas and playgrounds has laid the foundation for broader prohibition to be embraced through statewide legislation.

The Town's *Healthy Vincent Policy No. 3.8.9* also demonstrates the Town's commitment to advocating for the prevention of smoking and general improvement in public health standards, within the community.

DETAILS:

The Department of Health's – Tobacco Control Unit has released a policy framework document identifying key changes to the *Tobacco Products Control Act 2006* to assist with amendments to the Act which occurred on 22 September 2010.

The proposed amendments, which came into effect on 22 September 2010, are as follows:

- A total ban on the display of tobacco products and smoking implements in all retail premises. An exemption to those, whose primary trade (greater than 80% of gross sales) is through the sale of tobacco products, will be given.
- Smoking bans will apply in outdoor eating areas, where people eat and/or drink sitting at tables. Liquor licensed premises will have access to exemptions whereby they may set aside up to 50% of the total area of all outdoor eating areas as smoking zones for use by smoking patrons.
- Smoking will be banned within 10 metres of any children's playground equipment. The display of 'No Smoking' or 'Smoking Prohibited' in the vicinity of all children's playground equipment should be considered.
- Smoking tobacco in or on a vehicle, where a child under the age of 17 years is present, will be banned.
- Smoking will be prohibited 'between the flags' on a beach in patrolled swimming areas.

The following table will identify the key changes to the Act and the role Town of Vincent Officers will play in monitoring and enforcing such changes.

Amendment	Impact on the Town's Operations – Officer Comment	Penalties
Total ban on the display of tobacco products and smoking implements in all retail premises.	The Town's Officers do not have a role in monitoring of this requirement. This obligation rests with the Department of Health's Tobacco Control Branch.	(Current Penalty) - \$10,000 and \$40,000 respectively for individuals and bodies corporate.
Smoking will be banned in outdoor eating areas.	The Town's <i>Outdoor Eating Areas Policy No. 3.8.1 – Clause 10</i> is currently enforced by the Town's Environmental Health Officers and Rangers. The statutory amendments to the Act will prevail over the Town's Policy and Local Law requirements to the extent of any inconsistency. In the current form, both State and Local requirements are in most part compatible.	Maximum Penalty upon conviction – \$2,000 Modified Penalty (Infringement) – \$300.
Smoking will be banned within 10 metres of any children's playground equipment.	The Town's <i>Prohibition of Smoking in Town's Playgrounds Policy No. 3.8.7</i> does not specify any set-back distance from children's playground and do not provide any enforcement provisions to penalise non-compliance. The Act is welcomed as it provides clear enforcement measures.	Maximum Penalty upon conviction – \$1000 Modified Penalty (Infringement) – \$200.
Smoking tobacco in or on a vehicle, where a child under the age of 17 years is present, will be banned.	WA Police Officers and Authorised Investigators within the Department of Health will enforce this provision. As a result, this amendment will have no impact on the Town's Officers.	Maximum Penalty upon conviction – \$1000 Modified Penalty (Infringement) – \$200.
Smoking will be prohibited 'between the flags' on a beach in patrolled swimming areas.	As the Town has no 'patrolled beaches', this amendment will not impact on the Town's operations.	Maximum Penalty upon conviction – \$1000 Modified Penalty (Infringement) – \$200.

Subsequent changes to the *Tobacco Products Control Act 2006* have made it necessary for the following policy amendments to be made:

- (a) Clause 10 of the Town's *Outdoor Eating Area Policy No. 3.8.1* as shown in Appendix 9.4.7 (Attachment 002); and
- (b) 'Policy Outcomes' of the Town's *Prohibition of Smoking in the Town's Playgrounds Policy No. 3.8.7*, as shown in Appendix 9.4.7 (Attachment 003).

CONSULTATION/ADVERTISING:

As the changes to both Policies relate primarily to statutory changes made to the *Tobacco Products Control Act 2006*, the Council policy of advertising amended policies for a period of 21 days, seeking comments are considered unnecessary.

LEGAL/POLICY:

- *Tobacco Products Control Amendment Act 2009;*
- *Tobacco Products Control Act 2006;*
- *Tobacco Products Control Regulations 2006;*
- *Town of Vincent Trading in Public Places Local Law 2008;*
- *Town of Vincent Outdoor Eating Area Policy No. 3.8.1;*
- *Town of Vincent Prohibition of Smoking in Town Playgrounds Policy No. 3.8.7; and*
- *Town of Vincent 'Healthy Vincent' Policy No. 3.8.9*

STRATEGIC IMPLICATIONS:

Strategic Plan 2009 – 2014:

Natural and Built Environment

1.1 *Improve and maintain environment and infrastructure;*

Community Development

3.1 *Enhance and promote community development and wellbeing;*

Leadership, Governance and Management

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

- (c) *Adopt strategies for improving and enhancing the quality of services, processes and procedures.'*

SUSTAINABILITY IMPLICATIONS:

Diseases caused by tobacco smoking account for around one-third of the leading causes of death in Australia. According to the WA Department of Health, smoking has been identified as a major cause of heart disease, stroke, and several different forms of cancer, emphysema, impotence, infertility and unhealthy birth-weight and a wide variety of other health problems. Therefore, the development of a comprehensive smoking ban is not only beneficial to the health of smokers but it will significantly improve the public's health and amenity. Bans have been shown to significantly reduce non-smokers exposure to second-hand smoke and also help to smokers who are trying to quit by both encouraging more quit attempts and increasing the chances of a successful quit attempt.

The banning of smoking in outdoor areas will greatly reduce the illegal disposal of cigarettes into natural areas. The reduction of these environmental toxicants will decrease the negative toxic effects associated with faunal ingestion. Furthermore, the banning of smoking has the potential to decrease illegal disposal of cigarettes into storm water drains, which could partially reduce the contamination of wetland and storm water sediments with heavy metals. The local air shed should also improve from reduction of noxious particulates produced from cigarettes.

FINANCIAL/BUDGET IMPLICATIONS:

The Department of Health will provide 'no smoking' signage upon request and, therefore, the financial impact on the Town's operational expenditure will be negligible.

COMMENTS:

The amendments to the Town's Policy is required as the Tobacco Products Control Regulations 2006 have Statewide affect and prevail over the Town's Policy. Furthermore, the Town's Policy No. 3.8.7 – Prohibition of Smoking in Town's Playground is not longer required as the Regulations now cover the matters previously prescribed in the Policy and it is therefore recommended that the Policy be rescinded.

It is recommended that the Council approval of the officer recommendation.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Notice of Motion – Cr Maier – Request for Information Concerning the Council's Meeting Cycle

That the Council:

- (i) *NOTES that:*
- (a) *Recommendation 5 of the 2003 Independent Organisation Review recommended a twelve month trial of a three week meeting cycle; and*
 - (b) *other Councils have adopted a three week meeting cycle; and*
- (ii) *REQUESTS a report prior to the adoption of the 2011 Meeting Schedule that investigates a three week meeting cycle which includes, but is not limited to:*
- (a) *changes to staff work loads if agendas are prepared every 3 weeks;*
 - (b) *potential impacts on development approvals; and*
 - (c) *benefits and issues of having Agenda Briefings approximately one week prior to Council Meetings as is done by the City of South Perth.*

Moved Cr Maier, Seconded Cr Buckels

That the Motion be adopted.

Debate ensued.

Cr Farrell departed the Chamber at 9.14pm.

Debate ensued.

Cr Farrell returned to the Chamber at 9.20pm.

Debate ensued.

The Mover, Cr Maier advised that he wished change his Motion to include the following new subclause (ii)(d) as follows:

“(ii)(d) investigation of the level of delegation.”

The Seconder, Cr Buckels agreed.

Debate ensued.

MOTION PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 10.1

That the Council:

- (i) *NOTES that:*
- (a) *Recommendation 5 of the 2003 Independent Organisation Review recommended a twelve month trial of a three week meeting cycle; and*
 - (b) *other Councils have adopted a three week meeting cycle; and*
- (ii) *REQUESTS a report prior to the adoption of the 2011 Meeting Schedule that investigates a three week meeting cycle which includes, but is not limited to:*
- (a) *changes to staff work loads if agendas are prepared every 3 weeks;*
 - (b) *potential impacts on development approvals;*
 - (c) *benefits and issues of having Agenda Briefings approximately one week prior to Council Meetings as is done by the City of South Perth; and*
 - (d) *investigation of the level of delegation.*

10.2 Notice of Motion – Cr Maier – Request for Information Concerning the Council's Environmental Grants and Awards Scheme

That the Council REQUESTS a report by 26 October 2010 on the Environmental Grants and Awards Scheme which details all awards and grants approved since June 2007 and includes, but is not limited to:

- (i) recipient and purpose for each grant or award;*
- (ii) the amount granted or awarded;*
- (iii) the outcomes achieved by the grant or award consistent with the relevant policy guidelines;*
- (iv) how acquittal of the grant was verified; and*
- (v) promotion and advertising undertaken.*

COUNCIL DECISION ITEM 10.2

Moved Cr Maier, Seconded Cr McGrath

That the Motion be adopted.

Debate ensued.

MOTION PUT AND CARRIED (6-3)

For: Cr Buckels, Cr Burns, Cr Farrell, Cr Lake, Cr McGrath, Cr Maier

Against: Mayor Catania, Cr Harvey, Cr Topelberg

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

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

PROCEDURAL MOTION

At 9.30pm The Council proceeded “behind closed doors” to consider confidential item 14.1, as this matter contains information affecting an employee.

There were no members of the public or journalist present. The following departed the Chamber at 9.30pm:

John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Jacinta Anthony	A/Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)

PRESENT:

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward
Cr Sally Lake (<i>Deputy Mayor</i>)	South Ward
Cr Dudley Maier	North Ward
Cr Warren McGrath	South Ward
Cr Joshua Topelberg	South Ward

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

**14.1 CONFIDENTIAL REPORT: Chief Executive Officer's Annual
Performance Review 2010**

Ward:	-	Date:	22 September 2010
Precinct:	-	File Ref:	Personal
Attachments:	-		
Reporting Officers:	Mayor Nick Catania; John Phillips (HR Consultant); John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

COUNCIL DECISION ITEM 14.1

Moved Cr Topelberg, Seconded Cr Lake

That the recommendation be adopted.

That the Council;

- (i) ***RECEIVES the Performance Review Report 2010 concerning the Chief Executive Officer's Annual Performance Review 2010 and ENDORSES the overall rating of "Exceeds the Performance requirements of the position of Chief Executive Officer of the Town of Vincent for the review period of 2009/2010";***
- (ii) ***APPROVES of:***
 - (a) ***revised Performance Criteria and Indicators (Schedule B), as shown in Appendix A, for the 2010/2011 review period;***
 - (b) ***a Performance Bonus of \$10,000 be paid to the Chief Executive Officer for the period 2009/2010, in recognition of the appraisal process outcome, and in accordance with clause 12.3 of the Deed of Contract of Employment; and***
 - (c) ***the Performance Bonus for the period 2010/2011 to be set to a maximum of \$20,000;***
- (iii) ***NOTES the next review of the Chief Executive Officer's performance is to be conducted by August 2011.***

MOTION AS AMENDED PUT AND CARRIED (8-1)

For: Mayor Catania, Cr Buckels, Cr Burns, Cr Farrell, Cr Harvey, Cr Lake,
Cr McGrath, Cr Topelberg

Against: Cr Maier

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information affecting an employee.

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.

Section 5.94 of the Act provides the public is entitled to inspect a wide range of information about the Town. Section 5.95(6) excludes information that has been prescribed as confidential from this entitlement.

The Town of Vincent Local Law Relating to Standing Orders states the following:

“2.15 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.

In accordance with Section 5.23 of the Local Government Act, the report is to be kept confidential until determined by the Council to be released for public information.

The following returned to the Chamber at 9.47pm:

John Giorgi, JP
Rob Boardman
Rick Lotznicker
Jacinta Anthony

Chief Executive Officer
Director Development Services
Director Technical Services
A/Director Corporate Services

15. CLOSURE

There being no further business, the Presiding Member, Mayor Nick Catania, declared the meeting closed at 9.47pm with the following persons present:

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward
Cr Sally Lake (<i>Deputy Mayor</i>)	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Jacinta Anthony	A/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 28 September 2010.

Signed:Presiding Member
Mayor Nick Catania

Dated this day of 2010